

University of Nebraska - Lincoln

DigitalCommons@University of Nebraska - Lincoln

ACUTA Newsletters

ACUTA: Association for College and University
Technology Advancement

9-1993

ACUTA eNews September 1993, Vol. 22, No. 9

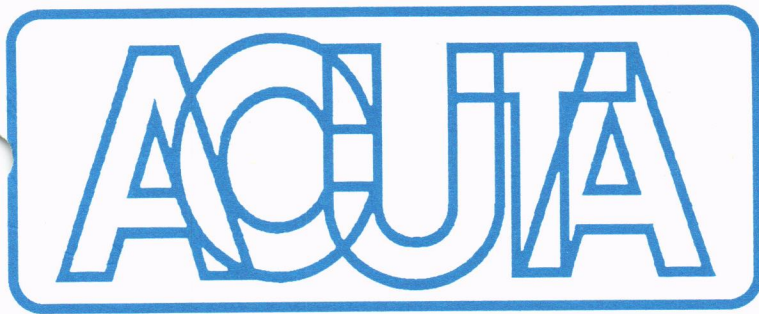
Follow this and additional works at: <http://digitalcommons.unl.edu/acutanews>



Part of the [Higher Education Commons](#), and the [Operations Research, Systems Engineering and Industrial Engineering Commons](#)

"ACUTA eNews September 1993, Vol. 22, No. 9" (1993). *ACUTA Newsletters*. 264.
<http://digitalcommons.unl.edu/acutanews/264>

This Article is brought to you for free and open access by the ACUTA: Association for College and University Technology Advancement at DigitalCommons@University of Nebraska - Lincoln. It has been accepted for inclusion in ACUTA Newsletters by an authorized administrator of DigitalCommons@University of Nebraska - Lincoln.



THE VOICE OF
TELECOMMUNICATIONS
IN HIGHER EDUCATION

NEWS

Association of College & University Telecommunications Administrators

September 1993

D.C. Circuit Decision Overturns FCC's "Permissive Forbearance" Policy

Customers of communications common carriers
may be significantly impacted

By David A. Gross and Richard S. Whitt
Sutherland, Asbill & Brennan

Until very recently, many large users of long distance and other telecommunications services have been able to enter into contracts with many long distance carriers without worrying about whether the "special" negotiated rates were contained in a tariff filed with the FCC. These off-tariff service arrangements were possible because of an FCC policy called "permissive forbearance," under which the Commission claimed authority to forbear from requiring all long distance telephone companies and other communications carriers other than AT&T (so-called "nondominant" carriers) to file tariffs governing their provision of interstate communications services. Many observers believe that the ability of "nondominant" carriers such as MCI and Sprint to offer their services on an off-tariff basis has yielded lower prices, more flexible service offerings, and long-term rate stability for customers. Certainly, many medium and large size customers of these carriers have thought that they were getting a good deal by these contracts.

However, all telecommunications users should be aware of a landmark November 1992 decision by the U.S. Court of Appeals for the D.C. Circuit which struck down the FCC's permissive forbearance policy. The D.C. Circuit's decision has irreparably altered the competitive landscape in the telecommunications market and requires prudent long distance users to secure the assistance of experienced telecommu-

nications counsel to protect fully their contractual rights and other interests.

The Court Proceeding

In 1989, AT&T filed a formal complaint with the FCC alleging that MCI was violating Section 203(a) of the Communications Act by providing services to certain customers pursuant to "special" rate and service agreements which were not contained in MCI's filed interstate tariffs. AT&T sought a cease-and-desist order and damages. After the FCC denied AT&T's complaint, AT&T appealed to the D.C. Circuit, which issued its AT&T v. FCC decision on November 13, 1992. Stating that the Communications Act "is not open to the Commission's construction," the Court concluded that the FCC's permissive forbearance policy "is simply not defensible in this court" because Section 203(a) of the Act requires that every communications carrier providing interstate services must file a tariff with the FCC. The Court found that the FCC exceeded its "limited authority" under the Communications Act to "modify" requirements of the Act when it sought to override the mandatory language of Section 203(a). The D.C. Circuit remanded the case to the FCC for resolution of AT&T's damages claim against MCI.

On January 27, 1993, the FCC issued a Public Notice advising that previously forborne nondominant carriers now must file tariffs pursuant to Section 203. Three weeks later the FCC issued a Notice of Proposed Rulemaking seeking public comments on its proposal to streamline the tariff filing requirements for

See "Forbearance..." on page 9

INSIDE...

- 2 Emergency phones
- 3 President's message
- 5 FCC opens up local loop
- 6 CWRU cuts phone bill by 20%
- 11 Staff report

Campus emergency phones: Security at what price?

By Ron Galik
Keene State College

Emergency phones such as those manufactured by Gai-Tronics, Ramtech, and others have become increasingly popular around college campuses. These are typically strategically placed and mounted on poles or stanchions—sometimes with a flashing blue light on top which is activated when the phone is used—in some type of protective enclosure and set to ring automatically to an operator, security dispatcher, or police. Others have a touchtone™ keypad to dial for help. These phones have their advantages and their drawbacks.

Advantages are few but important

Peace of mind is one advantage of these highly visible installations. Assuaging parental apprehensions, they often play a pivotal role in the "which school?" decision. They also have proven to deter fights, rapes, purse snatching, and other "opportunity" crimes. Some phones can be equipped with circuits which can be used to listen to or monitor activity in an area or building; i.e., voices shouldn't be heard in a building supposedly empty at 3:00 a.m.

Drawbacks are abundant

- Emergency phones typically cost \$500–\$1,000 per installation not counting the cost of pouring a concrete pedestal and supplying electrical power for lighting.
- Because they are used so infrequently, they must be tested periodically. That elicits a

"That's not my job" from Telecom, MIS, Facilities, Security, and everyone else.

- They are not interchangeable with the other AT&T, Northern Telecom, Rolm, etc. phones in the campus telephone system; consequently they cost more to maintain and often are not maintained by the same technicians who maintain the campus phones.
- Programming emergency phones can be a nightmare. Where do they ring? What happens when no one answers? When staff leave unexpectedly? During breaks? False alarms? Equipment failures? During real emergencies? Mishandling any of these can lead to lawsuits and large payoffs. Colleges have far deeper pockets than plaintiffs and courts are frequently sympathetic to that fact.

What about lawsuits?

Four questions are likely in any lawsuit regarding campus emergency phones:

1. Was there an emergency phone?
2. Did it work?
3. Who was dialed?
4. Did they respond adequately?

Was there a phone... Did it work? Not unlike fire alarm boxes, to protect against negligence suits, emergency phones should be placed strategically in buildings, in elevators, and outdoors where they are likely to be needed. Lawsuits generally cite a breach of contract and principle called *privity* which are normally assumed to exist between the college and its students.

Where did it dial?... Did they respond adequately? Local police departments are reluctant to willingly put up with many of these calls for

See "Emergency phones..." on page 4

Association of College and University Telecommunications Administrators ACUTA NEWS, Volume 22, No. 9

PRESIDENT: Patricia Searles, Cornell University

EXECUTIVE VICE PRESIDENT: Randal R. Collett, Central Missouri State University

VICE PRESIDENT: David E. O'Neill, Washington State University

SECRETARY: Dr. James S. Cross, Longwood College

TREASURER: Robert Aylward, University of Wyoming

PAST PRESIDENT: Coleman H. Burton, University of Missouri System

DIRECTORS: *Membership* - Margaret Milone, Kent State Univ.; *Program* - Malcolm Reader, Univ. of Calgary; *Publications* - Michael Grunder, Yale Univ.; *Northeast Region* - Anthony J. Mordosky, Millersville Univ.; *Southeast Region* - Buck Bayliff, Wake Forest Univ.; *Midwest Region* - Jan Weller, Univ. of Kansas; *West Region* - Ferrell Mallory, Brigham Young Univ.; *Canada* - Bruce McCormack, Brock Univ.

EXECUTIVE DIRECTOR: (Position open) • BUSINESS MANAGER: Eleanor Smith

MEETING PLANNER: Lisa M. Cheshire • MEMBERSHIP SERVICES COORDINATOR: Kellie Bowman

PUBLICATIONS EDITOR: Pat Scott • TELECOMMUNICATIONS RESOURCES MANAGER: L. Kevin Adkins

The opinions expressed in this publication are those of the writers and are not necessarily the opinions of their institution or company. ACUTA as an association does not express an opinion or endorse products or services. ACUTA News is published 12 times per year by the Association of College and University Telecommunications Administrators, a nonprofit association for institutions of higher education, represented by telecommunications managers and staff. Subscriptions: \$45 a year, \$4 per issue. Please send material for ACUTA News to Pat Scott, ACUTA, 250 West Main Street, Suite 2420, Lexington Financial Center, Lexington, KY 40507-1739; telephone (606) 252-2882; fax (606) 252-5673.

President's Message

The time is approaching to think about attending ACUTA's fall seminars to be held in Traverse City, Michigan, in mid-October.

You should have received your brochure a few weeks ago describing the two seminar programs planned for this fall: Telecommunications Management Information Systems and Financial Management Under Austere Conditions. These are two very timely topics for your consideration. Many of us purchased or developed management information systems (MIS) in the mid-to-late 1980s as we scurried to purchase telecommunication systems and create our own campus telephone companies. Some of those systems haven't evolved well or just don't work adequately in our current environments. It almost seems like we're in a "second wave" of MIS evolution, and what better place to learn what's available and who's doing what than through ACUTA.

Likewise, who among us isn't faced with the new challenge of the "doing more with less" philosophy of the '90s? We all know this isn't a passing trend; it's here to stay. That's the bad news. The good news is that there are wonderful opportunities to be heroes and heroines to our institutions and, again, you don't have to work in a vacuum. Your ACUTA colleagues are all equally challenged and are ready, willing, and eager to share ideas with you—to tell you what works and what doesn't work as well as to explain some of the creative ways they've approached these issues. The professional speakers' presentations in both seminars will be augmented by real campus experiences shared by members.

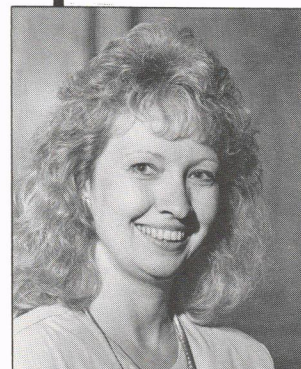
I know how difficult it is for many of you to find the money to get to the seminars, so I'd like to share some ideas with you that might help you sell your boss (or yourself) on their value—the "bang for the bucks," so to speak. Let's look at the costs first. I don't exactly live in a wonderful location from an airline travel perspective; likewise, Traverse City isn't on the beaten path. Nonetheless, I am getting round-trip airfare from New York for under \$400. I could also fly into and out of Grand Rapids for under \$200, round trip. That would require renting a car to drive the 140 miles between the two cities, but I would then have transportation to do some sightseeing while in Michigan and still be able to keep the travel costs under \$400. Now, all this presumes you stay over a Saturday night, but Michigan should really be beautiful in mid-October. (I'm sure our colleagues at Ferris State University, the ACUTA host school for this meeting, would be glad to help you out with

ideas on where to go sightseeing!) The hotel is \$91 per night so let's figure another \$400 for the room for four nights. If you get your ACUTA seminar registration in before the early registration deadline (September 24), your meeting fee will be only \$300. Registration includes all of your meals from Sunday evening through lunch on Wednesday with the exception of Tuesday evening which is on your own. I would guess if you came in sometime on Saturday, you could fill your tummy for the other meals for under \$100.

We're up to \$1,200 as a reasonable estimate for attending and you're probably already saying "YIKES!" But wait a minute. Let's do some comparison shopping. How many brochures pass your desk each week for seminars that cost \$900–\$1,200 just for registration—no meals or social events included? Take a look at some of the room rates—\$128 is the average for the four laying on my desk right now. Even a large users' group that I've been active in is charging \$350 for early registration (with fewer meals/social functions than ACUTA) and \$125/135 for hotel rooms for their upcoming meeting.

Back to the \$1,200 for a minute... When I talk with our members about what they get out of participation in ACUTA, they say that it's frequently a chance encounter in the exhibit hall or over a meal or at one of our social events where the valuable information is exchanged. Now, mind you, the sessions themselves also provide excellent generic information, but it's what attendees glean in casual conversations with their colleagues that sometimes yields the greatest payback. I've asked attendees at various events what value they got out of their last ACUTA event, and many state that they easily paid for the trip—sometimes many times over—with information they garnered from either a presentation or a casual conversation. Others establish rapport with colleagues at the event and state that these relationships pay big benefits down the road, providing valuable sources of comparative information and "ammunition."

Why not give one of our upcoming seminars a try? Consider the \$1,200 an *investment* rather than an *expense*. When you return, send me a note telling me how it paid off for you. I'd be surprised but, if it turns out to be a waste of money, I want to know that too. Remember, I want to hear from you, one way or another! Thanks to those of you who have already taken the time to call me or send an e-mail note my way. I really enjoy the opportunity for one-on-one information exchange and appreciate your helpful comments. It's especially rewarding when I can answer a question or steer you to someone else who can. Keep those calls and notes coming... I'm waiting to hear from YOU!



Patricia Searles

ACUTA
President

ACUTA members should ask: Where were you?

By L. Kevin Adkins

ACUTA Telecom Resources Manager

The exhibit/conference business is a numbers game, a fact that has not been lost on ACUTA. But do members realize the role they could play in making the numbers work to ACUTA's advantage?

Over the past several years, ACUTA has seen a gradual decline in the number of vendors exhibiting and sponsoring at its quarterly seminars, although the annual conference has remained fairly steady. This is a concern for the association, as it relies in part on exhibit/sponsorship revenue from all its events to help drive the many educational programs and services.

ACUTA recognizes the valuable support it receives from a core group of vendors. These responsible corporate citizens recognize that giving support back to the user community is good for the industry as a whole, hence their own long-term prosperity. Many of these companies are represented by marketing professionals who believe in the purpose and mission of the association, and personally dedicate much of their time and involvement toward that end.

As a nonprofit association with limited staff resources, ACUTA can't generate the attendee numbers that conference companies, such as Ziff-Davis Exhibitions (INTEROP), Bruno Blenheim, Inc. (NetWorld), or World Expo Corp. (ComNet) can.

At its most recent event in mid-July, the ACUTA conference drew 479 full conference attendees, an excellent attendance by ACUTA conference standards. But that pales in comparison to megashows such as INTEROP, which pull in over 25,000 folks to walk the exhibit floor. In this "warm bodies" version of the numbers game, more attendees means more exhibitors.

The task set before the association is to emphasize a different set of numbers to the vendor

community; that *quality* of event attendees often equals or outweighs the importance of the *quantity*; that 350 ACUTA event attendees can have the same total amount of decision-making influence as 20,000 INTEROP attendees; that ACUTA attendees do not have to be "pre-screened" to determine their level of decision-making influence; that ACUTA attendees can provide valuable user feedback from a thriving higher education vertical market; the list goes on.

The bottom line on competing for conference dollars is this: Attending, exhibiting, or sponsoring at ComNet or INTEROP puts profit into someone else's pocket. Attending, exhibiting, or sponsoring at an ACUTA event aids the association in providing other educational programs and services to assist members in dealing with the challenges of their changing jobs.

These ACUTA programs and services have already helped hundreds of members save millions of dollars and improve telecommunications services for their institutions.

ACUTA institutional members themselves have to turn this numbers game to their advantage. ACUTA currently has over 1,200 representatives from some 750 member schools with over \$1 billion in aggregate annual network budgets. ACUTA members ought to make sure vendors know about that spending power and how important it is for a supplier to support the events and the association. A good time to discuss it is during the buying process.

How can members help the association and themselves? Express appreciation to vendors who support ACUTA. Encourage vendors who don't to consider the opportunities they're missing. Suggest they call the ACUTA Resources Manager for details. A team effort will insure the success of this critical program.

Emergency phones...

Continued from page 2

long just because your campus wants them to. Most calls are from people who locked their keys in their cars, want the correct time, or are stuck in a campus elevator so campus security or operators are a likely choice for "ringdown phones" to call. Also, police departments are not held to the same standards as college officials.

"The tort liability of a public official is not in all circumstances identical with that of a private individual" [(Wash) 669 P2d, 39 ALR4th 671]. This is because public officials have a general duty to provide protection to the public, but not to any one individual or group unless there has been a special relationship (privity) established between them. For privity and, therefore, a special duty to exist, there must be a special

relationship between the public official and some segment of the public. A request for aid and the resulting reassurance that help is on the way are not in themselves sufficient to create a special duty [(Wash) 669 P2n, 39 ALR4th 671]. If the local police can't be held liable in a negligence tort—and the odds are that they won't be—the college, because of the deep pockets, contract, and privity principles, probably will be.

Conclusions

Sufficient thought, time, and effort should be put into the procurement, placement, and programming of campus emergency phones to attract students, deter crimes of opportunity, and protect the school, department, and individual involved from liability torts. If any of the above are neglected, lawsuits inevitably will result and someone will pay. The local police department is not likely to be that someone.

FCC opens up local loop

By Bill Burch
Network World

Copyright August 9, 1993 by Network World Inc., Framingham, MA 01701—Reprinted from Network World

In a move that could mean lower long-distance rates for switched services, the FCC last week gave competitive access providers (CAP) permission to carry switched traffic between local carriers and long-distance carrier points of presence.

Previously, a CAP could only carry dedicated traffic running from a user site to a long-distance company, thus bypassing the local exchange carrier. If the CAPs

undercut local exchange company transport charges, long-distance carriers should be able to reduce rates for switched services. An AT&T spokesman last week said if the carrier's costs decrease, AT&T will try to pass on the savings.

Only those local exchange carriers with more than \$100 million in annual revenue will be subject to the new competition. They will likely feel pressure to match the CAPs' lower prices, and one carrier has already responded to the challenge with term and volume discounts for its interconnection customers.

In an FCC filing last week, GTE Service Corp. asked for permission to give discounts on switched access. Under the plan, GTE would give long-distance companies and other users interconnecting for switched access term discounts on one- to five-year contracts.

The FCC ordered all the largest local exchange carriers to file tariffs by Nov. 18, although they will not take effect until Feb. 15.

With the order, the CAPs gain access to the \$4.1 billion market for long-distance transport of calls between local carriers and long-haul POPs. In exchange, the FCC will let the locals offer volume and term discounts once state CAP activity has reached prescribed levels.

CC members' enthusiasm for the order varied. Commissioner Andrew Barrett predicted it

would extend the benefits of competition beyond the large businesses enjoying lower long-distance charges through special access, the direct connection of a business to a long-distance carrier's POP. Commissioner Ervin Duggan expressed reservations about giving local carriers pricing flexibility before effective local competition has developed.

One CAP executive who agrees with Duggan was Barbara Samson, senior vice president of corporate development with Intermedia Communications of Florida, Inc.

With switched transport, Intermedia can compete for larger shares of the local transport business, boosting its market from \$250 million to \$715 million, Samson estimated. But Samson said it is too early to give local carriers pricing flexibility because Intermedia and companies like it are industry fledglings.

Also under the order, CAPs can only compete for 20% of total switched access revenue. The other 80% goes back to the local carrier to cover net ownership and operating expenses.

In a second interconnection order last week, the FCC said some telephone

companies' prices on network interconnection for special access are too high. The commission plans to reexamine the charges to make sure that they are cost-based. On the customer side, the FCC extended the Fresh Look period for special access from three to six months.

Similar to the recently completed Fresh Look period for 800 services, Fresh Look for special access allows long-distance companies and anyone else paying switched access fees to local phone companies to break service contracts without penalty. Unlike 800 Fresh Look, individual phone companies notify the public when they will hold a Fresh Look period.

The FCC also mandated local carriers to begin a six-month Fresh Look period for switched access after filing tariffs for the service.

FCC lays down the law

Rules for transport of switched traffic from local carrier to long-distance carrier:

- ✓ Competitive access providers free to offer switched transport
- ✓ Local phone company tariffs for switched transport to take effect Feb. 15
- ✓ Locals allowed to give term, volume discounts on switched transport
- ✓ 90-day Fresh Look period for switched transport imposed

Rules for special access between a customer and a long-distance carrier:

- ✓ Fresh look period extended from 90 to 180 days
- ✓ Reconfiguration charges must be cost-based
- ✓ Network access charges to be cost-based and services unbundled

Source: Federal Communications Commission
Washington, D.C.

CWRU cuts phone bill by 20%

By Dennis Risen

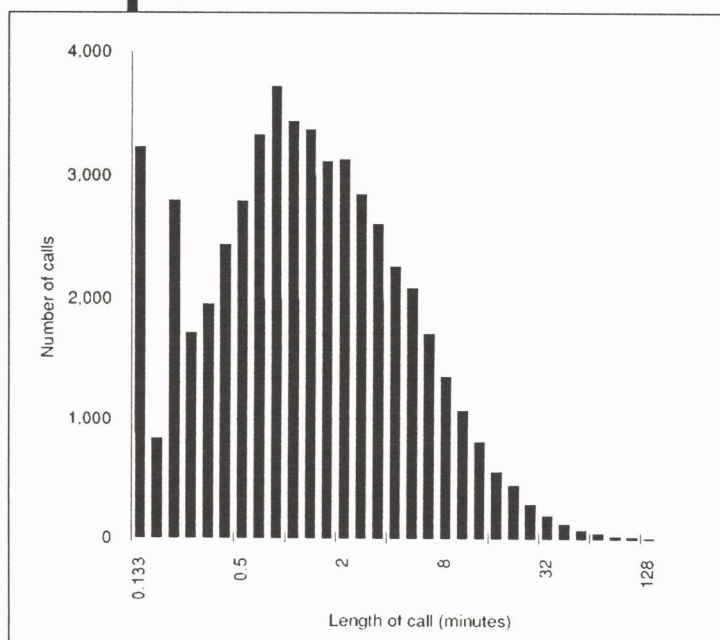
Asst. Director for Contractual Info Systems
Case Western Reserve University

The telecommunications manager at a local hospital told me how he was saving 20% on local calls. He hadn't changed suppliers, installed private facilities, nor renegotiated his Centrex contract. He had merely selected the local calling plan that best suited his hospital's calling pattern, and was now saving thousands of dollars per month.

I bounced the idea off a respected consultant. He advised against Case Western Reserve University making a similar change. The costs would be no lower, and might be significantly higher. Yet, CWRU is in some ways similar to the hospital, and the potential savings could be well worth my time. Hard facts, gleaned from Station Message Detail Recording (SMDR), would be necessary for both my decision and management's.

Ohio's Centrex tariff has local access alternatives including metered, measured, and dormitory access. With metered access, local calls are 8¢/call. With measured access, local calls are priced by distance and elapsed time, and discounted by 50% for non-business hours [see table]. With dormitory access, all local calls are free.

Mileage Zone	Initial minute	Additional minute
0-10	4.0¢	1.0¢
11-22	4.5¢	1.5¢
>22	5.0¢	2.0¢



CWRU had selected metered access for its administrative stations and dormitory access for its dormitories. The University had previously assumed that administrative calls averaged longer than the approximate 4 minutes required for savings with measured access, and that the amount of time that students might spend on the phone would require us to bill students for local calls under any but an unlimited calling plan.

The University had recently ordered the installation of SMDR to support our in-house resale of long-distance. We configured SMDR to send the local, as well as the long distance, call data. I wrote a simple program to harvest some statistics from the SMDR data. With just two weeks of collected data, it was evident that local calls are much shorter than anticipated. There are large numbers of very short calls, such that the average call is 2.77 minutes [see chart].

With some help from the local Ohio Bell office, I created a table listing the distance band, and thus rates, for each local calling area NNX. I then adapted the SMDR analysis program to calculate and sum the costs for each alternative using the actual call data.

The collected data showed that there was little week-to-week variance in administrative calling. The first month of administrative calls averaged 6.5¢/call with measured v. 8.0¢/call with metered. With this data as support, the University converted the administrative stations from metered to measured access.

Since student telephone usage is more seasonal, we collected 6 weeks of student call data. The average local usage per student station was projected to be \$3.60/month, or equivalent to \$2.70/month over a 12-month year. This projected usage cost was significantly less than the difference between the monthly service for dormitory v. measured access. Thus the University converted the student stations from dormitory to measured.

Analysis of actual call data resulted in an understanding that our local calling pattern was contrary to past assumptions. Administrative calls were less than 3 minutes and were directed primarily to the business districts within 10 miles of CWRU. Student calls were likewise short and not as frequent as expected. By selecting a different tariff offering, the University is now saving about 22% on local calls placed from administrative stations. The similar savings on student calls will help fund additional services such as one phone per pillow in the dormitories.

Private letter ruling reduces rates to students

By Pat Searles, ACUTA President
Cornell University

Nearly two years ago, I made a presentation on student services at one of our seminars. At that time, I explained the process we used to request a "private letter ruling" from the IRS which relieves us from the requirement to collect federal excise taxes (FET) from our students for telephone usage charges.

I learned of this process from an ACUTA member, and it basically works as follows. The IRS will not issue any kind of a blanket statement relieving colleges and universities from applying FET to student bills, but will apparently look favorably and grant the request from any institution which applies for a private letter ruling and documents it in the required manner. If you request a copy of our application letter for consideration, you can see the approach that was taken six years ago when we were granted the private letter ruling. This effectively reduces our rates to the students by 3% (the current amount

of the FET), giving us a 3% advantage over competing carrier offerings made directly to the students. New York State will not take a similar view, but some states may.

I have had several requests for that document, but had difficulty locating it in the archives. We now have copies available and I have fulfilled the pending requests as well as sent the document to Kevin Adkins in our Lexington office for the resource library. If anyone else is interested in a copy, contact Kevin and he will be glad to provide one for you. If you have any questions about the process, I'd be happy to answer them to the best of my ability.

If any schools have had success in being granted such tax exemptions (federal or state), please send information to Pat Scott, our publications editor, so she can keep our members informed. Such exemptions are not only cost savers, but good marketing tools you can use to your advantage, both with your administration and your customers.

1994 Seminar topics finalized

By Mal Reader, ACUTA Program Director
University of Calgary

More input
needed from
ACUTA
members

The topics for the three seminar events in 1994 address the expressed educational needs of many ACUTA members. The Program Committee's task now is to obtain further input from members with special interest in these topics, so that the material to be covered in each seminar is as comprehensive, relevant, and current as possible. Ideas, useful information, and offers to make a presentation at any of these events would be welcomed.

Winter Seminar • Palm Springs, CA • Jan. 9-12

Planning The Telecommunications Infrastructure Planning and construction of effective information transport systems for the evolving PBX and network technologies on campus. An overview of ATM, ISDN, SONET, and technologies associated with LANs and WANs will be included.

TQM & Organizational Re-structuring Plans include real-life experiences of organizational change affecting telecommunications and other institutional areas, and a look at revised service levels; staffing; outsourcing; and merging of voice, data, and video functions.

Spring Seminar • Baltimore, MD • April 24-27

Hot Management Topics As the title suggests, this seminar will be aimed at bringing everyone up to date on some of the "hot" issues of the day, e.g. regulatory issues, 800 portability, ADA, toll

fraud, system security, personal security, disaster planning, etc. The close proximity to Washington should ensure strong speaker representation on several of these topics.

Campus Cable TV A look at what some institutions are doing with cable TV for teaching, learning, and entertainment on campus. The seminar will focus on regulatory issues, strategies, financing, opportunities, and applications as well as the technologies involved in this fast-growing area of interest for ACUTA members.

Fall Seminar • Richmond, VA • Oct. 16-19

Network Planning & Management The material to be covered will include how access to campus networks is enhancing operations for academics, students, researchers, administration, athletics, fund raising, medical diagnosis, registration, housing, etc. It is planned to include a review of client server/multi-architectures and shared database maintenance.

Student Services The degree of sophistication of services offered to students via the telecommunications system increases annually, and many new services emerge through sheer creativity in the application of a particular technology. This review of student services includes voice, data, and video services; interactive systems; voice mail; and long-distance services.

In order for all of these seminars to be as meaningful and informative as possible, your input is extremely important. The Program Committee would be delighted to hear from you.

Forbearance...

Continued from page 1

nondominant carriers. Among other things, the Commission proposed allowing nondominant carriers to file their tariffs on one day's notice (as opposed to the current fourteen day notice period) and to state in their tariffs "either a maximum rate or a range of rates," rather than specific rates for all services.

AT&T and MCI also stepped up their activity in response to the AT&T decision. On February 10, AT&T filed a complaint in U.S. District Court in Washington, D.C. seeking damages against MCI, Sprint, and Wiltel. AT&T claims that these carriers have engaged in "repeated violations" of Section 203(a) of the Communications Act "by providing long distance telephone service to certain customers at secretly negotiated and unfiled rates." Concurrently, AT&T filed a motion for a cease-and-desist order at the FCC directing MCI to cease providing telecommunications services at rates not publicly filed with the Commission. MCI filed an opposition to this motion on February 22, and concurrently filed a Petition for Declaratory Ruling asking the FCC to declare that MCI was not liable for damages for adhering to the FCC's permissive forbearance policy.

More recently, on May 4, 1993, the FCC issued a cursory order in which it concluded that MCI had violated Section 203 of the Communications Act. The Commission ordered MCI to file tariffs consistent with the requirements of Section 203. In the meantime, MCI has filed for Supreme Court review of the AT&T decision, and the FCC is considering an appeal as well. Various legislative proposals to reverse the AT&T decision also are being explored in Congress.

The Impact of the AT&T Decision

The D.C. Circuit's rejection of the permissive forbearance policy presumably means that all telephone companies providing interstate services now must provide services only at rates, terms, and conditions that are tariffed with the FCC. Customers of nondominant carriers now are faced with major questions, few of which can be resolved with any certainty at the present time.

One major source of concern for customers is potential liability for damages or forfeitures, particularly on a prospective basis. Nondominant carriers could be required to pay court- or FCC-ordered damages to AT&T, either for past violations of Section 203 or the substantive provisions of the Communications Act, or more likely for future violations. In turn, these nondominant carriers might seek to recoup some or all of their losses from their customers. Whether customers, as opposed to carriers, could be liable for damages for taking services off-tariff is unclear, although as a practical matter it is unlikely that a carrier would want to sue its customers.¹

Users now thinking of signing a long-term arrangement with a carrier and those users who already have such arrangements, also must be aware of other related issues that have arisen as a result of the AT&T decision. One important concern for customers is the stability and enforceability of their underlying individual contractual arrangements with carriers. Under existing FCC and judicial precedent, publicly filed tariffs take precedence over any provisions contained in unfiled contracts in the event of any inconsistency. As a result of this so-called "tariff precedence doctrine," nondominant carriers now may be able to more easily alter their long-term contractual arrangements with customers by filing superseding tariff revisions addressing one or more points covered in the underlying contract.

Moreover, because all tariffs filed by nondominant carriers are presumed reasonable and can be filed on 14 days notice under the FCC's current "streamlined" tariff review procedures, customers now will be forced on short notice to monitor each tariff filing to be sure that nothing in those tariffs is inconsistent with their underlying individual contractual arrangements. Should the Commission adopt a new streamlining policy that reduces the notice period even further, such as to one day, the tariff review burden on customers may be virtually impossible.

Given the many uncertainties in the current interexchange marketplace after the AT&T decision, users should seek advice of telecommunications counsel to help protect themselves to the maximum extent possible. For example, customers with existing contractual arrangements should seek immediate reassurance from their carriers that the tariffs that are filed with the FCC to comply with the AT&T decision not only do not conflict with material provisions in pre-existing contracts, but in fact embody those contractual provisions. Prospective customers also should push to obtain agreement by the carrier to provide the customer with prior notice of, and an opportunity to review, any proposed tariff filings. Prospective customers should attempt to include these types of protective provisions not only in their contracts but also in the tariff itself, so that an application of the tariff precedence doctrine does not alter the customer's "benefit of the bargain."

¹ However, in a 1990 Supreme Court case, a trustee in bankruptcy of a trucking company which was subject to the Interstate Commerce Act (which is very similar to the Communications Act) sought, and the Supreme court upheld, recovery from a customer for the difference between the tariffed rate and the lower off-tariff amount actually charged for its service.

David A. Gross is a partner and Richard S. Whitt is an associate who specialize in communications law at the firm of Sutherland, Asbill & Brennan.

21st Century Technology

FSUCard limits cash on campus

Students on the Florida State University campus in Tallahassee have quit worrying about pocket change for laundry and soft drinks, checks for tuition and books, and codes for security clearances. They now carry a debit card called the FSUCard that enables them to access records, buy tickets, register for classes, and lots more. The FSUCard is accepted by local merchants and campus offices as well as pop machines and telephones. Look for a feature article on this convenient form of plasticash in the October *ACUTA News*.

Personal Digital Assistants

Newton...Eo...Winpad...Magic Cap... What do all these names have in common? They're all relatively unknown now and all likely to make a dramatic difference in the way business is carried on in the future.

"Pen computing," called by some a revolution and by others just an alternate input scheme, allows the user to enter data using an electronic stylus instead of or in addition to a keyboard. It's an evolving technology, still in its slightly clumsy toddler stage. Apple is making the biggest splash with its just-released Newton. Product literature says the Newton "helps you stay in touch with friends and colleagues, organize your life, and keep track of your ideas. You can take notes. Make a quick sketch. Format and print letters. Share and synchronize information with your personal computer. Send a fax. Receive pages and messages," and more.

PDAs cost \$700 to \$3,500 today, but improvements in hardware and software and increases in competition from Compaq, AT&T, Microsoft, Sony, and Motorola in the months ahead will bring levels of sophistication up and prices down.

Job market changing

Remember the Economic Strategy Institute's study that indicated as many as 500,000 U.S. jobs would be produced over a 10-year period by an innovative, interoperable HDTV system? Indications are there will be ample work force available for those jobs: Kodak expects to eliminate some 10,000 jobs in the coming months. Sears will close all 67 of its catalog stores by the end of September. Reynolds Metals is cutting primary aluminum production 9% by the end of October, resulting in a loss of 350 jobs in New York and Washington. Continental Airlines expects to lay off 2,500 by 1994 and halt services to 9 cities. And Delta is dismissing 407 pilots between June and November, while eyeing an additional 2,600 job cuts.

Moral of this story: Telecommunications is a good field to be a part of in our age of technology.

Contributions solicited

This page is dedicated to new ideas that are reshaping our lives at a startling rate. As you see technological innovations and applications that will affect our world tomorrow, please share that information with the *ACUTA News*. Your submissions are welcomed by mail (250 W. Main St., Lexington, KY 40507), phone (606) 252-5665, or fax (606) 252-5673.

Information quick as a fax

Everyday we assimilate more technology into our lives as we fulfill the promises of the Information Age.

Case in point: Wanting new product information, I called my local Apple reseller. (The old way of getting information.) He said the product I inquired about was not available in this area yet, and he did not offer to obtain any information for me. In fact, his remarks about the product were somewhat disparaging. Undaunted and trying to be forward-thinking, I called Apple Inc.'s customer service toll-free number.

Through an automated response sequence, I requested a catalog of product literature. This arrived by fax immediately, and I simply reviewed the list of products, found the ones I was interested in, and redialed the toll-free number.

After completing the necessary key sequences, I had a fax copy of the information I wanted. No waiting for the mail. No driving by the store. No salesman on my heels. Just a few touches on my phone keypad and the information is in my hands.

Of course, the fax machine is not new technology. But the extent to which it has become an integral part of our culture reminds me of what Bob Heterick said in Nashville: "Knowledge is the driving force and access is the measure of wealth." Implications? School catalogs...library resources...medical records.... These and more are already available in many areas.

Don't beam me up yet, Scotty; there may be intelligent life down here after all!

Telecommunications Policy Roundtable formed

From the *Chronicle of Higher Education* via EDUPAGE, we learn that organizations concerned that public interest issues remain visible as decisions are made regarding the national electronic superhighway have formed a group called the Telecommunications Policy Roundtable. Among the issues are: "universal, affordable network access, privacy protection for users, and the guaranteed availability of non-commercial programs and information services."

Staff Report

Editor's Note: Continuing in our series of reports from ACUTA staff members, this month's Staff Report is written by Kellie Bowman, Membership Services Coordinator.

Speaking to ACUTA members at the annual conference in Nashville, Geoff Tritsch said, "Control information and you're in control." Information is a valuable commodity. Through membership in ACUTA, more than 1600 professionals involved in telecommunications in higher education are getting quality information with specific value to their field and the benefit of contact with other professionals from across the nation and the world. And for the future ACUTA is positioned to become an even greater resource for administrators. Your ideas and needs guide the association in serving the profession. As Membership Services Coordinator, it is my job to support those needs and coordinate the broad sweep of services provided by the association.

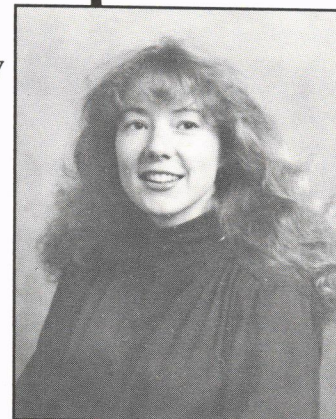
The unique nature of association management lets me enjoy a variety of duties. The crux of my time is spent recruiting new members and filling member's needs (from the smallest request for information to the larger 'problem-solving' challenges). I'm the person you'll probably speak with when you telephone the office or send general correspondence. I maintain the membership records and process new member applications. I also handle the registration for ACUTA seminars and conferences. I coordinate all the mailings you receive. (With the list nearing 2000, just keeping up with the

changing postal regulations is a job!) I offer backup to the Publications Editor and the Telecommunications Resource Manager. And, of course, the very important "all other duties as assigned" completes any gaps in my day.

In the five years I've worked for ACUTA, the association and the industry have changed in many ways. The Lexington staff strives to accommodate the changing interests and desires of the members. With ACUTA being 'volunteer-driven', though, your active involvement contributes to the growth and success of the association for all members. If you know of a potential member, tell them about ACUTA or get me involved! Or consider offering your unique knowledge and skills to a committee. Or help ACUTA build its resource library. There are many ways to actively contribute to *your* association. In return you'll increase your effectiveness and earning potential by helping build your network of colleagues.

Maintaining high standards in membership services is critical for membership retention. Many people join professional associations on the basis of promises, but do not renew because services are not up to expectations. Often this disappointment is due to simple lack of communication. As Membership Services Coordinator, I want to help you maximize the value of your membership. Give me the opportunity to assist you. If I can't specifically help you, I probably know who can. As Patricia Fripp told us in Nashville, "People today expect good service from those who serve. What we have to do is exceed their expectations." It is my goal to see that you enjoy the full value of ACUTA membership.

11



FROM
ACUTA
HEADQUARTERS

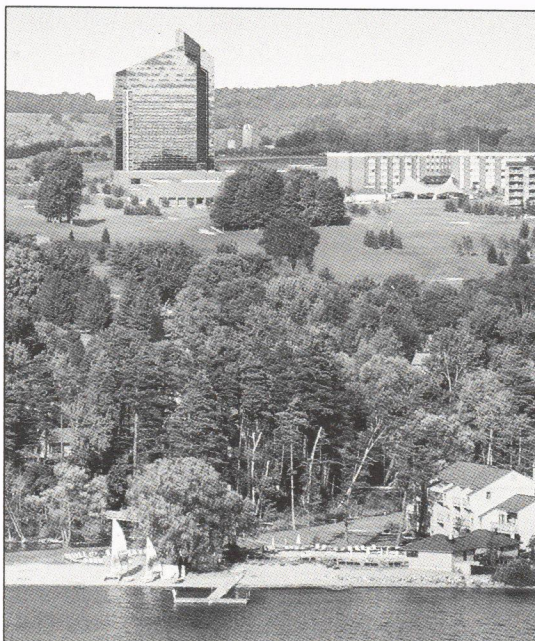
Kellie Bowman,
Membership
Services
Coordinator

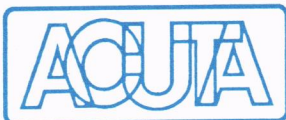
Fall Seminars

*Telecommunications Management Information Systems
and
Financial Management Under Austere Conditions*

Grand Traverse Resort
Traverse City, Michigan
October 17-20, 1993

Call Kellie for more information
(606) 252-2882

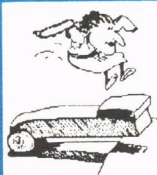




Association of College & University
Telecommunications Administrators
Lexington Financial Center, Suite 2420
Lexington, KY 40507-1739

NONPROFIT ORG.
U.S. POSTAGE
PAID
LEXINGTON, KY
PERMIT NO. 481

• BULLETIN BOARD •



Editor's Notes...

Have you sent me a copy of your newsletter yet? How about adding me to your distribution list! Now that school is in session again, I'm hoping my supply of campus publications will increase quickly!... Looking for an intern? **Ruth Michalecki (Univ. of Nebraska)** sent a resumé from an information resources management masters student who is interested in an internship for the fall. If you have or know of a position, call the ACUTA office... Need info or ideas for teleconferencing? Contact **Univ. of Kansas Telecom Dept.** (That's **Jan Weller's** group) for creative, innovative uses of technology. They're doing some incredible things in Lawrence, KS... **Looking for laughs:** If you have cartoons suitable for this newsletter available at no charge, please call me. Our present source is more \$\$\$ than we would like to spend and I'm looking for alternatives... From a Canadian newspaper via **UNM's On Line**: "Receptionist urgently needed for sales office. Telephone. If no one answers, post is still vacant."... Send news and notes (and cartoons) to: Pat Scott, ACUTA, 250 W. Main St., Ste. 2420, Lexington, KY 40507. Phone (606) 252-5665 or fax (606) 252-5673.



ACUTA News is now printed on 15% post consumer waste recycled paper!

November ACUTA News deadline:
October 5

DIRECTORY UPDATES

June 23–August 25, 1993

Welcome New Members

Region 1 (Northeast)

- Rutgers Univ., Newark, NJ. Patricia Brancato 201/648-5631
- Hartwick College, Oneonta, NY. Ellen Falduto 607/431-4997

Copper Corporate Affiliate

- Radiant Communications Corp., So. Plainfield, NJ. Michael Thaw 908/757-7444

Region 2 (Southeast)

- Charleston Southern Univ., Charleston, SC. Steven McCart 803/863-8066
- Midlands Technical College, Columbia, SC. Donna Norville 803/738-7698
- Western Kentucky Univ., Bowling Green, KY. Robert Wiltshire 502/745-6370

Region 3 (Midwest)

- Northwestern College, St. Paul, MN. Robert Nasvik 612/631-5303
- Lawrence Univ., Appleton, WI. Linda Barkin 414/832-6536

Copper Corporate Affiliates

- Southwestern Bell Telecom, St. Louis, MO. Stephanie Schmid 314/822-6939
- Texas Technologies, Inc., Grand Prairie, TX. Dave Hammond 214/988-1882

Region 4 (West)

- Eastern New Mexico Univ., Portales, NM. James Prince 505/562-4357
 - Charles Drew Univ. of Medicine & Science, Los Angeles, CA. Dolores Hendricks 213/563-5800
- Copper Corporate Affiliates*
- PairGain Technologies, Inc., Cerritos, CA. Perry Lindberg 310/404-8811

Position Available

Business Manager

University of South Florida

Responsibilities: Provides mgmt direction for all fiscal functions of Div. of Telecom's \$4.5 million operation, to include budget formulation & monitoring, policy & procedure formulation, administration of contracts, licenses & agreements, & supervision of fiscal/support personnel.

Qualifications: Master's deg. in appropriate area of specialization & 4 yrs progressively responsible financial mgmt or Bachelor's deg. & 6 yrs experience. Prefe additional 4 yrs related telecom experience, mgmt info sys, & supervisory exp.

Salary Range: \$21,600–39,000

Deadline: September 24, 1993

Resumé & refs to: Telecom Search Committee, AOC 200, Univ. of So. Florida, 4202 E. Fowler Ave., Tampa, FL 33620-9000 (813) 974-6198

An AA/EQ Employer. Applicants needing reasonable accommodation in order to participate in the selection process must notify Jeanne Thompson at address above 5 working days in advance.

* * * FOR SALE * * *

• **No. Telecom Enhanced Low Speed Data Unit (LS DU), Model NT4X25AN:** Interfaces with DMS-100 switch, transmission rates up to 19.2 kbps, provides support for keyboard dialing & profile downloading. 308 units available.

• **No. Telecom Low Speed Rack Mounted DU (RDU), Model NT4X25AD:** Assembled on printed circuit board, operates same as stand-alone DU, used with BCS19 or later software; meets DTE/DCE EIA RS-232-C standard interface. 17 units available.

• **No. Telecom Line Card for DMS-100 switches, Model NT6X71AA.** 200 cards available.

Contact Kay Barbee, Asst. Mgr., Univ. of Missouri, Office of Telecommunications. Ph. (314) 882-2179 or fax (314) 884-6000