

# Voice Report

The Leading Independent Source of News and Best Practices for Communications Technology Professionals

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## *BOCs Can Combine Local & LD without Added Regs* **FCC Strikes Down Obstacle to Bundled Deals**

Lobby for a combined annual revenue commitment and a single contract for local and LD services next time you negotiate with AT&T, Qwest or Verizon.

Order 07-159, released by the FCC on Aug. 31, loosens requirements that these carriers – collectively known as Bell Operating Companies (BOCs) – use as an excuse for why they cannot make such deals available, says telecom consultant Richard Longview, founder of Burbank, Calif.-based Telecom611.com.

**See “Bundled Deals,” continued on p. 8**

## *College Preempted Critical Report with In-House Audit* **5 Features Va. Tech Sought in Alert System**

Quick: Does your emergency notification system have the ability to be customized to, for example, allow your enterprise to alter your normal method for delivering, ordering and timing messages?

Being “willing to collaborate on further development” is one of five elements identified by Virginia Tech’s 25-member Telecommunications Working Group as being among the most desirable characteristics of an emergency notification system vendor. The list is part of a 147-page audit issued in response to the April 16 shootings that took the lives of 33 students and faculty.

What if, for example, the emergency notification system, out of the box, allows the administrator to mindlessly agree to a certain group of default settings instead of proactively choosing delivery options? Getting rid of default settings is one of the changes that Virginia Tech might want to make, says Pat Rodgers, who played a significant part in implementing Virginia Tech’s new emergency notification system as its director of business technologies.

### **‘Toll Could Have Been Reduced’**

Virginia Tech agreed to pay \$200,000 for a three-year subscription to InstaCom Campus Alert from Glendale, Calif.-based National Notification Network (3n) in May. Its new “VT Alerts” program,

### How Virginia Tech Implemented 3n

Take a cue from Virginia Tech's 25-member Telecommunications Working Group. Here's how the group's 147-page report describes the implementation of its emergency notification system:

- "All subscriber data will be collected and stored locally. This data will be uploaded to the vendor and used by the vendor system to send notifications. All additions, deletions and changes to subscriber contact data will be reflected locally and on the vendor's system. This implementation not only provides redundancy (data stored in two dispersed geographical locations) but also removes vendor dependencies. No information able to be used to identify any individual is passed to the vendor's system.
- "Each subscriber will be responsible for entering and maintaining his/her own contact information. Data will not be extracted from other systems; data will not be provided to other systems. The subscriber, not the university, has the responsibility for providing, and maintaining, accurate and valid contact information. A subscriber can update his/her contact information online at any time.
- "Contact information provided by a subscriber will not be used for any purpose other than emergency contacts. Should future decisions be made to use this information for any other purpose, the subscriber will be notified, in advance, and provided with appropriate options.

"This is an 'opt-in' system. Each student, faculty and staff member makes the decision to subscribe or not subscribe. A very aggressive public relations effort has been undertaken to inform students, faculty and staff about the system." ☎

implemented July 2, promises to notify students in the event of a storm, unexpected class cancellation or an emergency situation, such as a bomb threat, chemical spill or dangerous person.

But enterprises nationwide, especially universities, continue to investigate emergency notification systems in the wake of the college's tragedy and the scrutiny surrounding its handling of the incident [VR 4/30/07].

A 260-page report issued Aug. 30 by the Virginia Tech Review Panel, an investigative task force commissioned by Governor Tim Kaine, questions decisions made by college and police officials in responding to the crisis. The document ([www.governor.virginia.gov/TempContent/techPanelReport.cfm](http://www.governor.virginia.gov/TempContent/techPanelReport.cfm)) makes a compelling case for maintaining a speedy decision process as well as a variety of already-written emergency messages ready to send at a moment's notice.

The report describes how police notified Charles Steger, the university's president, at 7:57 a.m. on April 16 of two students found shot to death at the West Ambler Johnston dorm – about 30 minutes after both police and paramedics first discovered the bodies. Steger "almost immediately convened" a group of officials charged with handling such emergencies, but it wasn't until almost 8:30 a.m. that their meeting could be held, according to the report. After a roughly 30-minute conversation, in which the policy group processed the information and discussed possible actions, an e-mail had to be written and sent. A voice recording also was broadcast to campus phones. The message wasn't sent until 9:30 a.m.

Perhaps partly colored by the notion that the perpetrator was no longer on campus and an incident a year earlier in which a SWAT team caused unnecessary panic, the message was not particularly alarming either, the governor's report suggests.

"A shooting incident occurred at West Ambler Johnston earlier this morning," the e-mail read. "Police are on the scene and are investigating. The university community is urged to be cautious and are asked to contact Virginia Tech Police if you observe anything suspicious or with information on the case."

In reflection, the governor's task force now suggests: "It might be argued that the total toll would have been less if the university had canceled classes and announced it was closed for

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business immediately after the first shooting; or if the earlier alert message had been stronger and clearer. Even with the messaging system that was in place on April 16, many could have received messages before they left for class by e-mail or phone before 9 a.m., and the message probably would have quickly spread mouth to mouth as well. Even if it only partially reduced the university population on campus, it might have done some good. It is the panel's judgment that all things considered, the toll could have been reduced had these actions been taken."

### Communications Options Among 4 Other Criteria

Don't be surprised to see scrutiny applied to your emergency notification procedures in the near future, especially if you're at a state-funded organization, like a university.

A governor's task force in Kentucky also has issued a list of recommendations related to improving safety and security at its universities, including the clear communication of contingency plans for lockdowns and evacuations through instant messaging. [See [www.dpp.ky.gov/NR/rdonlyres/34C366A3-6A6C-4131-A5DA-42F462A48377/0/GovernorTaskForceReport.pdf](http://www.dpp.ky.gov/NR/rdonlyres/34C366A3-6A6C-4131-A5DA-42F462A48377/0/GovernorTaskForceReport.pdf)]. Additionally, a task force organized by Oklahoma's governor has just begun its study of emergency notification procedures at state-funded colleges, according to the *Associated Press*.

Whatever the cause of Virginia Tech's slow emergency notification process, it was making strides prior to the shootings, according to a separate document issued by the college Aug. 17 – two weeks in advance of the report issued by the Virginia governor's task force. In "Information and Communications Infrastructure," one of three audits commissioned by the university president, the Telecom Working Group reveals that the college had recently completed demonstrations of two emergency notification systems prior to the shooting. [See [www.vtnews.vt.edu/documents/2007-08-22\\_communications\\_infrastructure.pdf](http://www.vtnews.vt.edu/documents/2007-08-22_communications_infrastructure.pdf)]

Following the tragedy, Virginia Tech was approached by no less than 40 emergency notification system vendors, says 3n's VP of Global Marketing Marc Ladin. The college's task force did three more demos, including one it previously had scheduled with 3n, but it did not change its list of criteria, sources say. "If nothing else, the events of 4/16 affirmed these were the criteria we wanted," according to Virginia Tech's Rodgers.

Four other criteria Virginia Tech considered essential with its new emergency notification system:

#### Multi-Modal Communications

Virginia Tech had seven communication options at its

### Should the End User or Enterprise Maintain Emergency Contact Data?

Is it better to ask end users to opt in to your emergency notification system and take responsibility for keeping their contact information current or integrate an existing enterprise-wide contact database?

Some, like Paula Loendorf, director of information services at the University of New Mexico, argue that the opt-in option lets end users decide whether the information is worth the cost of a text message. UNM is considering requiring users of university-provided cell phones to opt in to its e2Campus alert system in order to set a good example, she says.

Some administrators at UNM wanted to upload the school's end user database straight to e2Campus, but Omnilert, the Leesburg, Va.-based system vendor, doesn't allow it, Loendorf relates. The quality of data that comes from enterprise directories is so poor that they're better off collecting it fresh from end users, Omnilert reportedly told Loendorf.

Virginia Tech's Telecommunications Working Group also points out the liability of sending emergency notification alerts to a university-maintained database. "If the university takes responsibility of populating VT Alerts with emergency contact information, they assume part of the responsibility of ensuring this data is correct," the school's report on information and communications infrastructure notes. "The implications of the university entering a piece of incorrect contact data could be significant."

The University of California, Davis, wanted a combination of both the database-import and end-user-modified approaches when it shopped emergency notification vendors in 2006. The university demanded in its RFP that it have the ability to upload data from existing databases and that end users have the ability to update their own contact information through an online portal "with the appropriate authorization and security controls in place." ☎

disposal on April 16, according to the college's in-house audit: broadcast e-mail to @vt.edu addresses, broadcast voicemail to campus phones in offices and residence halls, recorded hotline message, posting news to VT.edu, university switchboard, public media and siren system. Noticeably missing but identified as essential in its new emergency notification system:

- *text messaging (preferably using short message service [SMS] protocol);*
- *instant messaging (IM); and*
- *voice communication to cellular or landline-based extensions.*

### **☑ Registering or Subscribing Flexibility**

The Virginia Tech Telecom Working Group specified the college's desire to have the "ability to pre-load based on existing directory data with both [application programming interfaces] and online mechanisms for batch or manual updates." Indeed, Virginia Tech built a custom opt-in interface online that displays the school's privacy policy and tells users under what circumstances messages will be sent, Rodgers says.

With the system purchased from 3n, Virginia Tech's students, faculty and staff can select up to three different methods to be contacted, including text message, instant message, e-mail or a call to one of four phones (office, residence, mobile or other).

Subscribing to the VT Alerts isn't mandatory, but 10,922 users opted in by Aug. 9, the college's report says. Virginia Tech's report encourages the university to continue to allow only subscribers to be able to provide and maintain their personal information in VT Alerts. The report calls for the school to require users to opt in or opt out, and to provide kiosks throughout the campus to encourage subscribing.

### **☑ Robust, Distributed Data Centers**

An emergency notification system won't do you much good if it's knocked out by the same hurricane that you were trying to warn your enterprise's employees about. That's why Virginia Tech also required its vendor to have "more than one location; ability to send alerts even if event impacts vendor's facility," according to the report of its task force.

3n has numerous Tier-4 data centers located in Qwest central offices across the United States and Canada to guarantee the highest level of message prioritization, according to Marc Ladin, 3n's VP of global marketing.

University of California, Davis, has the same concern. The 30,000-student college specifies in its recent emergency notification system RFP that "the successful bidder will have a secure, redundant site outside of the geographic Davis area where the automated notification hardware will reside... The successful bidder must have

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access to a minimum of two completely different and separate networks for voice and data. Both networks must be fully stand-alone and provide true calling redundancy.”

### Robust, Dispersed Messaging

Virginia Tech’s Telecom Working Group expressed concern over the “saturation of communications channels (‘too much, too soon’ will quickly overwhelm cellular and landline telephony systems).” **3n’s answer:** It notifies selected devices in sequence, instead of blasting messages to every device simultaneously, in order to prevent traffic jams, Ladin says.

The speed at which your voice alerts can get to end users depends not only on the length of the message you send but also on the number of lines assigned to the task, explains Thomas Brannen, a consultant specializing in emergency notification for Wassaw Consulting, in Marietta, Ga. Whether you outsourced your emergency notification could make a difference. For example, a two-minute-long message will take more than 40 minutes to send to 500 end users over a T1 belonging to your enterprise, but it would only take two minutes using an emergency alert vendor’s 700 or so lines. ☎

### *Telecom Ethics Survey Results Revealed, Part 2* **What Peers Say About Requests to Delete Voicemails, Transfer Contacts**

You try a three-way conference call but get only voicemail for one of the expected participants on the call. Thinking you hung up this person’s line, you continue a conversation with the other person that includes hurtful remarks. Then you realize your conversation is being recorded.

Paula Loendorf, director of information services at the University of New Mexico, in Albuquerque, found herself in just this situation. She had her unintentional voicemail message deleted before it could be played, rationalizing that “it would have been very embarrassing and hurtful to somebody.”

What would you have done if this were you? Better yet, what if the voicemail message was unintentionally left by your enterprise’s CEO while using his cell phone and he asked you to delete it?

You would delete the errant message by your CEO if you were like more than three quarters (76%) of your peers. At least that’s how many of the 226 communications technology pros to respond to *Voice Report*’s recent *Telecom Ethics Survey* say they would handle such a request from their enterprise’s chief exec.

### **WSJ Finds ETF Relief in Exchange Loophole**

Looking for a way out of some individually held cell phone contracts without paying early termination fees?

Rather than pay a \$175 ETF, the *Wall Street Journal* reports that it recently tested a loophole commonly found in carrier contracts that allows the transfer of a remaining term to a third party whom the carrier approves through a credit check. The newspaper says it succeeded almost instantly in getting a taker for a Samsung flip phone with 11 months remaining on its Verizon Wireless contract by using the Freecycle Network ([www.freecycle.org](http://www.freecycle.org)), “an organization of thousands of local groups whose members exchange items at no cost in an effort to reduce waste.”

The biggest downside: The cell phone’s number goes with the contract.

The *Journal* describes, in its Sept. 6 edition, how it tried several approaches to hawk its camera- and music-equipped phone (bought for \$50 as part of Verizon’s package), two chargers (worth \$60), and one free month of service (\$39.99). EBay reportedly rejected an effort to auction the phone package for a penny because it allows only authorized resellers of cell phone services. A posting on Craigslist.org garnered limited response.

The newspaper also tried CellTradeUSA.com and Cellswapper.com. One site charges \$19.99 to access responses, while the other charges \$18.95 to proceed with a transfer to an interested Web site user, according to the *Journal*. Cellswapper charges an additional \$14.95 for improved visibility. The *Journal* upped its ante after three days of inactivity, replacing its free month of service with \$50 cash.

Though both CellTradeUSA.com and Cellswapper.com produced leads, including one person who wanted to swap cell phone plans, the *Journal* says it found a match more quickly on Freecycle. ☎

And 17 (7%) of the survey respondents, who say they would decline the CEO's request to delete the message, say they would change their position and acquiesce if the message contained confidential business intelligence.

Interestingly, however, telecom managers do not feel so compelled to help a CEO who merely wants to play a voicemail from an end user's mailbox. Just 54% say they would assist with this request. [See box, p. 7]

We told you in a previous issue of *Voice Report* how your peers would handle one common ethical dilemma [VR 8/30/07]. Here's how they say they would handle two others, as well as what our HR and legal experts say you should do:

### HR Expert: Don't Delete Unless Trade Secrets Divulged

Voicemail is company property, many telecom managers say. End users have been warned to have no expectation of privacy. Consider the language contained in Orange, Conn.-based Hubbell's policy, as shared by telecom manager Jeff Mazzabufi. Users must sign the document every year, he says:

*"Employees should be aware that Company property includes all data and communications transmitted or received to or by, or contained in, the Company's electronic or telephonic systems or by written media. Employees or other users of this property have no expectation of privacy with respect to these communications and data. To the extent permitted by law, the Company has the ability, and reserves the right, to monitor all electronic and telephonic communication. These communications may also be subject to disclosure to law enforcement or government officials."*

More than a few telecom managers say they would check with an individual before deleting anything in his or her voicemail box because, as Rody Kemple, voice telecom manager at Montvale, N.J.-based Benjamin Moore & Co., puts it, "the user will know since the password will have to be changed." Meanwhile, several others report that they would reach out to the human resources or legal department for guidance.

*So, what would your HR representative say?* In the case of a CEO leaving hurtful remarks in a voicemail, your HR rep would tell you "absolutely" not to delete the message if he were Steven Kane, an arbitrator and consultant with 30 years of employment law and HR expertise.

Deleting voicemail to help your CEO save face likely would violate the records retention policy that your enterprise should have in place to preserve communications in the event of a lawsuit [VR 5/14/07], Kane asserts. No reasonable retention policy would dictate that messages are deleted 20 seconds after they're left, and you'd have a hard time explaining in a lawsuit why "we kept this kind of message, but not the ones that hurt us," he says.

Kane changes his vote, however, when it comes to protecting "trade secrets" – such as a message prematurely telling of a business unit's divestiture. The deletion of a message containing proprietary information

### Area Code Update

The North American Numbering Plan Administration recently announced a new area code to overlay the existing 418 NPA in Quebec. An "overlay" is an addition to an existing area code in the same geographic region. "Permissive dialing" – when both the old and new area codes are active – is possible between the effective date and the mandatory date. For a complete area code database, visit [www.ccmi.com/neb2.html](http://www.ccmi.com/neb2.html) or call Phil Atkins at (888) 275-2264 x2277.

Province	Type of Change	Old Code	New Code	Effective Date	Mandatory Date
Quebec	Overlay	418	581	June 21, 2008	Sept. 6, 2008

Source: North American Number Plan Administration planning letters [www.nanpa.com/planning\\_letters/planning\\_letters\\_2007.html](http://www.nanpa.com/planning_letters/planning_letters_2007.html)

is outside HR’s employee-conduct scope, he says. Consult your legal department on this one instead, he advises.

Consider adding language to your data retention policy that carves out an exception for voicemails inadvertently recorded by equipment error, recommends 10-year litigator and information retention specialist Conrad Jacoby, founder of efficientEDD, in Dunn Loring, Va. This will leave room for an attorney to argue that unintentional voicemails don’t need to be preserved like other business communications.

**56% Would Not Transfer BlackBerry Contacts**

So now that you’ve decided how you would handle an errantly left voicemail, how helpful are you going to be when a newly hired sales rep asks for your help in transferring leads from his old company’s BlackBerry?

See the movie “Jerry Maguire,” suggests Francis Salandanan, assistant to the VP of information support services at Mount St. Mary’s College, in Los Angeles. Salandanan would take pity on the salesman, who – like Tom Cruise’s character in the aforementioned movie – just wants to help your business.

Too bad a slightly larger number (56%) of telecom managers surveyed disagree. “I have no allegiance to [the BlackBerry-toting salesman] or to his cheating his old company,” says Peggy Baker, telecom manager at New York City-based CBS Interactive. “I would probably rat him out to my management.”

Others are amenable to transferring the contacts so long as the end user didn’t sign a non-compete clause with his former employer. But can you really take the end user’s word that he didn’t sign anything?

HR expert/attorney Kane recommends against transferring contacts because, he says, it would mean aiding in the transfer of proprietary information between companies, which could lead to a lawsuit over “covenant not to compete” laws and the “duty of loyalty” the end user has not to lie or steal from his former employer.



**What Telecom Managers Say They Would Do When Confronted with 5 Moral Quandaries**



We Asked ...	% who said “Yes”	% who said “No”
<b>Question 1:</b> You notice that your long distance carrier has not been charging your enterprise for all of your circuits for several months. Do you contact the carrier about the mistake and offer to pay the difference? [VR 8/30/07]	77%	23%
<b>Question 2:</b> Your CEO’s cell phone brushes against the inside of his briefcase, causing it to accidentally dial another employee’s phone. While the employee’s voicemail is recording, the CEO makes some scathing remarks about particular staff members he didn’t intend anyone else to hear. He becomes aware of the accidental recording and asks you to delete it before the message gets played. Do you agree to delete the message?	76%	24%
<b>Question 3:</b> What if the voicemail message referenced in Question 2 contains confidential information related to a proposed merger or some other matter pertaining to the enterprise’s financial state? Do you agree to delete the message?	83%	17%
<b>Question 4:</b> Your CEO asks you to play a voicemail for him from an end user’s mailbox. Would you do it?	54%	46%
<b>Question 5:</b> A new employee comes to your enterprise with his BlackBerry, which has contact information for dozens of sales leads he collected while working for his former employer. He wants your help in transferring the contacts to his new enterprise-owned smart phone. Do you help him?	44%	56%
Source: Voice Report’s Telecom Ethics Survey (226 responses)		

## To Be or Not To Be in a Telecom Consortium

That is the question *Voice Report* Editor Jessica Gdowski sets out to answer in the latest *Telecom Junkies* episode with the help of veteran consortium organizer **Tim Lewis** of TALA Professional Services, LB3 attorney **Ellen Block** and telecom attorney/consultant **Martha Buyer**. Listen now at [www.telecomjunkies.com](http://www.telecomjunkies.com).



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The business contacts are probably fair game if the salesman isn't barred from using them under a non-compete or confidentiality agreement and it's the salesperson's personal device, Jacoby says. More likely, though, the salesperson has agreed not to contact any of the sales leads in question for a certain time period, the attorney says. In that case, you can transfer the contacts to the new device, and it's up to the salesperson to refrain from using them until the time period is up.

Or, to preempt this dilemma, your enterprise could take the same tack as one whose telecom manager asks to remain anonymous. "We always wipe a device clean before adding it to the network," says the telecom manager. "If the employee was tech-savvy enough to archive his former contacts and then export them to his contact list, then he could do that himself." ☎

## Bundled Deals, continued from p. 1

Out of fear that BOCs would give better access pricing to their LD arms than they would to outside LD providers, contributing to a monopoly, the U.S. Department of Justice and AT&T agreed in 1982 – as part of the AT&T divestiture – to a prohibition against BOCs selling LD services.

Then in the Telecommunications Act of 1996, Congress opened the door a crack by allowing BOCs to sell LD through affiliates, as long as the affiliates maintained separate books, records and accounts. Biennial audits were mandated to police against special pricing. Unlike the BOCs, the affiliates did not have to file tariffs and were allowed to negotiate custom deals with enterprises. The BOCs were allowed to bring the LD affiliates in-house three years after an affiliate got permission to sell LD services in a state. Virtually none did, however, because it would have subjected their LD operations to tighter regulations, explains Colleen Boothby, partner at Levine, Blaszak, Block & Boothby, in Washington, D.C.

Now, as cable companies offer bundled deals in the consumer space and the inefficiencies of running separate affiliates are clear, the FCC believes it is no longer necessary to keep LD and local operations separate.

Enterprises have been able to get bundled LD and local deals by going to the affiliate instead of the BOC, Boothby says. But the advantage of going with the BOC is deeper pockets, in case you need to go after the provider for breach of contract or ask a court to compel the provider to perform, she adds. ☎