



September XX, 2002

SBC Advanced Solutions, Inc. Application No. 11

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

**Attention: Common Carrier Bureau, Request for Special Permission**

Dear Ms. Dortch:

Pursuant to Sections 61.152 and 61.153 of the Commission's rules, SBC Advanced Solutions, Inc. (ASI) respectfully requests special permission to file revisions to its Tariff F.C.C. No. 1. ASI requests waivers of Sections 61.38 and 61.58 of the rules to file tariff modifications without cost support and to facilitate filing the tariff on not less than seven day's notice.

The attached illustrative tariff pages contain the following modifications:

- 1) Create a vintage service section for Asynchronous Transfer Mode (ATM) services established pursuant to sections 4.1 through 4.4 of the tariff between September 10, 2001 and December 31, 2002 and introduce a restructured ATM Service offering in sections 4.5 through 4.8;
- 2) Create a vintage service section for Frame Relay services established pursuant to sections 5.1 through 5.4 of the tariff between September 10, 2001 and December 31, 2002 and introduce a restructured Frame Relay Service offering in sections 5.5 through 5.8;
- 3) Grandfather Frame Relay/ATM Service Level Agreement (SLA) in section 2.20 and introduce the new Standard Frame Relay/ATM Service Level Agreement (SLA) in section 2.21;
- 4) Revise Wholesale DSL Transport and Remote LAN DSL Transport sections for clarification and to reflect ATM connectivity for DSL Transport using the restructured ATM Service provided pursuant to sections 4.5 through 4.8;
- 5) Add clarifying language to the Network Access Point (NAP) terms and conditions and reduce rates for NAP;
- 6) Revise TPP Volume Discount Plan (TVP);
- 7) Introduce new nonrecurring charges;
- 8) Make miscellaneous changes to section 3 – Application of Rates;
- 9) Introduce the Frame Relay Service Nonrecurring Charge Waiver Promotion; and
- 10) Correct rates and miscellaneous provisions for Frame Relay Service offered pursuant to sections 4.1 and 4.4.

All are outlined in the attached Description and Justification.

Granting the waiver of Section 61.58 to allow the tariff revisions to take effect on not less than seven day's notice is justified because it will give customers the opportunity to immediately take advantage of the restructured ATM and Frame Relay Services, both of which include service features and enhancements that are not currently available. When the restructured services are purchased, customers will receive the new Standard Service Level Agreement proposed in this filing, which contains two new service parameters that ASI must adhere to. ASI understands that filing on less than seven day's notice does not automatically result in a deemed lawful status.

Granting the waiver of Section 61.38 to file the tariff modifications without cost support further facilitates the prompt filing of ASI's tariff revisions. Requiring ASI to submit cost support materials would be extremely burdensome and result in a significant delay in the filing of the tariff. The Commission has good cause to waive the cost support requirement to accommodate the transition to tariffed operations.

There is precedent for granting a waiver of the cost support requirement. In a similar case involving wireless carriers that were required to file tariffs for the first time as a result of a court decision, the Commission granted a blanket waiver of the cost support requirement to the wireless industry. The Commission recognized that since wireless carriers had not previously filed tariffs there was a "strong likelihood that detailed tariff filing requirements would be burdensome." ASI is in the same position as the wireless carriers that were being required to file tariffs for the first time.

In accordance with Section 61.153(b), the original Application Letter, the Federal Communications Commission Form 159 and the filing fee have been submitted to a courier service for delivery to the Treasury Department lockbox located at the Mellon Bank in Pittsburgh, Pennsylvania.

In accordance with Section 61.153(a) and (c), the appropriate illustrative tariff pages are hereby delivered to the Secretary, Federal Communications Commission and the Chief, Tariff and Pricing Analysis Branch. These actions have been committed on the date established as the filed date as reflected above. Acknowledgment and date of receipt of this application are requested. A duplicate letter is attached for this purpose.

The filing fee was transmitted electronically to Mellon Bank and the electronic audit code is shown on the accompanying Form 159. Acknowledgment and date of receipt of this Application are requested. A duplicate letter is attached for this purpose. All correspondence and inquiries concerning this application should be addressed to Debbie Clemens, Associate Director – Federal Regulatory, at (202) 326-8882, 1401 I Street, NW, Suite 400, Washington, D.C. 20005.

Respectfully submitted,



SBC Advanced Solutions, Inc.  
John S. Habib  
Director – Regulatory

cc: Judy Nitsche, Chief, Tariff and Pricing Analysis Division

Enclosures