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October 3, 2000

Rodney L. Joyce (202) 639-5602 rjoyce@shb.com

### **BY HAND**

RECEIVED

Magalie Roman Salas, Secretary Federal Communications Commission 445 12th Street, S.W. Washington, DC 20554

OCT 3 2000

PERSONAL COMMUNICATIONS COMMISSION OFFICE OF THE SECRETARY

Re:

CC Dkt. No.00-157

(Comments of Network Access Solutions - October 2, 2000)

Dear Ms. Salas:

Enclosed for filing as an Errata in the above proceeding is a new first page of the Comments of Network Access Solutions Corporation ("NAS") filed yesterday with the Commission. The enclosed first page is identical to the first page as filed yesterday except for the docket number. The first page filed yesterday incorrectly listed the docket number as CC Dkt. No. 00-151.

Please make sure that NAS's comments filed yesterday are filed in CC Dkt. No. 00-157 rather than in the docket listed on the first page tendered yesterday.

Rodney L. Joyce

Enclosure

cc:

Linda Myles (FCC) (By Hand)

ITS

Ceci Stephens (FCC) (By Hand)

Office of Public Affairs (FCC) (By Hand)

James Bird (FCC) (By Hand)

## RECEIVED

# Before the Federal Communications Commission Washington, D.C. 20554

OCT 3 2000

PRESENT COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of	)	
	)	
Joint Application of NorthPoint	)	
Communications, Inc. and Verizon	)	
Communications for Authority	)	CC Docket No. 00-157
Pursuant to Section 214 of the	)	
Communications Act of 1934,	)	
As Amended, to Transfer Control	)	
of Blanket Authorization To Provide	)	
Domestic Interstate Telecommunications	)	
Services as a Non-Dominant Carrier	)	

#### COMMENTS OF NETWORK ACCESS SOLUTIONS CORPORATION

If the FCC approves this merger, the public interest requires that it condition that approval upon actions by the merger parties, including amendments to the Merger Agreement as discussed below, that protect competition in DSL services. The public interest requires conditional, rather than unconditional, approval since Verizon's ILECs are the sole suppliers of inputs that are essential to providing retail DSL service in areas where those ILECs operate and since the proposed merger would combine the largest and third largest participants in retail DSL markets in those areas.

The service in which competition could be harmed *most* is business-class DSL service to customers in the area where Verizon ILECs operate.<sup>1</sup> Business-class DSL service is



<sup>1.</sup> Although the FCC has not formally defined separate residential and business-class DSL product markets, it has looked separately at competition in these two market segments as the Merger Application acknowledges. See Verizon/NorthPoint Merger Applic., Hazlett Aff.