

To: Donna Caton
FROM: Eve Moran, Hearing Examiner
DATE: November 16, 2000
RE: Docket 00-0592

Illinois Bell Telephone Company, AT&T Communications of Illinois, Inc., CoreComm Illinois, Inc., Covad Communications Company, MCI, WorldCom Communications, Inc. McLeodUSA Telecommunications Services, Inc. NEXTLINK Illinois, Inc., NorthPoint Communications, Inc., Rhythms Netconnections and Rhythms Links, Inc., 21st Century Telecom of Illinois, Inc., Ushman Communications, Inc., and Sprint Communications Company L.P. d/b/a Sprint Communications L.P

Joint Submission of the Amended Plan of Record for Operations Support Systems ("OSS")

Notice of Ruling

Having reviewed and considered both the Joint CLEC Written Objections to Ameritech's Proposed Appendix and the Covad Communication Company's and Rhythms Links, Inc.'s Objection to Portion of SBC/Ameritech's Appendix and Final Statement Related to Issues 29/31, together with the Comments in Support of Admission of Rebuttal Facts filed by Ameritech Illinois, the Hearing Examiner rules as follows:

1. Issue 4 - OIS Voting.

Objection No.(1): While the information is relevant and material to the issue, the lateness of this filing precludes its admission.

Objection No.(2): The form of this statement is objectionable and the information therein is not proper rebuttal to the extent that it attempts to bring in any new information not already put on record by AI's witness,

2. Issue 29/31 - Loop Qualification.

We agree with Covad/Rhythms that the portion of AI's statement which indicates that Quest does not offer loop reservation, is not in the nature of rebuttal evidence

With respect to loop availability, however, AI is directly and properly responding to Staff's statements as to what Quest provides its wholesale customers. The suggestion that rebuttal evidence must be contradictory is wrong. It is well settled that rebuttal evidence is

proper to “explain” facts put into evidence by another party. See, Black’s Law Dictionary. Hence, the explanation that AI provides relevant to Staff’s comments is to be included in the record.

Parties to this proceeding are advised to structure their Briefs on Exceptions and Reply Briefs on Exceptions in this cause consistent with the rulings set out above.

EM;jt