

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Joint Submission of the Amended)
Plan of Record for Operations) **Docket No. 00-0592**
Support Systems (“OSS”))

**FINAL STATEMENT OF POSITION OF
COVAD COMMUNICATIONS COMPANY
AND
RHYTHMS LINKS, INC.**

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Covad Communications Company (“Covad”) and Rhythms Links, Inc. (“Rhythms”), by their attorneys, hereby file their Final Statement of Position Related to the Joint Submission for Arbitration Per SBC/Ameritech’s Amended Plan of Record for Operational Support Systems (“OSS”).

I. INTRODUCTION

Covad and Rhythms are competitive local exchange carriers (“CLECs”) that provide high speed Internet and network access utilizing Digital Subscriber Line (“DSL”) technology. To provide service, Covad and Rhythms rely on various aspects of SBC/Ameritech’s pre-ordering and ordering OSS which allow them to submit orders for and, ultimately obtain, DSL capable loops. One of the most important pre-ordering functions needed by DSL companies like Covad and Rhythms is the ability to verify a customer’s location to be able to ascertain the central office that serves the customer and the ability to obtain loop information to be able to determine the type of DSL service that can be provided to the customer. The functional capability provided in SBC/Ameritech’s ordering systems is equally critical for Covad and Rhythms to be able complete and submit a loop order to SBC/Ameritech. (Covad Initial Comments, Covad Ex. 2, p. 8)

The Federal Communications Commission (“FCC”) has made clear that the non-discrimination principles of the Telecommunications Act of 1996 (47 U.S.C. §§ 151 *et seq.*) (“1996 Act”) require incumbent local exchange carriers like SBC/Ameritech to provide CLECs with any information that “exists anywhere within the incumbent’s back office and can be accessed by any of the incumbent LEC’s personnel.” *In the Matter of the Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, CC Docket

No. 96-98, *Third Report and Order and Fourth Further Notice of Proposed Rulemaking*, ¶ 430 (“*UNE Remand Order*”).

In particular, the FCC’s *UNE Remand Order* requires that the “incumbent LEC must provide the requesting carrier with nondiscriminatory access to the same detailed information about the loop that is available to the incumbent, so that the requesting carrier can make an independent judgment about whether a loop is capable of supporting the advanced services equipment the requesting carrier intends to install.” *UNE Remand Order*, ¶ 427. To that end, the FCC held:

Under our nondiscrimination requirement, an incumbent LEC cannot limit access to loop qualification information to such a green, yellow, or red indicator. Instead, the incumbent must provide access to the underlying loop qualification information contained in its engineering record, plant records and other back office systems so that requesting carriers can make their own judgments about whether those loops are suitable for the services the requesting carriers seek to offer.

Id. at ¶ 428.

Access to OSS is critical to a CLEC’s ability to compete. Thus, the *UNE Remand Order* requires that CLECs be permitted the same level of access to data as ILECs enjoy themselves. The *UNE Remand Order* states that “to the extent that [ILEC] employees have access to the information in an electronic format, that same format should be made available to new entrants via an electronic interface.” *UNE Remand Order*, ¶ 429. This Commission has enforced the FCC’s mandate. In the Rhythms/Covad line sharing arbitration proceeding with SBC/Ameritech, the Commission recognized the obligations imposed on SBC/Ameritech by the 1996 Act related to the provision of OSS and ordered SBC/Ameritech to provide the

CLECs full access to all OSS to which SBC/Ameritech employees have access. *Covad/Rhythms Line Sharing Arbitration Award*, Dockets.00-0312/00-0313 (Aug. 17, 2000).

The evidence submitted in this proceeding demonstrates that the pre-ordering and ordering OSS functions requested by Covad and Rhythms already exist in SBC/Ameritech's OSS and are available to its employees. (Covad Initial Comments, Covad Ex. 2, p. 8) Thus, they must be made available to CLECs. Despite these clear legal obligations, SBC/Ameritech does not currently allow CLECs to perform OSS functions in substantially the same time and manner as SBC/Ameritech does for itself.

Covad and Rhythms seek nondiscriminatory access to the same functions and information that SBC/Ameritech currently has access to through its OSS. Specifically, they seek access to the following functions and information: (1) "lite" address validation for qualifying and ordering stand alone DSL capable and line shared loops;¹ (2) spare loop availability;² (3) loop reservation;³ and (4) terminal makeup.⁴ Because SBC/Ameritech currently has access to this functionality and information, Covad and other CLECs must be granted similar access to allow them to compete and provide service in Illinois. In addition, Rhythms and Covad seek loop acceptance testing and cooperative maintenance testing for

¹ See Issue 13, below.

² See Issues 29 and 31, below.

³ See Issues 29 and 31, below.

⁴ See Issues 29 and 31, below.

all types of DSL loops. Such testing is essential for delivering and maintaining reliable service to their end user customers. Given SBC/Ameritech's belated, poor performance implementing acceptance testing in Illinois, the Commission must take steps to ensure that SBC/Ameritech follows through on its commitments to provide acceptance testing and maintenance testing.

II. ARGUMENT

Disputed Issue 13: **Customer Service Record Address Validation (Lite Edit)**

Statement of Issue: **When a CLEC order is received by SBC/Ameritech, validation rules are applied to the address fields on the order. Orders are often rejected if the address is not identical to the corresponding address in SBC/Ameritech's data base. SBC/Ameritech currently proposes to relax the address validation rules for resale, UNE-P, loops with number portability and line sharing, by March 2001. CLECs would like the functionality implemented earlier than March 2001, and for all orders.**

Competitive Ramifications: **The sooner relaxed validation is implemented, the sooner unnecessary order rejects will be reduced, and CLEC end user customers will receive service on a more timely basis.**

POR Language: **The fourth paragraph of Section III.C of the POR should be revised as follows:**

Ameritech Illinois will do an abbreviated TN/address validation on all conversion retail, resale, CPO, loop with portability orders, line sharing and all other order types, including stand alone DSL loops, that include a telephone number of an existing

Ameritech service. This will be implemented by December 2000 using business rules that are collaboratively developed in the Change Management Process.

In addition, the following should be added after the fourth paragraph of Section III.C of the POR:

By March 2001, Ameritech Illinois will develop and implement a process for synchronizing its Customer Service Record addresses to conform with the valid street addresses as reflected in its Street Address Guide. This process will also be designed to maintain synchronicity between the Customer Service Record address and Street Address Guide records.

Both SBC/Ameritech and the CLECs agree that SBC/Ameritech's OSS validation process should be relaxed such that an address need not be provided for CLEC orders. However, SBC/Ameritech's proposal to relax the order validation process does not apply to all orders and is being implemented too late. The Commission should require SBC/Ameritech to expand the orders to which relaxed validation applies and require relaxed validation to be implemented by no later than the end of 2000.

A. Introduction

The evidence establishes that the most frequent reason that SBC/Ameritech rejects CLEC orders is because the street address provided by the CLEC does not match the street address against which SBC/Ameritech validates the order. Indeed, industry-wide,

approximately 35% of all orders reject for this reason.⁵ If the street address provided by a CLEC does not match the street address against which SBC/Ameritech validates an order either in form (e.g., the spacing of the street address) or in content (e.g., “St.” versus “Str.”), the order will reject. (AT&T Initial Comments, AT&T Ex. 4, pp. 25-29) This occurs even if the address is technically correct. (Covad Initial Comments, Covad Ex. 2, p. 3)

In the pre-ordering process, SBC/Ameritech provides CLECs access to the customer service record (“CSR”) database, which includes information regarding the customer (e.g., directory listings, street address, telephone number, features and services ordered by the customer). CLECs use the information in the CSR to populate the fields of the order that must be provided to SBC/Ameritech. In addition, SBC/Ameritech provides CLECs access to the Ameritech Street Address Guide (“SAG”) database. The SAG includes valid street addresses in the SBC/Ameritech region. The address information contained in these two databases does not always match in format and content. (AT&T Initial Comments, AT&T Ex. 4, pp. 25-29) For example, the actual addresses or abbreviations used may differ. Thus, one may include “Str.” while the other includes “St.” as the address for a particular location. Obviously, both forms are technically correct, but only one will pass SBC/Ameritech’s address validation process as it currently works.

In addition, the SAG address information is provided in a “fielded” format, while the CSR is not. When information is provided in a “fielded” format, each piece of information (the number, the street name, etc.) is provided in a specific place or “field” on the form. Because

⁵This information became available in the FCC’s SWBT Texas 271 investigation. (AT&T Initial Comments, AT&T Ex. 4, p. 25)

the SAG information is provided in discrete fields, it is provided in a format that can be cut and pasted by the CLEC into an order in the format required by SBC/Ameritech. Because the address information in the CSR is provided in a non-fielded manner, it may not be properly “spaced” or provided in the format required by SBC/Ameritech’s ordering systems. If the CLEC were to copy the CSR address information into an order it could be rejected. (AT&T Initial Comments, AT&T Ex. 4, pp. 25-29)

When CLECs send an order to SBC/Ameritech, SBC/Ameritech requires that CLECs provide the street address of the end user.⁶ Depending on the type of order, SBC/Ameritech validates the order through either the CSR or the SAG. SBC/Ameritech’s systems compare the telephone number and address on the order to the telephone number and address in the customer service record. The address check assures that the order is posted to the correct customer record. (AT&T Initial Comments, AT&T Ex. 4, pp. 25-29)

When a reject occurs, the CLEC must attempt to discern which portion of the address did not match the customer record address. Once it makes that determination, it must manually resubmit the order. There is no guarantee that the resubmitted order will not be rejected. This is because SBC/Ameritech does not inform the CLEC as to the correction that needs to be made; it merely informs the CLEC which field has an erroneous entry. (Tr. 735-37) Manual re-submission of orders also introduces many additional steps that must be performed by the CLEC and, with each step, the CLEC must guess how the address is

⁶This is consistent with the OBF industry ordering guidelines. (Tr. 784) However, it should be noted that while the guidelines require inclusion of an address on an order, other ILECs do not so require. In addition, relaxed validation could be implemented in a manner that addresses are required but their validation does not impact order rejection.

stored in SBC/Ameritech's SAG, creating an additional opportunity for error (and additional rejections) to occur. Each additional submission requires the use of additional CLEC resources and results in additional delay in the date on which the CLEC's customer receives service. (AT&T Initial Comments, AT&T Ex. 4, pp. 25-29; Covad Initial Comments, Covad Ex. 2, p. 4)

Relaxed or "lite" validation would allow CLEC orders to be verified based on the customer's telephone number, and not its address, because the address entry becomes optional.⁷ (Tr. 766-67) This form of validation avoids the many pitfalls inherent in the current validation process -- which stem from the fact that there are numerous ways to properly state a valid address -- and results in fewer CLEC orders being rejected. Because it only requires that ten numbers be input, the likelihood of errors in the order decreases substantially, which results in fewer rejected orders. (AT&T Initial Comments, AT&T Ex. 4, pp. 25-29)

During the collaborative process, SBC/Ameritech committed to offer CLECs "lite" address validation on migration orders for resale, UNE-P and loops with number portability. SBC/Ameritech refused, however, to allow CLECs to submit orders for unbundled loops and line shared loops using "lite" address validation. During the pendency of this proceeding, SBC/Ameritech modified its position to allow lite address validation for line sharing orders. (Tr. 725-728; Covad Initial Comments, Covad Ex. 2, p. 4) Why orders for unbundled loops continue to be left off the list that qualify for "lite" address validation is unclear. Orders for

⁷SBC/Ameritech has not yet provided the specifics as to its current relaxed validation proposal, and could not indicate whether an address could be provided with the order, the validation of which would not cause order rejection. (Tr. 724-25, 749-51)

unbundled new loops flow through the same OSS gateways and backend systems as orders for line shared loops.

B. Scope of Orders to Which Relaxed Validation Would Apply

SBC/Ameritech has only offered “lite” validation for certain CLEC orders and has not yet provided to CLECs the business rules or detailed specifications of its proposal. (Tr. 750) Specifically, SBC/Ameritech has now committed to offer “lite” validation for orders that migrate an existing SBC/Ameritech customer to a CLEC using resale, combinations of UNEs, unbundled loop/number portability and line sharing. Significantly, the proposal excludes all orders for new unbundled loops. (AT&T Initial Comments, AT&T Ex. 4, pp. 25-29) SBC/Ameritech claims that it is offering “lite” validation for only “migration” orders or changes to an existing service, but not for “new service.” (Tr. 711) However, SBC/Ameritech is offering “lite” validation for line sharing and it considers line sharing a new service. (Tr. 725) Thus, SBC/Ameritech’s proposal is internally inconsistent. There is no basis for this artificial distinction between migration of service and new service. Moreover, SBC/Ameritech’s change of position establishes that “lite” address validation could easily be applied to orders for new service.

The deficiency of SBC/Ameritech’s proposal is best illustrated by an example. If an SBC/Ameritech customer with a single line decides to add a CLEC DSL loop to connect to the Internet, the CLEC order would continue to have to meet the overly rigorous address validation process for the order to not be rejected. However, if that same customer were to have two SBC/Ameritech lines and then cancel one and replace it with a CLEC DSL loop, that order would be deemed a migration, and lite validation would apply.⁸ In both cases,

⁸This situation is similar to line sharing, where the customer obtains voice service from SBC/Ameritech, but data service over the high frequency portion of the loop from a CLEC.

SBC/Ameritech had accurate address and telephone number information about the end use customer in its OSS systems. (Tr. 717-23) The lite validation process should be applicable to both these scenarios.

It is more reasonable to validate based on the customer's phone number than its address since there is only one way to state a phone number, but multiple ways to state an address. In other words, there can only be ten digits to a phone number. (Tr. 702) On the other hand, there are multiple ways to specify any particular address, all of which would be technically correct for all purposes other than validation on SBC/Ameritech's databases. (Tr. 705-06) SBC/Ameritech should have no opposition to use of the customer's phone number for order validation purposes, since the phone number is used by SBC/Ameritech for retail purposes. For example, if a retail customer calls SBC/Ameritech to order additional service, SBC/Ameritech identifies the customer by its telephone number. (Tr. 707)

SBC/Ameritech will likely argue that lite validation is not as pressing a change as it once was because of the improvements made to SBC/Ameritech's address validation transaction to include validation through the living unit database during the pre-ordering process. However, the record indicates that while improvements have been made in the pre-ordering process, a significant portion of orders nevertheless continue to be rejected due to the translations needed to fill in the address fields in the ordering form. (Tr. 740-41)

In such a case, SBC/Ameritech is willing to allow lite validation on the basis that the line sharing service "rides the existing line" so there is no "potential confusion about where the service would be provided." (Tr. 728-29) There simply is no practical or relevant difference between the line sharing scenario and the provision of a new loop where the customer continues to obtain phone service from SBC/Ameritech.

SBC/Ameritech's promises of future OSS gateway improvements to address validation only highlight the fact that SBC/Ameritech would prefer to "hack" at the software instead of fix the problem. In short, to eliminate the problem of order rejects because of address discrepancies, "lite" address validation must be utilized.

SBC/Ameritech is not the only SBC ILEC to be faced with address validation problems. Its Texas ILEC affiliate, SWBT, determined to implement a relaxed form of validation as part of its 271 approval process. The evidence shows that once relaxed validation was implemented, WorldCom's rejection rate dropped from an outrageously high 50% to less than 20%. (Tr. 761-65) While SBC/Ameritech attempted to distinguish the situation in Texas from the present situation in Illinois, its expert reluctantly admitted that there is probably some correlation between WorldCom's reject rate decreasing and lite validation being introduced. (Tr. 765)

The Commission must also recognize that SBC/Ameritech's inadequate proposal fails to eliminate the root cause of the problem: the conflict between the databases from which CLECs retrieve customer addresses. Other ILECs have addressed this same problem. For example, Verizon deployed an upgraded system including a full synchronization of street address records and customer service records. The synchronization of the two data bases was engineered using the hypothesis that the CSR was more likely to be incorrect than the SAG, since the customer service records were, in many cases, established prior to the ILEC's decision in the early 1980s to begin to verify orders for new service locations against the SAG. Discrepancies between CSRs and SAG entries were resolved by replacing the CSR

address with the SAG address applying a one-time scrub of the databases. This process can and should be done by SBC/Ameritech. (AT&T Initial Comments, AT&T Ex. 4, pp. 25-29)

C. Timing of Implementation of Relaxed Validation

The POR which is the subject of this proceeding currently reflects that SBC/Ameritech has offered to implement a limited form of “lite” validation by December 2000. (Jt. Pet., Ex. 2, p. 11) In its initial comments, and again at the hearing, SBC/Ameritech informed the parties that it no longer is willing to implement lite validation by December 2000. (See Tr. 768-69) A December 2000 implementation date is not soon enough. The newly delayed date of March 2001 is even more unacceptable.

SBC/Ameritech agreed to implement lite validation in December 2000.⁹ In the eleventh hour, SBC/Ameritech changed its mind and slipped the date back by three months. (Tr. 768-69) It is not clear what prompted SBC/Ameritech to conclude at the last minute that it could no longer do what it had committed to the CLECs and Staff that it would do (see Tr. 768), but any reason it may now offer will be disingenuous at best. SBC/Ameritech could implement this change by the end of the year, if it were required to do so. The evidence shows that its affiliate, SWBT, implemented lite validation in Texas within 30 days. Its decision to do so was based on its desire to obtain 271 authority. (Tr. 771-72) While SBC/Ameritech is not seeking such authority here, and therefore has no real incentive to implement this change quickly, the Commission should nevertheless hold SBC/Ameritech’s

⁹In fact, SBC/Ameritech originally proposed a September 2000 implementation date. During the collaborative process, that date was moved back to December 2000. (Tr. 778-79)

feet to the fire and require it to implement this necessary OSS change by no later than the end of the year.

Importantly, the evidence is clear that approximately 35% to 40% of orders are rejected based on faulty addresses. (AT&T Initial Comments, AT&T Ex. 4, p. 25; see e.g. Tr. 788-90, 792-95) This is clearly a significant problem. The evidence further demonstrates that relaxed validation will significantly improve the problem. (Covad Initial Comments, Covad Ex. 2, p. 4; Tr. 800) The sooner it is implemented, the better for competition. As Rhythms' expert Brian Baltz testified:

[B]y pushing that release out, we are not engaging in light validation. That means that we are going to experience a reject rate of 35 to 40 percent for an additional 90 days. That means that we are not going to be able to offer service to our end users in a reasonable cycle time. So it's critical that validation is released as quickly as possible. . . . You always have the ability to correct the rejects, but the goal would be to eliminate the reject and allow that order to flow correctly the first time through.

(Tr. 798-99) While the CLECs do not believe December 2000 is soon enough, it is exceedingly better than the new implementation date of March 2001 now proffered by SBC/Ameritech.

D. Conclusion

In order to ensure that CLEC orders are not being inappropriately rejected, i.e., rejected when the correct phone number is provided, the Commission should require SBC/Ameritech to offer "lite" validation for all order types by no later than the end of the year. In the long term, the Commission should require SBC/Ameritech to eliminate the cause of this problem by synchronizing the data included in the SAG and CSR.

Disputed Issues 29 and 31: DSL Loop Qualification

Statement of Issue: This disputed issue involve 3 separate issues: (1) Whether CLECs should be provided information in the pre-ordering stage regarding more than a single available loop to a particular customer location. The CLECs propose that SBC/Ameritech provide information on up to 10 available loops for a particular location; (2) Whether CLECs should be allowed to reserve loops identified in the pre-ordering process. SBC/Ameritech should provide a pre-ordering function which allows CLECs to remove a loop from the pool of spare loops to a particular customer location; and (3) Whether SBC/Ameritech should provide a pre-ordering function which allows CLECs to inquire about the configuration of a particular terminal. The CLECs believe such information should be made available. CLECs want these enhancements made available by December 31, 2000.

Competitive Ramifications: If SBC/Ameritech is allowed to continue providing information in the pre-ordering process on only a single loop that is capable of providing service to a particular location, the CLEC's customer may be unable to obtain the fastest speed of DSL service available, and may face increased cost or delay in obtaining DSL service. If the CLEC proposal is adopted, the CLEC will be able to inform the customer as to its DSL service options, and the customer can then make an informed decision concerning the type of DSL service it wishes to obtain. Even if the CLEC pre-ordering proposal is adopted, the customer is not guaranteed that it will be able to obtain its desired DSL service unless the CLEC is allowed to reserve the particular loop upon which the customer made its decision in the pre-order process. If a loop may be reserved, the CLEC can guarantee to the customer that it will be able to

provide the particular service desired by the customer.

POR Language:

The following language should be added to Section III.B of the POR:

SBC/Ameritech will provide a pre-ordering function through its EDI and TCNet interfaces which will allow the CLECs to inquire about all the available loops to a particular customer location. The interfaces will accept a working telephone number or an address as valid input and respond with similar information that is currently being provided via the loop qualification function. In addition, the inquiry function will return the circuit ID or telephone number associated with each loop. SBC/Ameritech will not require the address as input if the working telephone number is supplied by the CLEC. SBC/Ameritech will respond with up to 10 available loops for a particular location. This functionality will be available to the CLECs by December 31, 2000.

SBC/Ameritech will provide a pre-ordering function through its EDI and TCNet interfaces which will allow the CLECs to remove a loop from the pool of spare loops to a particular customer location. The interfaces will accept a circuit ID or telephone number as valid input and respond with a reservation tracking number. That tracking number will be an optional input field on the subsequent LSR. If the CLEC supplies the reservation tracking number on the LSR the loop associated with that number will be provisioned for the customer. Reservation will expire after four (4) days if a corresponding order is not received from SBC/Ameritech. This functionality will be available to the CLECs by December 31, 2000.

SBC/Ameritech will provide a pre-ordering function through its EDI and TCNet interfaces which will allow the CLECs to inquire about the configuration

of a particular terminal, SBC/Ameritech will accept the terminal address or CLLI code and respond with the information which will identify all the F1 loops connected to the terminal and services offered over those loops. SBC/Ameritech will also provide a list of all the distribution loops served by that terminal. In addition, SBC/Ameritech will retrieve from the terminal and forward to the CLECs all the data stored in the terminal Management Information Base. This functionality will be available to the CLECs by December 31, 2000.

A. Provision of Loop Information in Pre-Ordering

The ability to access spare loop availability information is critical to CLECs' ability to offer service broadly to Illinois consumers. SBC/Ameritech refuses to make this information available. The Commission must require SBC/Ameritech to do so.

DSL is a technology that uses plain, copper lines to transmit high-speed digital service. A CLEC's ability to offer DSL services varies depending on the line's characteristics and length. (Tr. 819) For example, certain features on a line, such as load coils or excessive bridged tap, may hinder, and in some cases, halt the transmission of DSL service. (*Id.*) To enable those loops to support digital transmission, SBC/Ameritech needs to remove certain features of the line that impede digital transmission (load coils, excessive bridged tap, and repeaters), a process called conditioning. (Covad Initial Comments, Covad Ex. 2, pp. 5-6)

In addition, DSL is a distance sensitive technology. As a general matter, Covad offers a number of speeds of DSL service. Covad can provide any of its DSL services over a loop facility unless the following factors are encountered: (1) a loop is provisioned on fiber, and (2)

the copper loop is longer than 18,000 feet. If these factors are encountered, a customer can obtain only Covad's lowest DSL service, IDSL. (Covad Initial Comments, Covad Ex. 2, p. 6)

When a CLEC requests a loop in the pre-ordering process, SBC/Ameritech selects only a single loop to respond to that inquiry. That selection is not based on any optimization process, but merely the address. (Tr. 825-26, 829) Most customers may be served by multiple loops, each of which has slightly different characteristics and can support different levels of DSL service. One loop may support ADSL or other faster speeds of DSL service, while another may support only IDSL, a slower service. Thus, a data CLEC's DSL service offerings for a particular DSL customer are limited by SBC/Ameritech's loop selection process both in pre-ordering and ordering. (Covad Initial Comments, Covad Ex. 2, pp. 7-8)

SBC/Ameritech's current process of providing only one loop in response to a CLEC request is problematic and anti-competitive for several reasons. First, it results in additional, unnecessary delay and cost. If SBC/Ameritech chooses a loop with load coils, bridged tap or repeaters, notwithstanding the existence of another loop that need not be conditioned, conditioning would be required to provide DSL service. Performing the conditioning could add five days to the provisioning process.¹⁰

In addition, SBC/Ameritech's choice of a single loop could be significantly more costly to the CLEC. This is because SBC/Ameritech's current proposed pricing for conditioning a

¹⁰SBC/Ameritech's standard provisioning interval where no conditioning is required is 5 business days, while its standard interval if conditioning is required is 10 business days. (Covad Initial Comments, Covad Ex. 2, p. 8)

loop less than 17,500 feet is: \$905.82 for removal of a load coil; \$528.97 for removal of bridged tap; \$326.86 for removal of repeater(s); \$819.54 for removal of bridged tap and repeaters; and \$1,421.80 for removal of bridged tap(s) and load coil(s).¹¹ Thus, for example, if load coils are on the line, the CLEC would be required to pay an additional \$905.82 to have them removed, notwithstanding the existence of another available loop that needs no conditioning. (Covad Initial Comments, Covad Ex. 2, p. 7)

Most significantly from the end use customer's perspective, SBC/Ameritech's arbitrary selection process could serve to artificially limit the type of DSL service available to that customer. This could occur if SBC/Ameritech selects only the longest loop to this customer's location, when a shorter loop is also available. While the customer may desire the fastest DSL service offered by the CLEC, the CLEC may not be able to provide that service since the longer length of the line limits the DSL service options. (Covad Initial Comments, Covad Ex. 2, pp. 7-8)

While SBC/Ameritech claims that its ordering process chooses the most "optimal" loop for the CLEC's needs, this claim was belied by the facts. A careful reading of SBC/Ameritech's initial comments indicates that the loop selected to meet a pre-order request is the loop that "meets the minimum specification of the service being requested." (Amer. Initial Comments, Amer. Ex. 15, 79) Since CLECs are not required to specify the type of DSL service they intend to offer over the loop, SBC/Ameritech assumes the slowest

¹¹These rates are currently under review in Docket No. 00-0393.

speed DSL service, which allows it to select lines that are incompatible with the higher speed DSL service desired by some customers. (See Tr. 833-35)

Moreover, SBC/Ameritech's optimization process is dependent upon the information contained in SBC/Ameritech's databases. SBC/Ameritech witnesses acknowledged that the optimization process does not take loop length into consideration, while loop length is an important characteristic for DSL-capable loops. (Tr. 835) Although the SBC/Ameritech witnesses testified that the optimization process considers the existence of the type of interferers that require a loop to be conditioned, in cross-examination they were forced to admit that up to date information on these facilities is not maintained.¹² (Tr. 835-36) Thus, if bridged tap or load coils are in place but not in the database, a line that requires conditioning may be selected even though another line is available that need not be conditioned. Even SBC/Ameritech's witness had to admit that SBC/Ameritech's selection process does not necessarily select the most optimal DSL-capable loop, and in fact may choose a loop that requires conditioning even though another loop is available at the same location that does not require conditioning. (Tr. 839-42)

These significant shortcomings of SBC/Ameritech's current pre-ordering and ordering processes can best be described by example. Three loops may be available to serve a customer: Loop A is 15,000 feet in length with no load coils, excessive bridged tap, or repeaters; Loop B is 15,000 feet in length with load coils; and Loop C is 19,000 feet due to bridged tap or because it is served off a different distribution cable. Currently, when a CLEC

¹²It could be up to six years before SBC/Ameritech's databases contain complete information regarding the existence of load coils and bridged tap. (Tr. 842)

orders a line, SBC/Ameritech selects one of the three loops that are available and assigns it to that CLEC. That selection is not necessarily based on the length of the line or whether conditioning is required. Thus, SBC/Ameritech may assign Loop B, which would mean that the CLEC would have to request that SBC/Ameritech condition the loop. (Covad Initial Comments, Covad Ex. 2, pp. 6-7)

In contrast, if SBC/Ameritech assigned Loop A, conditioning would not be needed since no load coils are on the line. As a result, SBC/Ameritech could provision the line more quickly, thereby allowing the quicker provision DSL service to the end user. In addition, the CLEC would not incur the substantial charges imposed by SBC/Ameritech for conditioning. (Covad Initial Comments, Covad Ex. 2, pp. 6-7)

There can be no question that SBC/Ameritech's loop assignment substantially impacts a CLEC's ability to offer an end user his choice of DSL service. For example, if two loops are available, one served through copper and the other through fiber, Covad would be unable to provide its fastest DSL service if the latter loop is provided, since only Covad's slowest DSL service can run over blended copper facilities. Had the other all copper loop been selected, the end user would be eligible for additional speeds and types of DSL. (Covad Initial Comments, Covad Ex. 2, p. 7) SBC/Ameritech should not be allowed to limit the customer's choice of DSL service.

The need for additional loop information in the pre-ordering and ordering processes will become even more acute when SBC rolls out Project Pronto to Illinois consumers. Since Project Pronto is an "overlay network," CLECs will be faced with two different choices for providing service to an end user – either through the Pronto architecture or through the

embedded network. Thus, once Pronto is deployed, it will be even more critical for CLECs to know *all* of the facility options that exist to provide service to a particular end user in order to be able to meet their customers' service needs most quickly and at the lowest cost. (Covad Initial Comments, Covad Ex. 2, p. 8)

SBC/Ameritech will likely claim that the CLECs' loop information proposal is inefficient. (Amer. Initial Comments, Amer. Ex. 15, p. 78) To the contrary, it is SBC/Ameritech's position that results in an inefficient use of resources. Under SBC/Ameritech's current procedure, if two loops are available, one with load coils and one without, the loop without load coils could be provisioned to the CLEC providing data service. If this occurs, additional costs will be incurred to remove load coils that prevent the DSL service from being provided over the line, when the other line was available without the need to perform such conditioning. Adoption of the CLECs' proposal, would result in the correct selection, the line without load coils would be made available for DSL service. The line with load coils could then be assigned for voice service. This is clearly a more efficient result.

SBC/Ameritech has also contended that the CLECs are in effect requesting a more "desirable" loop, but that they want to pay the cost of the less desirable loop. (See Amer. Initial Comments, Amer. Ex. 15, p. 78) Such an argument is specious, since the price for a two-wire loop does not vary based on the type of DSL service which is offered over it. Quite simply, a loop is a loop, and none is undesirable. Each can be used to provide service to an end use customer. However, some loops provide greater options when it comes to DSL services. (Tr. 897-99)

What's more, the FCC has determined that ILECs such as SBC/Ameritech should not be able to control the type of DSL service offered over a loop by imposition of conditions on the use of the loop, and that they are also not entitled to specific information concerning how the CLEC will use the loop. (Tr. 833-35) Thus, SBC/Ameritech's position that CLECs should be forced to provide additional information to SBC/Ameritech regarding the specific DSL service to be offered, and then pay a premium for the ability to offer the customer a choice of DSL service, must be rejected.

Under the non-discrimination principles of the Act, SBC/Ameritech must provide CLECs with any information that "exists anywhere within the incumbent's back office and can be accessed by any of the incumbent LEC's personnel." Since the loop availability function requested by Covad and Rhythms already exists in SBC/Ameritech's OSS, the Commission must require SBC/Ameritech to offer that loop availability information to CLECs. (Covad Initial Comments, Covad Ex. 2, pp. 8-9)

The importance of loop pre-qualification information to CLECs is not a novel concept to this Commission. In the merger order, the Commission stated as follows:

The Commission concurs with the CLECs arguments related to pre-loop qualification information and the uncertainty which the untimely furnishing of this critical information creates. Therefore this Commission, in order to protect the interests of customers of SBC/Ameritech Illinois under section 7-204(f), further instructs the Joint Applicants to address the concerns raised in this proceeding by CLECs regarding pre-loop qualification information in the three phase collaborative process which has been proposed and subsequently modified by this Commission.

Merger Order, p. 200. Adoption of Covad's and Rhythm's proposal would be fully consistent with the Commission's previous findings.

SBC/Ameritech's refusal to provide CLECs with the spare loop availability functions available in its OSS stands in stark contrast to the position of other ILECs. Bell Atlantic has offered to allow CLECs to view up to ten available loops to an address to determine if the available facilities meet the transmission requirements of the service requested. (See Verified Statement of Bogdan Szafraniec, Covad Ex. 2, Ex. A) Similarly, BellSouth has offered CLECs the ability to examine up to four spare available loops to a particular address during the pre-ordering phase. (See *Id.*) Despite the willingness of BellSouth and Bell Atlantic to offer similar OSS functionality to CLECs, SBC/Ameritech has refused to grant CLECs the same access to the spare loop availability information that resides in its OSS. (Covad Initial Comments, Covad Ex. 2, p. 9) The Commission should adopt the practice of these other ILECs and require SBC/Ameritech to offer this functionality in Illinois. (Staff Initial Comments, Staff Ex. 2, p. 39)

In conclusion, under the current process, which SBC/Ameritech proposes to continue indefinitely, Covad and Rhythms are forced to accept the single loop offered by SBC/Ameritech, and have no means of determining what other loops are available. The loop availability function requested by Covad and Rhythms would give them the ability to determine whether a different loop is available that better meets their customers' needs. If CLECs are allowed access to information regarding all loops that are available to serve an end user, they would be able to provision a greater variety of types and speeds of DSL service more quickly and cheaply to Illinois residents. (Covad Initial Comments, Covad Ex. 2, p. 8)

B. Loop Reservation

While Covad and Rhythms seek access to the spare loop availability function, that access alone is not sufficient to allow Covad and Rhythms to provide the requested service to their customers if they are not also allowed access to the reservation functionality in SBC/Ameritech's OSS systems. Thus, the CLECs propose a loop reservation process whereby a loop identified in the pre-order process may be reserved for up to four business days. (Tr. 860) SBC/Ameritech is opposed to a loop reservation process, but its opposition is based on misplaced concerns. A reservation process is the only way to ensure that CLECs can meet their customers' service expectations and satisfy their service needs.

As stated above, a CLEC's ability to offer DSL service to a customer depends on the loop's characteristics and length. Under SBC/Ameritech's current process, a CLEC may qualify a customer for a particular DSL service based on the loop information provided during the pre-order phase, but ultimately be unable to provide the promised DSL service because SBC/Ameritech actually provisions a different loop. In other words, SBC/Ameritech may use an all copper loop for loop qualification purposes, but then provision a fiber-fed loop. Accordingly, the CLEC may have to provide its customer with a slower speed DSL service after promising him a faster speed of service based on the pre-ordering process. In other situations, the CLEC may have to cancel the order entirely if the loop actually provisioned is too long to support DSL service. When this occurs, the CLEC's goodwill and reputation suffer. (Covad Initial Comments, Covad Ex. 2, p. 10)

While SBC/Ameritech's OSS currently has the functionality to reserve loops, SBC/Ameritech does not offer this functionality to Illinois CLECs on a pre-ordering basis. Covad and Rhythms request that SBC/Ameritech be required to offer loop reservation no later

than December 2000 to ensure that a loop used to qualify the order matches the loop provisioned to the CLEC. The loop reservation would have an expiration interval such that the reservation would lapse if SBC/Ameritech does not receive an order within four days. This reservation process is similar to the process for reserving telephone numbers. (Covad Initial Comments, Covad Ex. 2, pp. 10-11)

The need for this enhancement was best stated by Covad witness Mr. Szafraniec, who explained:

When we're referring to this reservation, it's not really to try to block one customer from another, the intent that Covad is presenting. What we are looking for is to provide the first customer the best guarantees at what we have described to them as the service we're going to provide for them, we can actually deliver; that we are not on the -- communicating with the customer and suggesting we're going to provide you service and it takes a little bit of time there to process the orders, you know, whether it's 48 hours for us to get everything together and then all of a sudden that service is not there because his next door neighbor now went ahead of him. I think that goes towards customer satisfaction and saying what we offered you yesterday is still available today because you decided to go forth with the reservation.

(Tr. 870-71)

Other ILECs offer the type of loop reservation requested by Covad and Rhythms. For example, once a CLEC determines which loop will best allow it to provide a particular service to an end user, BellSouth allows the CLEC to reserve that loop for up to three days. This process ensures that the designated loop will be available once the CLEC's loop order is submitted and processed. (See Verified Statement of Bogdan Szafraniec, Covad Ex. 2, Ex. A) This procedure ensures that the loop qualified and the loop provisioned will match. Covad

and Rhythms simply seek the same pre-ordering functionality from SBC/Ameritech that BellSouth has already offered CLECs throughout its territory. (Covad Initial Comments, Covad Ex. 2, p. 10)

SBC/Ameritech has contended that the CLECs' reservation proposal would "tie up" loops and reduce its flexibility. (Amer. Initial Comments, Amer. Ex. 15, p. 79) This contention is without merit. The industry has long operated under a system where orders are placed for service on the basis of requests from end user customers for that service, and there has been no gaming of the system. (Tr. 875-77) While the reservation proposal assumes that CLECs have a good faith belief that the service will be ordered, Covad and Rhythms would not oppose including that specific requirement in the POR.

Similarly, Staff has raised a concern that a CLEC could act badly and reserve lines as a competitive strategy. The fact that a reservation process is in place in BellSouth territory and there have been no problems identified on this record establishes as unfounded Staff's concern. Moreover, it would be unreasonable for the Commission to refuse to address a competitive obstacle facing Illinois CLECs today for fear that some CLEC will act in an extraordinary manner to exploit the system. The suggestion that a CLEC might abuse the system has been made before. There is no evidence that any CLEC is abusing the process. Moreover, system abuses are very easy to monitor. SBC/Ameritech will be able to run reports which will identify CLECs that have a disproportionate ratio of reservations as compared to other CLECs. Thus, while the CLECs do not believe there is a real risk that this will occur, they would not oppose including a limitation on the reservation process that would prevent

CLECs from reserving lines if the percentage of lines they reserve compared to the percent of lines they actually acquire becomes distorted.

SBC/Ameritech also posed a hypothetical in cross examination where a customer was deciding between two CLECs, but the customer eventually went with the second CLEC. Under the hypothetical, only one loop is available to serve this customer, but it is reserved by the first CLEC. Covad's witness Szafraniec explained the many reasons why this hypothetical is flawed. For example, it is unreasonable to assume that only one loop exists. Moreover, if such a scenario arose, the second CLEC would simply ask the customer to contact the first CLEC to cancel the reservation. This happens even today. (Tr. 862-68) Thus, the bogey man SBC/Ameritech has attempted to create does not exist.

In sum, Illinois CLECs competing with SBC/Ameritech for business face a serious problem that the loops they pre-order will not be available for provisioning. Since the specific characteristics of the loop limit the type of DSL service that can be offered over it, this problem could result in a failure to meet the end use customer's expectations and service needs. Allowing loops to be reserved for a limited time period will avoid this problem. The CLECs' proposal for a loop reservation process should be adopted.

C. Terminal Makeup

There are significant differences in the manner and types of service a DSL provider may provide to a customer when the terminal is served by copper cable versus fiber cable. For example, where a customer is served by fiber facilities, only Covad's IDSL service can run over the blended facilities at this time. In contrast, access to the copper facilities allows data CLECs to offer a broader range of DSL services. Thus, CLECs need access to the

terminal configuration information stored in SBC/Ameritech's OSS in order to determine the alternatives for providing DSL service to a particular customer. Such terminal configuration information would also assist CLECs in planning for subloop ordering. (Covad Initial Comments, Covad Ex. 2, p. 11)

SBC/Ameritech refuses to provide this information to CLECs. Although SBC/Ameritech did not address this issue in its initial comments, in cross examination it became apparent that SBC/Ameritech will argue that the CLECs are seeking too much information, some of which is customer specific information to which they should not be given access. (See Tr. 878-87) However, as the testimony of Covad witness Szafraniec demonstrated, what the CLECs desire is information concerning the SBC/Ameritech facilities and the services it offers off of those facilities. (*Id.*) The CLECs do not seek, and would not be provided, any proprietary customer information if their proposal is adopted. (Tr. 896) All that the CLECs desire is information that is necessary to determine what services they can offer their customers. (*Id.*) Thus, there is no countervailing reason for denying the CLECs' request.

For these reasons, the Commission should require SBC/Ameritech to provide CLECs access to the same terminal configuration information to which SBC/Ameritech has access.

Disputed Issue 56:

Cooperative Testing – Loops

Statement of Issue:

Whether SBC/Ameritech should upon request provide CLECs with loop acceptance testing and cooperative maintenance testing for all types of DSL loops.

Competitive Ramifications: SBC/Ameritech's failure to provide effective loop acceptance testing and cooperative maintenance testing hampers CLECs' ability to provide reliable, timely service to its end user customers.

POR Language: The following language should be added to Section III.B of the POR:

SBC/Ameritech will provide loop acceptance testing upon request for all types of DSL loops, including, but not limited to, ADSL, SDSL, and IDSL. Such testing will be conducted one day prior to the due date for the loop. When engaging in such testing, the SBC/Ameritech technician will contact the CLEC by telephone to engage in joint testing to ensure that the loop is working properly prior to turnover of the facilities.

The following language should be added to Section III.E of the POR:

SBC/Ameritech will provide cooperative maintenance testing upon request for all types of DSL loops, including, but not limited to, ADSL, SDSL, and IDSL. When engaging in such testing, the SBC/Ameritech technician will contact the CLEC prior to closing a trouble ticket in order to ensure that the trouble on the facility has been resolved.

In this OSS proceeding and in other forums, DSL providers have challenged the performance of SBC/Ameritech in reliably provisioning and performing maintenance on DSL capable loops. As a result, it is essential that SBC/Ameritech immediately provide loop acceptance testing and cooperative maintenance testing in an effective manner. At bottom, these measures are necessary to ensure that CLEC end user customers receive a reasonable level of service quality. In particular, loop acceptance testing ensures that customers receive a facility that actually works within a reasonable provisioning interval.

Cooperative maintenance testing helps restore a customer's service quickly when a maintenance problem arises. As a wholesale customer of SBC/Ameritech, a CLEC can provide high quality services to its customers only to the extent SBC/Ameritech reliably provisions and maintains its facilities. Loop acceptance testing and cooperative maintenance testing help ensure that this occurs.

In this proceeding, SBC/Ameritech has demonstrated its unwillingness or inability to provide these essential forms of testing in Illinois in a satisfactory manner. In the case of acceptance testing, SBC/Ameritech has admitted that its performance in implementing such testing in Illinois has been unsatisfactory. With regard to cooperative testing, SBC/Ameritech admits that SBC has offered such testing in California for some time. Ultimately, SBC/Ameritech's failure to follow through on these commitments results in sub-standard service for Illinois end user customers. Consistent with SBC/Ameritech's merger obligation to initiate "best practices" in Illinois,¹³ this Commission must take steps to ensure that SBC/Ameritech provides acceptance testing and cooperative testing in Illinois in an expeditious and effective manner.

A. Acceptance Testing

Acceptance testing refers to testing that occurs prior to or in proximity to the time that the loop is actually provisioned. Acceptance testing ensures that the loop is actually working

¹³SBC Communications Inc., SBC Delaware Inc., Ameritech Corporation, Illinois Bell Telephone Company D/B/A Ameritech Illinois And Ameritech Illinois Metro, Inc.; Joint Application for approval of the reorganization of Illinois Bell Telephone Company d/b/a Ameritech Illinois, and the reorganization of Ameritech Illinois Metro, Inc. in accordance with Section 7-204 of the Public Utilities Act and or all other appropriate relief, ICC Docket No. 98-0555, Order, Condition 19 (Sept. 23, 1999).

when it is turned over to the CLEC. Acceptance testing has been performed by Pacific Bell in California for DSL and ISDN loops since March of 1999. In Illinois, SBC/Ameritech began limited acceptance testing on May 23, 2000. (Tr. 587-88) SBC/Ameritech witness Ms. Regan admitted that SBC/Ameritech has been slow to meet its agreed upon commitments to CLECs and has “ineffectively rolled out the product.” (Tr. 589) This was further demonstrated by SBC/Ameritech's record of performing acceptance tests on CLEC loops. Rhythms has requested that SBC/Ameritech conduct acceptance testing on all loops that it provisions to Rhythms. (Tr. 589) This should avoid any confusion on the part of an SBC/Ameritech technician with regard to whether a particular loop to be provided to Rhythms needs to be tested. Nevertheless, Ms. Regan acknowledged that only a small percentage of the loops for which Rhythms and other CLECs have requested acceptance testing have actually been tested.¹⁴ (Tr. 589) Although Ms. Regan claimed that SBC/Ameritech was “making significant progress” in the week leading up to the hearings, SBC/Ameritech clearly has failed to come close to the consistency that is required for such an important issue. (*Id.*)

In addition to its failure to consistently perform requested acceptance testing, SBC/Ameritech has failed to engage in any acceptance testing of DSL loops carrying types of DSL other than ADSL. (Tr. 587) In California, SBC provides acceptance testing for all types of DSL, as well as ISDN. CLECs in Illinois offer a variety of DSL “flavors” other than the standard ADSL provided by SBC/Ameritech’s data affiliate, AADS. As a result, it is critical

¹⁴Rhythms stated that in the week prior to the hearing in this proceeding only 15% of its orders had been loop tested. (Tr. 603) NorthPoint reported similar data. Ameritech did not challenge the accuracy of these numbers.

that SBC/Ameritech follow through on its commitment made at the hearing to extend acceptance testing to these other technologies. (Tr. 580)

Irrespective of SBC/Ameritech's promises to improve its record, the Commission should take steps to ensure SBC/Ameritech's compliance with its obligations and commitments and order SBC/Ameritech to provide acceptance testing for all DSL and ISDN loops immediately. CLECs have been requesting acceptance testing for months. (Tr. 588) In addition, Rhythms and other carriers have amended their interconnection agreements – as required by SBC/Ameritech – to obtain acceptance testing. Nevertheless, SBC/Ameritech has failed to satisfy its obligations set forth in these amendments. The evidence provided by SBC/Ameritech in this proceeding provides little basis for believing that SBC/Ameritech will significantly improve and maintain its performance in this regard.

SBC/Ameritech states that it has initiated a temporary solution to acceptance testing that involves a manual process whereby a CLEC must designate in the comment field of the service order form that an acceptance test is requested. SBC/Ameritech proposes a process by which a CLEC can check "Y" in the Additional Labor field on the local service request and specify "acceptance test required" in the remarks field. (SBC/Ameritech Initial Comments, Amer. Ex. 15, p. 77) Thus, SBC/Ameritech technicians need to know to manually look for the comment field in order to determine the need for an acceptance test. (Tr. 590) The problem is that SBC/Ameritech's record indicates it consistently fails to allocate the necessary resources to make these "solutions" work. Even though SBC/Ameritech agreed to adjust its procedures, it appears that SBC/Ameritech has failed to adequately train its employees to ensure that the appropriate fields are noted or that employees comply with the directive to

indicate the request for acceptance testing. Furthermore, this is a manual process that SBC/Ameritech freely admits is inadequate. (Tr. 590)

As a permanent solution, SBC/Ameritech plans to put a Universal Service Order Code (“USOC”) on the loop order, which would identify the loop to be tested. This information would automatically flow through all of the systems down to the technician. However, SBC/Ameritech failed to provide a commitment at the hearing as to the date by which this change will be implemented. (Tr. 591)

To ensure an adequate response to this important issue the Commission should require that within 30 days of the issuance of its order in this case SBC/Ameritech provide loop acceptance testing for at least 80 percent of the loops for which CLECs request such testing, subject to a refund to the CLEC of \$50.00 of the nonrecurring charges for each such loop SBC/Ameritech fails to test during any month thereafter in which SBC/Ameritech fails to meet the 80 percent threshold. After 90 days SBC/Ameritech should provide testing for at least 90 percent of the loops for which testing is requested, subject to a refund to the CLEC of \$50.00 of the nonrecurring charges for each such loop SBC/Ameritech fails to test during any month thereafter in which SBC/Ameritech fails to meet the 90 percent threshold.

B. Cooperative Testing

Cooperative testing is equally important to CLECs in ensuring that the loops requested are actually working as promised. Cooperative testing refers to joint testing by representatives from the ILEC and CLEC, usually by telephone, to resolve maintenance problems. (Tr. 583-84) Such joint testing generally takes place with the ILEC technician in the field and the CLEC technician at the CLEC’s Network Operations Center. The CLEC will typically pay the cost

of dispatching the ILEC technician unless the problem turns out to be in the ILEC's network. Cooperative testing is necessary because CLEC customers are served by a combination of CLEC and ILEC facilities and this requires a coordinated effort in ensuring quality service connectivity. Moreover, in Illinois, cooperative testing is particularly critical due to a recent dramatic rise in repeated SBC/Ameritech trouble reports. Unfortunately, SBC/Ameritech has refused to engage in cooperative testing with CLECs for purposes of correcting maintenance problems.

Cooperative testing has become standard practice in the industry for isolating maintenance problems and verifying successful resolution of trouble tickets. (Rhythms Initial Comments, Rhythms Ex. 1.0, p. 4) For example, cooperative testing has proven to be very successful in other SBC/Ameritech regions such as California, where it has been offered for more than one year. (*Id.*)

While SBC/Ameritech has agreed to mirror the California process for cooperative testing, it has failed to provide concrete dates when the testing will be available to CLECs in Illinois. SBC/Ameritech witness Ms. Regan stated that SBC/Ameritech wishes to "sit down" with CLECs within the next three to four weeks and talk about the process and procedures for testing implementation. (Tr. 593-95) It is not clear why such a meeting is necessary, given that SBC has been providing cooperative testing in California for more than a year. SBC/Ameritech has no specific timetable to implement cooperative testing within Illinois. (Tr. 595) Ms. Regan surmised that cooperative testing would be implemented in 30 to 60 days. (*Id.*)

Until SBC/Ameritech implements cooperative testing in Illinois, CLECs' only choice is to use SBC/Ameritech's inefficient "vendor meet" process, where technicians from both companies meet in the field to conduct joint testing. This is unacceptable. Experience has shown that vendor meets are usually unnecessary because the CLEC can test nearly everything remotely from its Network Operations Center. Additionally, vendor meets are more resource intensive because of the difficulty of coordinating the schedules of the two technicians. With the alternative cooperative testing proposed by Rhythms and other CLECs, and adopted by SBC in California, the ILEC technician would simply call an 800 number to reach the CLEC technician by telephone when he or she is ready to engage in cooperative testing.¹⁵ Rhythms maintains a technical staff which is able to quickly respond to these telephone inquiries. In short, SBC/Ameritech proposes an interim solution that is costly, insufficient and burdensome. This is why Rhythms and Covad are not mollified by SBC/Ameritech's promise, sometime in the future, to implement the process it has been successfully using in California for over a year.

In the absence of cooperative testing, CLECs are often relegated to resolving problems on a loop through a series of trouble tickets. A CLEC must issue a trouble ticket to SBC/Ameritech whenever the CLEC encounters a problem with one of its loops. (Tr. 586) SBC/Ameritech technicians have closed Rhythms' trouble tickets repeatedly on the same circuit as "no trouble found" and yet subsequent testing has revealed that trouble persists on the same loop. (Tr. 592; Rhythms Initial Comments, Rhythms Ex. 1.0, pp. 4-5) If the trouble

¹⁵Dialing an 800 number ensures that a test request message is in fact communicated by the ILEC and received by the CLEC.

is not detected, the CLEC must open another trouble ticket, pay the associated cost again, and wait for the loop to be provisioned, thus prolonging disruption of service to the end user customer. As the record established, absent cooperative testing, this procedure is sometimes repeated over and over.¹⁶ The vast majority of this extra time is attributable to SBC/Ameritech's unwillingness to implement a cooperative testing process. (Tr. 606) Under these circumstances, CLECs are simply unable to meet the service expectations of their customers. In such cases, the best way to isolate the problem is for representatives from each company to engage in testing cooperatively, usually by telephone. In addition, such testing also allows the CLEC to ensure that a problem has in fact been resolved so that SBC/Ameritech is justified in closing the trouble ticket.

Rhythms' and Covad's experience with SBC/Ameritech and other incumbent LECs has shown that cooperative testing is necessary for expeditious and effective maintenance and repair operations. SBC/Ameritech's refusal to engage in cooperative testing not only harms competition, but it also results in substandard service quality for Illinois customers. On the other hand, cooperative testing furthers the Commission's goals by cutting down on loop interval times and facilitating in the provisioning of competitive services.

To ensure SBC/Ameritech responds to cooperative testing in a timely manner, the Commission should require that within 30 days of the issuance of its order SBC/Ameritech provide cooperative testing for 80 percent of the loops for which such testing is requested, subject to a refund to the CLEC of \$50.00 of the non-recurring cost for each such loop

¹⁶Initial Comments of NorthPoint, p. 10.

SBC/Ameritech fails to test during any month in which SBC/Ameritech fails to meet the 80 percent threshold. Within 90 days SBC/Ameritech must test 90 percent of the loops for which such testing is requested, subject to a refund to the CLEC of \$50.00 of the non-recurring cost for each such loop SBC/Ameritech fails to test during any month in which the 90 percent threshold is not met.

C. Conclusion

In seeking approval of its merger with Ameritech, SBC claimed that the merger would result in the importation of “best practices in Illinois from other parts of SBC’s region. In the case of acceptance testing and cooperative testing, this has not yet occurred. The Commission should ensure that SBC/Ameritech adopts acceptance and cooperative testing as it is currently provided by Pacific Bell. In spite of SBC/Ameritech’s obligations, it has been slow to adopt these best practices in Illinois, even though Rhythms and Covad are willing to pay the cost of dispatching the ILEC technician, except when trouble is found in SBC/Ameritech’s network. Given SBC/Ameritech’s intransigence on this issue, the Commission should order SBC/Ameritech to provide acceptance testing and cooperative testing within the schedules indicated in order to ensure the provision of more reliable services to Illinois consumers.

Disputed Issue 94:

Dark Fiber/Copper Inquiry Process

Statement of Issue:

CLECs require the ability to make inquiries of SBC/Ameritech regarding the placement and availability of dark fiber, digital loop carriers and spare copper loops at specific locations. The

current process for obtaining this information from SBC/Ameritech is manual and too time consuming. SBC/Ameritech must respond to such inquiries within 24 hours. In addition, the process should be changed to an electronic inquiry process by March 1, 2001.

**Competitive
Ramifications:**

CLECs are unable to quickly determine the placement and availability of dark fiber, and whether digital loop carriers and spare copper loops exist at specific locations. It is essential that CLECs are provided this information quickly, in order to meet service commitments to their customers. The delay inherent in the current process puts CLECs at a competitive disadvantage to SBC/Ameritech, since SBC/Ameritech has this information readily available to it. Rejection of the CLEC position will result in a continuation of significant delays in obtaining information and, therefore, in providing service to CLEC customers.

POR Language:

The following language should be added to Section III.B of the POR.

Dark Fiber/Copper Inquiry Process

SBC/Ameritech shall immediately provide CLECs access to information regarding the availability of dark fiber, digital loop carrier systems and copper facilities, upon inquiry, equivalent to that provided to its retail operation and/or affiliates. SBC/Ameritech will respond to all such inquiries within 24 hours. Information that is not available in SBC/Ameritech electronic databases will be provided to the requesting CLEC manually in a mutually agreeable form within the same time frame that the information is available to SBC/Ameritech's retail operation and/or affiliates. This function will be made available for Ameritech Illinois via the application-to-application and GUI interfaces by March 1, 2001.

Covad and Rhythms join in the discussion of this issue contained in the Final Statement of Position of 21st Century Telecom of Illinois, Inc.

III. CONCLUSION

For the reasons set forth herein, Covad Communications Company and Rhythms Links, Inc. respectfully request that the Commission require SBC/Ameritech to revise its proposed Plan of Record consistent with the positions stated herein.

Dated: October 13, 2000

Respectfully submitted,

COVAD COMMUNICATIONS COMPANY
and
RHYTHMS LINKS, INC.

By: _____

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STATE OF ILLINOIS)
)
COUNTY OF COOK)

VERIFICATION

I, Carrie J. Hightman, being first duly sworn upon oath depose and say that I am an attorney for Covad Communications Company and Rhythms Links, Inc.; that I am authorized to make this Verification on their behalf; that I have read the above and foregoing Final Statement of Position of Covad Communications Company and Rhythms Links, Inc. by me subscribed and know the contents thereof; and that said contents are true and correct to the best of my knowledge, information and belief.

Carrie J. Hightman

Attorney for
Covad Communications Company
and
Rhythms Links, Inc.

Subscribed and Sworn
to before me this
13th day of October 2000.
