



# NEWS

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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action. See *MCI v. FCC*, 515 F.2d 385 (D.C. Circ. 1974).

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**FOR IMMEDIATE RELEASE**  
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## **FCC GRANTS FORMAL COMPLAINT; FINDS SBC IN VIOLATION OF THE SBC/AMERITECH MERGER ORDER**

Washington, D.C. – Today the Federal Communications Commission granted in part a complaint brought by Core Communications, Inc. and Z-Tel Communications, Inc. against SBC Communications, Inc. and its nine incumbent local exchange affiliates. Core and Z-Tel alleged that SBC had violated conditions imposed by the FCC in the *SBC/Ameritech Merger Order* and section 251 of the Communications Act by refusing to allow Core and Z-Tel to use the shared transport unbundled network element to transport intraLATA toll calls.

The Commission found that SBC did violate the *SBC/Ameritech Merger Order*, referencing its October 9, 2002 *Forfeiture Order* imposing a \$6 million forfeiture on SBC for violation of the same requirement. Core and Z-Tel may now file a supplemental complaint for damages caused by SBC's violations.

With respect to the section 251 claims, the Commission rejected SBC's argument that disputes arising from the local competition provisions of the Communications Act must be resolved only through state processes. The Commission ruled that it had jurisdiction to resolve Core and Z-Tel's claims. Based on the facts of this case, the Commission ruled in favor of SBC on the merits of the section 251 claims.

Action by the Commission, April 10, 2003, by Memorandum Opinion and Order (FCC 03-83). Chairman Powell, Commissioners Copps, Martin, and Adelstein, with Commissioner Abernathy issuing a separate statement.

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