

**BEFORE THE ILLINOIS COMMERCE COMMISSION**

**Docket No. 03-0596**

**DIRECT TESTIMONY  
OF  
JAMES R. BURT**

**On Behalf Of Sprint Communications Company, L.P.  
Concerning Dedicated Transport and Loops**

**SPRINT EX. 2.0  
Sprint Communications Company, L.P.  
PUBLIC**

**January 14, 2004**

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BURT

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1 **I. BACKGROUND AND QUALIFICATIONS**

2 **Q-1. Please state your name, place of employment, and business address.**

3 A-1. My name is James R. Burt. I am employed by Sprint/United Management Company, an  
4 affiliate of Sprint Communications Company L.P. ("Sprint"), as Director – Regulatory  
5 Policy. My business address is 6450 Sprint Parkway, Overland Park, Kansas, 66251.

6 **Q-2. What is your educational background?**

7 A-2. I received a Bachelor of Science degree in Electronics Engineering from the  
8 University of South Dakota in 1980 and a Masters in Business Administration from  
9 Rockhurst College in 1989.

10 **Q-3. What is your work experience?**

11 A-3. I became Director – Regulatory Policy in February of 2001. I am responsible for  
12 developing state and federal regulatory policy and legislative policy for Sprint Corporation,  
13 including the coordination of regulatory and legislative policies across the various Sprint  
14 business units and the advocacy of such policies before regulatory and legislative bodies.

15  
16 From 1997 to February of 2001 I was Director-Local Market Planning. I was responsible  
17 for policy and regulatory position development and advocacy from a CLEC perspective. In  
18 addition, I supported Interconnection Agreement negotiations and had responsibility for  
19 various other regulatory issues pertaining to Sprint's CLEC efforts.

20  
21 From 1996 to 1997 I was Local Market Director responsible for Sprint's Interconnection  
22 Agreement negotiations with BellSouth.

23 I was Director – Carrier Markets for Sprint's Local Telecom Division from 1994 to 1996.  
24 My responsibilities included interexchange carrier account management and management  
25 of one of Sprint's Interexchange Carrier service centers.

26

1 From 1991 to 1994 I was General Manager of United Telephone Long Distance, a long  
2 distance subsidiary of Sprint/United Telephone Company. I had P&L, marketing and  
3 operations responsibilities.

4  
5 From 1989 to 1991 I held the position of Network Sales Manager responsible for sales of  
6 business data and network solutions within Sprint's Local Telecom Division.

7  
8 From 1988 to 1989 I functioned as the Product Manager for data and network services also  
9 for Sprint's Local Telecom Division.

10  
11 Prior to Sprint I worked for Ericsson Inc. for eight years with positions in both engineering  
12 and marketing.

13  
14 **Q-4. Have you testified previously before state regulatory commissions?**

15 **A-4.** Yes. I have testified in Georgia, Louisiana, Pennsylvania, Maryland and Illinois and have  
16 supported the development of testimony in many other states.

17  
18 **II. PURPOSE OF TESTIMONY**

19 **Q-5. What is the purpose of your testimony?**

20 **A-5.** The purpose of my testimony is to respond to the case submitted by SBC in response to the  
21 FCC's Triennial Review Order ("TRO")<sup>1</sup> and to provide evidence related to impairment  
22 triggers for dedicated transport routes and building locations.

23  

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<sup>1</sup> *Triennial Review Order.*

1 SBC's submission in this proceeding has failed to overcome the national finding that  
2 competitive local exchange carriers ("CLECs") are impaired without  
3 unbundled access to Dedicated Transport. SBC also incorrectly identifies a large number  
4 of customer locations where it claims CLECs are not impaired without access to unbundled  
5 loops because of incorrect assumptions and the misapplication of FCC criteria.

6  
7 In the TRO, the FCC found "a requesting carrier to be impaired when lack of access to an  
8 incumbent local exchange carrier's (ILEC's) network element poses a barrier or barriers to  
9 entry, including operational and economic barriers that are likely to make entry into a  
10 market uneconomic."<sup>2</sup> Applying this standard to Dedicated Transport, the FCC found on a  
11 national basis that CLECs are impaired. The TRO directs state commissions to perform a  
12 detailed route-by-route and location-by-location specific analysis to determine whether  
13 impairment exists within each route and each building and established guidelines for these  
14 analyses.

15 Sprint witness Daniel R. Gordon will address the potential deployment analysis performed  
16 by SBC witnesses for high-capacity loops and dedicated transport.

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<sup>2</sup> *Id.* ¶84.

1    **III. DEDICATED TRANSPORT**

2    **Q-6. Please address the criteria used by the FCC to determine non-impairment for**  
3    **dedicated transport.**

4    **A-6. The FCC's TRO establishes "competitive trigger" criteria to determine whether carriers are**  
5    **impaired without access to unbundled network elements. Separate competitive triggers**  
6    **have been established for self-provisioned providers and for wholesale providers.**

7

8           For dedicated transport, the self provisioning trigger applies to dark fiber and DS-3 services  
9           and is satisfied if the Commission finds "that three or more competing providers not  
10          affiliated with each other or the incumbent LEC, *including intermodal providers of service*  
11          *comparable in quality to that of the incumbent LEC*<sup>3</sup>" have deployed their own transport  
12          facilities, is operationally ready to use those facilities to provide dedicated transport along  
13          that route and have terminated their facilities either at a collocation arrangement or at a  
14          similar arrangement. The wholesale trigger, which applies to dark fiber, DS-1 and DS-3  
15          services, is satisfied if the state commission finds that "two or more competing providers  
16          not affiliated with each other or the incumbent LEC, *including intermodal providers of*  
17          *service comparable in quality to that of the incumbent LEC*<sup>4</sup> and each satisfy four  
18          conditions;

19          1) they have deployed their own transport facilities and are operationally ready to use  
20             those facilities along a particular route. These facilities may include "dark fiber"

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<sup>3</sup> Text in italics does not apply to dark fiber triggers.

<sup>4</sup> Text in italics does not apply to dark fiber triggers.

1 facilities obtained on an unbundled, leased or purchased basis if they have attached  
2 their own optronics to activate the fiber;  
3 2) they are willing to immediately provide, on a widely available basis,  
4 dedicated transport along the route;  
5 3) their facilities terminate in a collocation or similar arrangement, as appropriate, and  
6 4) requesting carriers may obtain reasonable and nondiscriminatory access to  
7 the provider's facilities through a cross-connect.<sup>5</sup>

8

9 **Q-7. Has SBC provided a list of transport routes that it claims meet either the self-**  
10 **provisioning or wholesale criteria?**

11 A-7. Yes. SBC, in direct testimony served on November 24, 2003, has identified 127 direct  
12 routes that they claim meet the self-provisioning trigger for unbundled DS-3 and dark fiber  
13 transport. These routes are identified in Confidential Attachment JGS-10 of J. Gary  
14 Smith's Direct Testimony. SBC has identified 285 direct routes that they claim meet the  
15 wholesale trigger for DS-3 and dark fiber transport. These routes are identified in  
16 Confidential Attachment JGS-13 of J. Gary Smith's Direct Testimony.

17

18 **Q-8. What support has SBC provided to substantiate the routes it has identified as meeting**  
19 **the FCC's dedicated transport triggers?**

20 A-8. SBC identified transport routes where they claim at least three non-affiliated competing  
21 carriers have deployed their own fiber transport facilities and extended them into SBC  
22 Illinois' central offices through collocation. In other words, SBC assumes that the CLEC

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<sup>5</sup>See, TRO at Appendix B, 47 C.F.R. §51.319(e)(1)(ii).

1 has an actual route in existence when the CLEC has a fiber collocation presence in any two  
2 or more SBC central offices. In SBC's view, a "route" exists between SBC central offices  
3 "A" and "Z" if the same CLEC has collocations with fiber that exits the "A" and "Z"  
4 central offices.<sup>6</sup> SBC applies this same methodology for identifying dedicated transport  
5 routes that meet the wholesale trigger. If at least two carriers have fiber collocation in two  
6 SBC central offices and SBC identifies them as a wholesale provider, SBC assumes the  
7 route meets the wholesale trigger.

8  
9 **Q-9. Do the routes SBC has listed meet the self-provisioning or wholesale triggers based on**  
10 **the information provided in SBC's testimony?**

11 **A-9. No, for the reasons provided below.**

12  
13 **Q-10. What are the weaknesses or flaws with basing the SBC trigger analysis only on**  
14 **existing collocation arrangements?**

15 **A-10. SBC's methodology is very simplistic, makes assumptions regarding the facilities beyond**  
16 **the scope of their evidence, shortcuts the requirement of a granular<sup>7</sup> route-by-route analysis**  
17 **and was obviously developed to include as many routes in the trigger analysis and therefore**  
18 **remove as many routes from unbundling obligations as possible. The process of reviewing**  
19 **carrier collocations and central office pairs is far from an automatic indicator of**  
20 **competitive facilities between central offices. Sprint is concerned that this process will**

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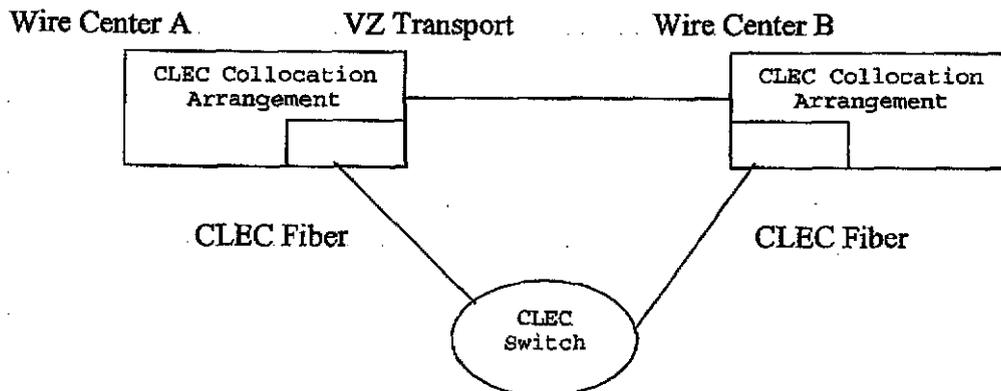
<sup>6</sup> SBC Illinois Ex. 1.0 Smith, pp. 18-19.

<sup>7</sup> See TRO ¶ 401.

1 result in an overstatement of transport routes that are placed on a list that no longer require  
2 unbundling.

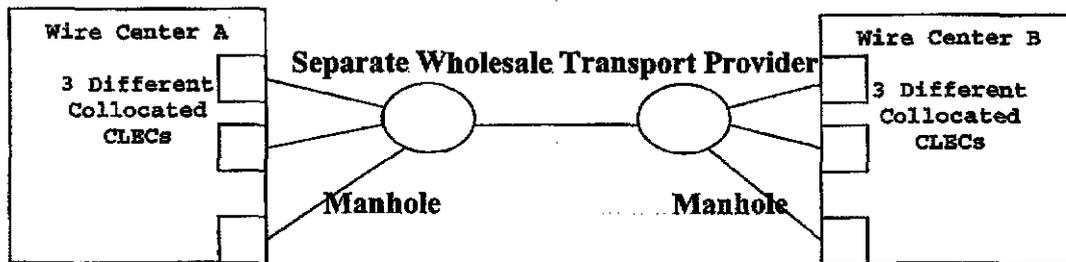
3  
4 **Q-11. Has SBC validated that a CLEC is actually providing transport service or offering**  
5 **wholesale service between two SBC wire centers prior to counting the CLEC in the**  
6 **trigger analysis?**

7 **A-11. No. SBC has simply identified pairs of central offices based on collocations and marketing**  
8 **materials. SBC has provided no evidence that the CLEC has actually self-provisioned the**  
9 **facility it claims and is truly providing transport service between two SBC central offices.**  
10 **Further, there is no evidence that there are end to end circuits as I discuss immediately**  
11 **below. For example, looking at the diagram below, a CLEC may have fiber collocations in**  
12 **Wire Center A and Wire Center B and, according to SBC's simplified trigger analysis,**  
13 **would therefore have a route between A and B. But, that CLEC may be solely using its**  
14 **facilities from wire center A and from wire center B to backhaul traffic from loops it serves**  
15 **in A and B. That CLEC should not be included in any trigger analysis to remove SBC's**  
16 **obligations for unbundling dedicated transport between those two locations.**



1 **Q-12. Are there other examples of flaws in SBC's transport trigger analysis?**

2 A-12. Yes. It is possible for a carrier to own or lease via a long-term IRU only *portions* of a  
3 specific route. Specifically, a carrier may have built their own facilities from the  
4 collocation site into the manhole just outside the SBC central office, but they do not own or  
5 control the entire interoffice segment of the route between the manholes under a long-term  
6 IRU lease. For example, three different CLECs may indeed have collocations in SBC Wire  
7 Center A and Wire Center B with their own fiber in and out of the collocation site into the  
8 first manholes. However, all three CLECs may lease on a non-IRU basis fiber from the  
9 same wholesale provider for the interoffice transport between the manholes. This example  
10 demonstrates the weakness of simply counting collocations and fiber going in and out of  
11 the wire center. The result is making the flawed assumption that all three CLECs have  
12 found it to be technically and economically feasible to self-provision transport, end to end,  
13 between Wire Center A and Wire Center B when, in reality, they have not. In this  
14 example, no competitive triggers have been met.



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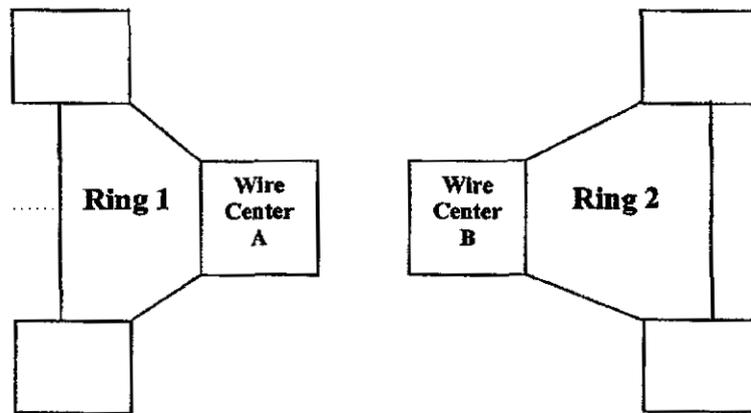
21 Another version of this scenario that would not qualify under the competitive trigger

22 criteria is where the carrier owns the interoffice transport fiber between the manholes, but

23 does not necessarily own the transport from the manholes into their fiber based collocation

1 site. Instead, they are leasing that fiber on a short-term basis from another provider who  
2 is collocated in the same end office. Therefore, under these scenarios, the CLEC doesn't  
3 actually own the entire transport route – end to end.

4  
5 Another possible weakness in simply evaluating collocation sites is that fiber-based  
6 collocation at wire centers A and B does not necessitate a conclusion that dedicated  
7 transport routes exist between wire centers A and B. It is possible that the carrier may  
8 service its collocation arrangements in wire centers A & B via separate non-connected fiber  
9 rings.



19  
20 **Q-13. Does SBC make any other broad assumptions in completing its trigger analysis?**

21 A-13. Yes. SBC assumes that the mere existence of collocation at two central offices meets the  
22 self provisioning trigger for DS-3 and dark fiber regardless of whether both are actually  
23 available. Even assuming a carrier has deployed its own fiber between two central offices,

1 it violates the FCC's requirement of a granular analysis to assume there is dark fiber  
2 available. A granular analysis would affirmatively show there is dark fiber and if so,  
3 whether there are sufficient quantities of dark fiber available to satisfy current demand  
4 along that route.<sup>8</sup>

5  
6 **Q-14. Does SBC assume that every collocation designated contains channelization of the**  
7 **OCn facilities?**

8 A-14. Yes. To continue the previous point, SBC assumes that any carrier that has deployed its  
9 own fiber and attached OCn electronics to the fiber will channelize the OCn system into all  
10 lower levels of bandwidth such as DS-3 and DS-1 at each location with lit fiber and  
11 therefore the self provisioning trigger is met for DS-3 and dark fiber dedicated transport  
12 and the wholesale trigger is met for DS-1, DS-3 and dark fiber. ... There is no universal  
13 standard that is applied to the channelizing of every equipment terminal at every location in  
14 a common or standard way. For SBC to imply that this is done in all instances fails the  
15 granular analysis standard established by the FCC. Each terminal is uniquely equipped  
16 with the amount and type of channel interface equipment necessary to serve the specific  
17 type and quantities of services that will utilize the terminal. Every route is unique yet SBC  
18 has applied a broad assumption rather than confirm what specific OCn system  
19 channelization has actually occurred on the routes that are listed as meeting the triggers. A  
20 route cannot meet the test of operational readiness if the proper channel interface  
21 equipment is not in place.

22  

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<sup>8</sup> 47 C.F.R. §51.319(e)(3)(i)(B)

1 **Q-15. Does SBC also assume that dark fiber will always be present?**

2 A-15. Yes. SBC assumes that dark fiber will exist on any route that meets the self-provisioning  
3 trigger. SBC states that "it is likely that competing carriers have deployed spare "dark"  
4 fibers where they have placed fiber optic cables."<sup>9</sup> Sprint does not believe that transport  
5 routes should be removed from SBC's unbundling obligations simply based on these broad  
6 assumptions. These assumptions need to be validated by real world data. Later in my  
7 testimony on loop triggers, I discuss the fallacy of assuming dark fiber exists wherever lit  
8 fiber is present. The same discussion is applicable here to transport and the assumption  
9 that since spare fibers are pulled into the central office cable vault and then to the  
10 collocation site, that spare/dark fiber actually exists for the entire route in question. Those  
11 spare fibers may not extend beyond the first fiber splice outside the central office.

12

13 **Q-16. Does SBC make an assumption about wholesale facilities?**

14 A-16. Yes. SBC also assumes incorrectly that any carrier that announces in some way that it  
15 offers wholesale facilities and that announcement is not route specific, then each and every  
16 route where that carrier is present is offered at wholesale regardless of the purpose or use of  
17 that route.<sup>10</sup> Simply because a carrier announces that it offers wholesale facilities, if that  
18 announcement is not route specific, then it cannot be assumed that each and every route  
19 where that carrier is present is offered at wholesale regardless of the purpose or use of that  
20 route. Furthermore, it cannot be assumed that when a carrier is making such statements

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<sup>9</sup> SBC Illinois Ex. 1.0 Smith, p. 30.

<sup>10</sup> SBC Illinois Ex. 1.0 Smith, p. 33.

1 that the underlying facilities are exclusively their own. In fact, the underlying facility may  
2 be SBC's own facilities acquired via special access or as unbundled network elements.  
3

4 **Q-17. What do these flaws do to SBC's transport trigger case?**

5 **A-17. SBC's analysis and resulting conclusions are not reliable for purposes of concluding that**  
6 **the FCC's dedicated transport triggers have been satisfied. SBC has not substantiated that**  
7 **the routes they identify on a route-by-route basis are indeed actual routes capable of**  
8 **meeting the criteria for the triggers.**  
9

10 **Q-18. Does SBC list Sprint as a trigger-qualifying wholesaler or self-provider of dedicated**  
11 **transport?**

12 **A-18. Yes. Sprint is included in SBC's lists as both self-provisioning and a wholesaler for DS-3**  
13 **and dark fiber dedicated transport for one (1) route in the Chicago LATA.**  
14

15 **Q-19. Is SBC's claim regarding Sprint correct with respect to the wholesale trigger for**  
16 **dedicated transport?**

17 **A-19. No. Sprint does not provide DS-1, DS-3 or dark fiber on a wholesale basis to other carriers**  
18 **on the route identified by SBC or anywhere else in Illinois. Therefore, the Sprint-attributed**  
19 **wholesale route counted by SBC is incorrect.**  
20

21 **Q-20. Is SBC's claim regarding Sprint correct with respect to the self-provisioning trigger**  
22 **for dedicated transport?**

23 **A-20. No. Sprint has not deployed its own transport facilities on the route identified by SBC.**

1 **IV. LOOP**

2 **Q-21. Please address the criteria used by the FCC to determine non-impairment for high**  
3 **capacity loops.**

4 **A-21. The FCC's TRO, similar to its transport triggers, establishes separate location-** specific  
5 **competitive triggers for self-provisioned providers and for wholesale providers. The self-**  
6 **provisioning trigger applies to dark fiber and DS-3 loops. If a specific customer location is**  
7 **served by at least two (2) self-provisioned providers, the state Commission "shall find that**  
8 **a requesting telecommunications carrier is not impaired without access to" DS-3 and dark**  
9 **fiber loops on an unbundled basis. Similarly, if a customer location is served by at least**  
10 **two (2) wholesalers, the requesting telecommunications carrier is not impaired without**  
11 **access to dark fiber, DS-3 and DS-1 loops.<sup>11</sup>**

12

13 **Q-22. Has SBC determined if the self provisioning or the wholesale trigger has been met for**  
14 **any location?**

15 **A-22. SBC has provided a list of 122 customer locations where it believes the self-provisioning**  
16 **trigger for DS-3 and dark fiber loops has been satisfied. These same 122 customer**  
17 **locations are identified as meeting the wholesale trigger for DS-1 loops. SBC witness**  
18 **Smith has identified these customer locations in Confidential Attachment JGS-9 and**  
19 **Attachment JGS-12 respectfully.**

20

21

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<sup>11</sup> 47 C.F.R. 51.319(a)

1 **Q-23. What are some of the assumptions that SBC has included in defining where triggers**  
2 **occur?**

3 **A-23. SBC first incorrectly assumes that any provider of lit fiber facilities will automatically be a**  
4 **provider of dark fiber.<sup>12</sup> The presence of lit fibers in any one section of fiber cable does not**  
5 **force a conclusion that spare fiber exists. In fact, the fiber cable cross-section for each**  
6 **fiber cable segment, in any ILEC or CLEC network, will have varying amounts of spare**  
7 **fibers including some cross-sections with little or no spare. These spare fibers may or may**  
8 **not be spliced into adjoining cable segments. As an illustrative example, a CLEC may**  
9 **enter a building with a 24 fiber cable with 8 of the fibers lit. The fiber cable which feeds it**  
10 **may only have 12 fibers with all fibers lit. The 24 fiber size may have been chosen to**  
11 **prevent additional construction costs for placing another fiber cable in the building**  
12 **entrance facility at a later date. It may have been chosen because the carrier has**  
13 **standardized on 24 fiber cable for all building entrances, or it may simply have been chosen**  
14 **because that's what the carrier had in inventory. In this example, the spare fibers cannot be**  
15 **offered because they do not go beyond the building entrance facility. In other words, the**  
16 **unused fibers within the 24 fiber cable entering the building cannot be counted because**  
17 **there are no spare fibers in the 12 fiber cable to connect them to. They are effectively**  
18 **stranded fibers.**

19  
20 **Q-24. Does spare fiber capacity automatically create an ability to offer dark fiber?**

21 **A-24. Spare fiber capacity does not automatically and universally create an ability to offer dark**  
22 **fiber. ILEC and CLEC fiber networks are rarely built end to end at a single point in time,**

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<sup>12</sup> SBC Illinois Ex. 2.0 Smith Direct Loop, p. 23

1 but are comprised of many cable segments spliced end to end that have been placed at  
2 various points in time and for varying demand forecasts. Certain segments with little or no  
3 spare fibers in the fiber sheath may create a "bottle-neck" for any facility provisioning and  
4 preclude the offering of dark fiber along that route. If spare fibers are limited or not  
5 contiguous, the provider may also choose to restrict any fiber availability on that route due  
6 to its own facility requirements. For dark fiber to be available, it must be available for the  
7 entire route for which a carrier seeks to lease facilities. SBC is incorrect in assuming that  
8 lit fiber automatically means the offering of dark fiber from the same provider.

9  
10 **Q-25. What other assumption has SBC made in establishing its triggered buildings lists?**

11 **A-25.** SBC has apparently assumed that since MCI has access to "riser cables" or some  
12 carriers have entered into building access arrangements all carriers must have access to the  
13 entire customer location, including each individual unit within that location.<sup>13</sup> SBC has  
14 effectively asked this Commission to make a blanket finding for all buildings on its lists  
15 and not complete separate findings for each building when SBC itself has not been able to  
16 provide evidence that access is available to the entire customer location. The FCC TRO  
17 asks state commissions to validate triggers on a location specific basis and not generalize or  
18 group all buildings by generalizing assumptions and then applying these generalizations to  
19 all locations.

20  
21  

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<sup>13</sup> SBC Illinois Ex. 2.0 Smith Direct Loop, pp. 25-26

1 Q-26. Has SBC identified Sprint as a self-provisioning carrier to specific customer  
2 locations?

3 A-26. \*\*\* Begin Confidential Information \*\*\*\* End Confidential Information \*\*\*

4  
5 Q-27. Do you agree with SBC's assessment?

6 A-27. \*\*\* Begin Confidential Information \*\*\*\* End Confidential Information \*\*\*

7  
8 Q-28. Has SBC identified Sprint as wholesale provider at any customer locations?

9 A-28. \*\*\* Begin Confidential Information \*\*\*\* End Confidential Information \*\*\* SBC is  
10 suggesting that the same customer locations that meet the self-provisioning trigger also  
11 meet the wholesale trigger.<sup>14</sup> In other words, if a carrier has self-provisioned a DS3 loop,  
12 then they must also be a wholesale provider of DS-1 and DS-3 loops.

13  
14 Q-29. Do you agree with SBC's assessment?

15 A-29. \*\*\* Begin Confidential Information \*\*\*\* End Confidential Information \*\*\*

16  
17 Q-30. What data did SBC utilize to identify customer locations in which Sprint self-  
18 provisioned DS-3 and dark fiber loops?

19 A-30. In SBC Confidential Attachment JGS-9, SBC indicates that it used information provided by  
20 GeoResults to identify customer locations self-provisioned by Sprint.

21

22

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<sup>14</sup> SBC Illinois Ex. 2.0 Smith Direct Loop, pp. 24-25

1 **Q-31. What does this tell you about the quality or value of the information provided by**  
2 **GeoResults?**

3 **A-31. Given that all of the conclusions that SBC drew about Sprint self-provisioned loops based**  
4 **on GeoResults data were wrong, the validity of any SBC findings derived from GeoResults**  
5 **information about other providers should be questioned as well.**

6  
7 **Q-32. Did SBC provide any insight into how GeoResults determined if a carrier has self-**  
8 **provisioned loops?**

9 **A-32. Yes. GeoResults identifies fiber terminating equipment in two equipment databases. SBC**  
10 **took this information and applied the false assumption that since the loop connected to the**  
11 **fiber terminating equipment is not SBC's, it must be self-provisioned by the carrier**  
12 **identified as the owner of the fiber transmission equipment.<sup>15</sup>**

13

14 **V. SUMMARY OF TESTIMONY**

15 **Q-33. Would you please summarize your testimony?**

16 **A-33. SBC's dedicated transport case is flawed and unreliable because SBC has not properly**  
17 **substantiated on a route specific basis if a route actually exists, is operationally ready, and**  
18 **the trigger services are being offered. SBC has applied a series of assumptions that simply**  
19 **cannot be validated. Their inspections only attempt to insure that active fiber reaches**  
20 **beyond the central office cable vault. This Commission, however, must insure that SBC**  
21 **correctly and fully supports each individual route with actual route specific facts and**  
22 **without the application of unsupported assumptions or theories – something that SBC has**

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<sup>15</sup> SBC Illinois Ex. 2.0 Smith Direct Loop, pp. 19-20

1 not yet done. Their lists of routes and applicable triggers are based on assumptions and not  
2 fact. SBC has failed to factually meet the FCC triggering requirements and should have  
3 their transport route filing rejected.

4  
5 SBC has also applied erroneous assumptions in the determination of what services and,  
6 therefore, what competitive triggers are present at each specific customer location it seeks  
7 to remove from unbundling. Its assumption related to the presence of dark fiber based on  
8 lit fiber is flawed. Its assumption that lit fiber automatically means that each specific  
9 location includes demuxing electronics to all levels of service is also flawed. SBC also  
10 failed to consider or has assumed away the requirement that CLECs have access to all  
11 customers at each specific location, and chose instead to present this commission with a  
12 perspective that competitive triggers are a simple counting exercise. SBC fails to meet the  
13 FCC requirement for a fact-based showing that actual triggered services are available to all  
14 customers at each location and for each service level for which SBC wishes to remove the  
15 selected building from unbundling. SBC has failed to adequately support with facts any  
16 triggered building list and should have their loop filing rejected.

17  
18 More specifically, all the customer locations and the dedicated transport route in which  
19 Sprint is identified as a carrier meeting the triggers are erroneous. Sprint's investigation  
20 into the facts about Sprint facilities has shown that SBC's attempt to generalize and make  
21 broad assumptions does not satisfy the FCC's granular analysis that must be performed on  
22 a route-by-route and customer location-by-customer location basis.

23

1 Q-34. Does this conclude your testimony?

2 A-34. Yes, it does.