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BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:)
)
XO Communications Services,)
Inc., CIMCO Communications,)
Inc., and Mpower)
Communications Corp., d/b/a)
Mpower Communications of)
Illinois) No. 05-0717
)
Petition to Investigate the)
Non-Impairment Claims of)
Illinois Bell Telephone)
Company Regarding Wire)
Centers.)

Chicago, Illinois
December 6, 2005

Met pursuant to notice at 1:00 p.m.

BEFORE:

MS. LESLIE HAYNES, Administrative Law Judge
MR. JOHN RILEY, Administrative Law Judge

1 APPEARANCES:

2 MR. MARK ORTLIEB
225 West Randolph Street
3 Suite 2500
Chicago, Illinois 60606
4 Appearing for SBC Illinois;

5 MR. OWEN MacBRIDE
6600 Sears Tower
6 Chicago, Illinois 60606
Appearing for McLeod USA Telecommunications
7 Services, Inc. and Nuvox Communications of
Illinois, Inc.;

8
MR. THOMAS ROWLAND
9 200 West Superior Street
Suite 400
10 Chicago, Illinois 60610
Appearing for XO Communications Services, Inc.,
11 Mpower Communications Corp., and CIMCO
Communications Services, Inc.;

12
MR. MICHAEL LANNON and
13 MS. NORA NAUGHTON
160 North LaSalle Street
14 Suite C-800
Chicago, Illinois 60601
15 Appearing for Staff;

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17 ALSO PRESENT:
Hank Kelly

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20 SULLIVAN REPORTING COMPANY, by
Julia C. White, CSR

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1 JUDGE HAYNES: Pursuant to the direction of the
2 Illinois Commerce Commission, I now call Docket
3 05-0717. This is the petition of XO Communications
4 Services, Inc., CIMCO and Mpower.

5 May I have the appearances for the
6 record, please.

7 MR. ROWLAND: On behalf of XO Communications
8 Services, Inc., CIMCO Communications, Inc., and
9 Mpower Communications Corp., Thomas Rowland of the
10 law firm of Rowland & Moore, 200 West Superior
11 Street, Suite 400, Chicago, Illinois 60610.

12 MR. MacBRIDE: Appearing on behalf of McLeod
13 USA Telecommunications Services, Inc., and Nuvox
14 Communications of Illinois, Inc., Owen MacBride,
15 6600 Sears Tower Chicago, Illinois 60606.

16 MR. ORTLIEB: On behalf of SBC Illinois,
17 Mark Ortlieb, 225 West Randolph Street, Suite 2500,
18 Chicago, Illinois 60606.

19 MR. LANNON: And appearing on behalf of the
20 Staff of the Illinois Commerce Commission, Mike
21 Lannon and Nora Naughton, 160 North LaSalle Street,
22 Suite C-800, Chicago, Illinois 60601.

1 JUDGE HAYNES: Okay. We've had lengthy dis- --
2 lengthy discussions about how this proceeding should
3 proceed and because the petition only asks that the
4 Commission open an investigation, we've decided that
5 there will be a Commission order that directs Staff
6 to initiate an investigation.

7 And rather than brief what the scope
8 of that investigation should be, the parties have
9 agreed to submit a draft order which will contain an
10 outline of what the parties agree to about how SBC
11 will file its case in chief.

12 But then there also is disagreement as
13 to what also should be addressed in the
14 investigation, specifically whether the Commission
15 should look at access to data for future SBC wire
16 center designations and also whether this
17 investigation that's going to be initiated will be
18 the final determination of methodology SBC uses for
19 designating wire centers.

20 And so the parties, in the draft
21 order, will outline their positions on those two
22 not-agreed-to issues. And then we will just fill in

1 the blanks on the Commission decision and submit that
2 order to the Commissioners for the December 21st
3 bench date.

4 And the parties have agreed to get
5 that to us working with staff by December 12th, and
6 that order will con- -- will contain an ordering
7 paragraph that directs Staff to write the initiating
8 order to open an investigation; and Staff will have
9 that initiating order before the Commission for the
10 January 4th bench session.

11 And because the initiating order will
12 contain a direction to SBC to file a case in chief,
13 and so SBC is on notice, that will contain a date of
14 January 23rd for SBC to file that.

15 And I'm sure I've forgotten something.

16 MR. LANNON: I don't know.

17 MR. ORTLIEB: The only thing I'd like to
18 mention is that the January 23rd date is conditioned
19 upon the schedule working on it as you just outlined
20 on it.

21 JUDGE HAYNES: Okay. Good point.

22 MR. ORTLIEB: So that if the -- if the

1 initiating order did not come out on January 4th,
2 that -- that January 23rd date will have to be
3 considered.

4 JUDGE HAYNES: Okay. Anything else?

5 MR. ROWLAND: No. That's it.

6 MR. LANNON: Nothing from Staff, your Honor.

7 JUDGE RILEY: Are we closing the record?

8 JUDGE HAYNES: I think we are going to mark
9 this heard and taken.

10 JUDGE RILEY: There's no need for us to
11 reconvene. Is that -- Tom, would you agree?

12 MR. ROWLAND: Unless you need -- unless you
13 need the draft order for purposes of this docket for
14 some reason.

15 JUDGE HAYNES: Excuse me. You're filing the
16 draft order in --

17 MR. ROWLAND: In this docket.

18 JUDGE HAYNES: -- in this docket?

19 MR. ROWLAND: Correct.

20 JUDGE HAYNES: And just for the record, the
21 parties have agreed to waive exceptions.

22 JUDGE RILEY: Do you think we ought to leave it

1 open until the 12th?

2 JUDGE HAYNES: No.

3 JUDGE RILEY: Close it out?

4 JUDGE HAYNES: Uh-huh.

5 Okay. Hearing nothing further, then
6 this is marked heard and taken. Thank you.

7 HEARD AND TAKEN

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