

**ICC Docket No. 06-0027
AT&T Illinois Exhibit 19.0
Part 2**

PUBLIC

Michael W. Ward
Attorney at Law

March 17, 2006

Mr. Karl B. Anderson
SBC Illinois
225 W. Randolph Street
Floor 25D
Chicago, IL 60606

Re: ICC Docket No. 06-0027
Data Net Systems, L.L.C. Responses to Illinois Bell's First Set of Data Requests

Dear Karl:

Attached are Data Net Systems, L.L.C. Responses to Illinois Bell's First Set of Data Requests.

Sincerely,

Michael W. Ward

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**ILLINOIS COMMERCE COMMISSION
DOCKET No. 06-0027
ILLINOIS BELL
FIRST SET OF DATA REQUESTS**

Request:

- 1.01 State whether Data Net currently provides basic local exchange service to any residential customers in the Market Service Area 1 ("MSA1" of the "Chicago LATA"). If so, identify the number of residential basic local exchange service lines Data Net is currently serving.

Answer:

CONFIDENTIAL

CONFIDENTIAL AND PROPRIETARY INFORMATION

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Request:

- 1.02 Provide a copy of the consultant's report on resale services referred to at lines 51 through 54 of the Direct Testimony of Martin S. Segal (Data Net Ex. 2.0). Provide all Documents related to that report.

Answer:

Data Net objects to the generic data request for all documents related to the report as overly broad, unduly burdensome, expensive, oppressive, excessively time consuming, and cannot be accomplished in the limited time available.

Without waiving its objections or purporting to provide copies of all documents that may be related to the report, Data Net is providing copies of the report and presentation submitted by the consultants.

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Request:

- 1.03 Provide all Documents related to any investigation, analysis and/or study of the ability of Data Net and/or other CLECs to provide mass market competitive local exchange services on a resale basis to residential, small and medium businesses performed since the investigation referred to at lines 43 through 54 of Mr. Segal's testimony.

Answer:

Data Net objects to the generic data request for all documents related to any investigation, analysis and/or study of the ability of Data Net and/or other CLECs to provide mass market competitive local exchange services on a resale basis to residential, small and medium businesses performed since the investigation referred to at lines 43 through 54 of Mr. Segal's testimony as overly broad, unduly burdensome, expensive, oppressive, excessively time consuming, and cannot be accomplished in the limited time available.

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Request:

- 1.04 Identify all the members of the Illinois Alliance of Competitive Telephone Companies ("IACT") referred to at lines 86 through 87 of Mr. Segal's testimony. With respect to each such member, identify whether the member is a "UNE-based" or "facility-based" CLEC.

Answer:

Over the time period in Mr. Segal's answer included in lines 86 through 87, the members of the Illinois Alliance of Competitive Telephone Companies included Access One, Inc., CIMCO Communications, Corecomm/ATX, Covad, Data Net Systems, LLC, Forte Communications, Globalcom, Inc., I.Q. Telecom, Inc., Illinois Public Telecommunications Association, McLeodUSA, Inc., New Millennium, TDS Metrocom, Time Warner Telecom, TruComm Corporation, Vertex Broadband Corp., and XO Communications, Inc.

The UNE-P based CLECs included Access One, Inc., CIMCO Communications, Corccomm/ATX, Data Net Systems, LLC, Forte Communications, I.Q. Telecom, Inc., McLeodUSA, Inc., New Millennium, TruComm Corporation, and Vertex Broadband Corp. The facilities-based CLECs included CIMCO Communications, Covad, Globalcom, Inc., McLeodUSA, Inc., TDS Metrocom, Time Warner Telecom, and XO Communications, Inc.

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Request:

- 1.05 Identify each of the “UNE-P CLECs” which “formed a coalition to seek alternative network facilities,” as discussed at lines 88 through 91 of Mr. Segal’s testimony.

Answer:

The information requested is confidential to parties other than Data Net Systems. Data Net has notified the parties and has requested permission to provide the information in response to the data request. Data Net expects that it will soon be able either to secure the release of the information from such parties or to submit to Illinois Bell any objection a CLEC may raise to its disclosure.

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Request:

- 1.06 Identify each of the “facility-based” CLECs from which the “coalition has sought the development of wholesale services,” as discussed at lines 91 through 93 of Mr. Segal’s testimony.

Answer:

The information requested is subject to confidentiality agreements with the facilities-based CLECs from which Data Net has sought development of wholesale services. Data Net is notifying the parties and has requested permission to provide the information in response to the data request.

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Request:

- 1.07 Identify each of the “other providers” from which the coalition “sought the development of wholesale services,” as discussed at lines 91 through 93 of Mr. Segal’s testimony.

Answer:

The information requested is subject to confidentially agreements with the facilities-based CLECs from which Data Net has sought development of wholesale services. Data Net is notifying the parties and has requested permission to provide the information in response to the data request.

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Request:

- 1.08 Explain what Mr. Segal means by the statement that “ten CLECs submitted approximately 77,000 lines to this coalition” at lines 96-97 of his testimony. Identify each of the ten CLECs. State whether all 77,000 lines are or were residential lines located in the MSA1, if not all 77,000 lines represent residential lines then what percent of the 77,000 lines represents residential lines. If not, identify the number of lines that represented [sic] located in MSA1.

Answer:

The ten (10) UNE-P CLECs each submitted the NPA-NXXs for their UNE-P lines that were in need of alternative facilities for the continued provision of services. The aggregate total exceeded 77,000 lines. For the identity of these ten CLECs, see the response to Data Request 1.05.

The UNE-P CLECs sought network facilities as an alternative for UNE-P facilities. As a result, it was unnecessary to identify whether the facilities would be used for residential or business customers and that information was not provided to Data Nct. Of the approximately 77,000 lines, 75,270 lines were in MSA 1.

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Request:

- 1.09 State the total number of residential lines served by the ten CLECs referred to at line 96 of Mr. Segal's testimony in the Chicago MSA.

Answer:

The UNE-P CLECs sought network facilities as an alternative for UNE-P facilities. As a result, it was unnecessary to identify whether the facilities would be used for residential or business customers and that information was not provided to Data Net.

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Request:

- 1.10 Identify each of the “other UNE-P CLECs” which “remained in contact with our efforts and activities,” as discussed at lines 96 through 97 of Mr. Segal’s testimony.

Answer:

The information requested is subject to confidentiality agreements with the other UNE-P CLECs with which Data Net had discussions about the development of alternative network facilities. Data Net is notifying the parties and has requested permission to provide the information in response to the data request.

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Request:

- 1.11 Provide all Documents relied on by Mr. Segal in support of the statement that the “individual cost of building facilities to serve mass market consumers is prohibitive,” at lines 104 through 105 of his testimony.

Answer:

Data Net objects to the generic data request for all documents relied on by Mr. Segal in support of the statement that the “individual cost of building facilities to serve mass market consumers is prohibitive,” at lines 104 through 105 of his testimony as overly broad, unduly burdensome, expensive, oppressive, excessively time consuming, and cannot be accomplished in the limited time available.

Without waiving its objections or purporting to provide copies of all such documents, Data Net responds that Mr. Segal relied in part on a proposal from a facilities-based carrier to develop facilities. The proposal from the facilities-based carrier is subject to a confidentiality agreement. Data Net is notifying the party and has requested permission to provide the information in response to the data request.

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Request:

- 1.12 With reference to line 106 of Mr. Segal's testimony, state whether the "aggregation of all lines" refers to the 77,000 lines referred to at line 96 of Mr. Segal's testimony. If not, explain what Mr. Segal means by the "aggregation of all lines" and identify the lines to which the statement refers.

Answer:

In line 106 of Mr. Segal's testimony, his reference to the "aggregation of all lines" refers to the approximately 77,000 lines present in the UNE-P CLEC coalition.

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Request:

- 1.13 State with specificity the time period during which the investigation discussed at lines 124 through 130 of Mr. Segal's testimony was performed. Include in this response an identification of the specific date on which the investigation commenced and the specific date on which the investigation was completed.

Answer:

The investigation discussed at lines 124 through 130 of Mr. Segal's testimony specifically began by Data Net no later than July 15, 2004. That investigation served as the base for the proposed broader UNE-P CLEC coalition investigation. Notice proposing a collective review of UNE-P alternatives was sent to the UNE-P CLECs on January 31, 2005, followed by a meeting on February 11, 2005. From this meeting the coalition elected to pursue investigating alternative facilities based on their aggregated lines. This investigation continues to date. The testimony will be corrected to clarify the timeframe.

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Request:

- 1.14 Provide all studies, reports, written analyses, memoranda, letters, emails, notes (including notes of conversations) and other Documents related to the investigation referred to at lines 122 through 130 of Mr. Segal's testimony.

Answer:

Data Net objects to the generic data request for all studies, reports, written analyses, memoranda, letters, emails, notes (including notes of conversations) and other Documents related to the investigation referred to at lines 122 through 130 of Mr. Segal's testimony as overly broad, unduly burdensome, expensive, oppressive, excessively time consuming, and cannot be accomplished in the limited time available.

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Request:

- 1.15 Provide all Documents, including all letters, emails, memoranda, notes (including notes of conversations) related to the "discussions" with the companies referred to at lines 137 through 141 of Mr. Segal's testimony.

Answer:

Data Net objects to the generic data request for all documents, including all letters, emails, memoranda, notes (including notes of conversations) related to the "discussions" with the companies referred to at lines 137 through 141 of Mr. Segal's testimony as overly broad, unduly burdensome, expensive, oppressive, excessively time consuming, and cannot be accomplished in the limited time available.

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Request:

- 1.16 Identify each of the "facility-based carriers" referred to at line 145 of Mr. Segal's testimony. Provide all Documents, including correspondence, emails, reports, notes (including notes of conversations) and workpapers, relied on in support of the statement that "facility-based carriers business plans were not designed for providing service to this market base and many of their resources were already to existing products."

Answer:

The information requested to identify the "facilities-based carriers" referred to at line 145 of Mr. Segal's testimony is subject to confidentially agreements. Data Net is notifying the parties and has requested permission to provide the information in response to the data request.

Data Net objects to the generic data request for all Documents, including correspondence, emails, reports, notes (including notes of conversations) and workpapers, relied on in support of the statement that "facility-based carriers business plans were not designed for providing service to this market base and many of their resources were already to existing products" as overly broad, unduly burdensome, expensive, oppressive, excessively time consuming, and cannot be accomplished in the limited time available.

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Request:

- 1.17 Identify each of the “facilities-based carriers” referred to at line 147 of Mr. Segal’s testimony. Provide all Documents, including correspondence, emails, notes (including notes of conversations), reports, and memoranda, relied on by Mr. Segal in support of his testimony regarding the “problems encountered in developing an alternative network” at lines 143 through 175 of his testimony.

Answer:

The information requested to identify the “facilities-based carriers” referred to at line 147 of Mr. Segal’s testimony is subject to confidentially agreements. Data Net is notifying the parties and has requested permission to provide the information in response to the data request.

Data Net objects to the generic data request for all Documents, including correspondence, emails, notes (including notes of conversations), reports, and memoranda, relied on by Mr. Segal in support of his testimony regarding the “problems encountered in developing an alternative network” at lines 143 through 175 of his testimony as overly broad, unduly burdensome, expensive, oppressive, excessively time consuming, and cannot be accomplished in the limited time available.

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Request:

- 1.18 Identify each of the “facilities-based carriers” referred to at line 160 of Mr. Segal’s testimony.

Answer:

See Data Net’s response to Illinois Bell data request 1.16.

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Request:

- 1.19 Identify each of the “facilities-based providers” referred to at line 167 of Mr. Segal’s testimony.

Answer:

See Data Net’s response to Illinois Bell data request 1.17.

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Request:

- 1.20 Provide all Documents, including reports, studies, written analyses, workpapers, emails, notes (including notes of conversations) and letters, relied on by Mr. Segal in support of his discussion regarding the alleged “impediments to developing an alternative to the UNE-P” at lines 177 through 220 of his testimony.

Answer:

Data Net objects to the generic data request for all documents, including reports, studies, written analyses, workpapers, emails, notes (including notes of conversations) and letters, relied on by Mr. Segal in support of his discussion regarding the alleged “impediments to developing an alternative to the UNE-P” at lines 177 through 220 of his testimony as overly broad, unduly burdensome, expensive, oppressive, excessively time consuming, and cannot be accomplished in the limited time available.

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Request:

- 1.21 Provide all Documents, including reports, studies, analyses, correspondence, emails, notes (including notes of conversations), and workpapers, relied on by Mr. Segal in support of his discussion regarding the alleged “complications you discovered in attempting to make these provisions” at lines 122 through 251 of his testimony.

Answer:

Data Net objects to the generic data request for all documents, including reports, studies, analyses, correspondence, emails, notes (including notes of conversations), and workpapers, relied on by Mr. Segal in support of his discussion regarding the alleged “complications you discovered in attempting to make these provisions” at lines 122 through 251 of his testimony as overly broad, unduly burdensome, expensive, oppressive, excessively time consuming, and cannot be accomplished in the limited time available.

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Request:

- 1.22 Identify each of the “limited number of facilities-based CLECs” which have “developed systems” referred to at lines 243 through 244 of Mr. Segal’s testimony.

Answer:

The information requested to identify each of the “limited number of facilities-based CLECs” which have “developed systems” referred to at lines 243 through 244 of Mr. Segal’s testimony is subject to confidentiality agreements. Data Net is notifying the parties and has requested permission to provide the information in response to the data request.

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Request:

- 1.23 Provide all Documents, including reports, studies, written analyses, correspondence, notes (including notes of conversations), workpapers, and emails, relied on by Mr. Segal in support of his discussion regarding the alleged “economic impediments to an alternative network” referred to at lines 243 through 295 of his testimony.

Answer:

Data Net objects to the generic data request for all documents, including reports, studies, written analyses, correspondence, notes (including notes of conversations), workpapers, and emails, relied on by Mr. Segal in support of his discussion regarding the alleged “economic impediments to an alternative network” referred to at lines 243 through 295 of his testimony as overly broad, unduly burdensome, expensive, oppressive, excessively time consuming, and cannot be accomplished in the limited time available.

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Request:

- 1.24 Explain how Mr. Segal derived the “monthly costs for transport between the originating and terminating end offices” of “around \$1.50 for 1,000 minutes of use”, as discussed at lines 259-260 of his testimony. Provide all Documents, including reports, studies, written analyses, correspondence, notes (including notes of conversations), workpapers, and emails, relied on by Mr. Segal in support of that cost estimate.

Answer:

Mr Segal calculated the approximate monthly costs for transport between the originating and terminating end offices of around \$1.50 for 1,000 minutes of use based on an Illinois Bell basic local transport blended transport rate of \$0.001262 per minute of use. Since the charge for transport is composed of different rate elements that vary based on the route taken by a call, he approximated the overall rate at \$1.50.

Data Net objects to the generic data request for all documents, including reports, studies, written analyses, correspondence, notes (including notes of conversations), workpapers, and emails, relied on by Mr. Segal in support of that cost estimate as overly broad, unduly burdensome, expensive, oppressive, excessively time consuming, and cannot be accomplished in the limited time available.

Without waiving its objections or purporting to provide copies of all documents that may form the basis of Mr. Segal’s cost estimate, Data Net is providing copies of a confidential and proprietary internal chart analysis of Illinois Bell charges underlying services provided to Data Net.

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Request:

- 1.25 Identify with specificity the "other charges" referred to at lines 260-261 of Mr. Segal's testimony. State the basis for Mr. Segal's statement that such other charges "amount to another \$0.50 or \$0.60 a month" Provide all Documents, including reports, studies, written analyses, correspondence, notes (including notes of conversations), workpapers, and emails, relied on by Mr. Segal in support of that cost estimate.

Answer:

Other charges referred to at lines 260-261 of Mr. Segal's testimony include daily usage files of \$0.000459 per call (with an estimate of 4 minutes a call, there would be 250 calls in 1,000 minutes of use, or approximately \$0.12 per line), a cross-connect charge of \$0.14 per line, and a local number portability charge of \$0.28 per line, for an approximate total of other charges of \$0.54 a month.

Data Net objects to the generic data request for all documents, including reports, studies, written analyses, correspondence, notes (including notes of conversations), workpapers, and emails, relied on by Mr. Segal in support of that cost estimate as overly broad, unduly burdensome, expensive, oppressive, excessively time consuming, and cannot be accomplished in the limited time available.

Without waiving its objections or purporting to provide copies of all documents that may form the basis of Mr. Segal's cost estimate, Data Net is providing copies of a confidential and proprietary internal chart analysis of Illinois Bell charges underlying services provided to Data Net.

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Request:

- 1.26 State the basis for Mr. Segal's statement that "the combination of nonrecurring charges from Illinois Bell and the CLEC for this transfer can run from approximately \$40 to \$80," at lines 284 through 286 of his testimony. Provide all Documents relied on in support of that statement.

Answer:

The information requested to state the basis for Mr. Segal's statement that "the combination of nonrecurring charges from Illinois Bell and the CLEC for this transfer can run from approximately \$40 to \$80," at lines 284 through 286 of his testimony is subject to confidentially agreements. Data Net is notifying the parties and has requested permission to provide the information in response to the data request.

Data Net objects to the generic data request for all documents relied on in support of that statement as overly broad, unduly burdensome, expensive, oppressive, excessively time consuming, and cannot be accomplished in the limited time available.

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Request:

- 1.27 Provide copies of the portion(s) of Data Net's tariffs on file with the Illinois Commerce Commission that describes and sets forth the prices for Data Net's residential telecommunications services.

Answer:

A copy of the Data Net publicly posted tariff for residential services is being provided.

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Request:

- 1.28 Provide all Documents, including reports, studies, written analyses, correspondence, emails, notes (including notes of conversations), and workpapers related to the “investigation” of the “possibility of providing internet protocol telephony” discussed at lines 302 through 385 of Mr. Segal’s testimony.

Answer:

Data Net objects to the generic data request for all documents, including reports, studies, written analyses, correspondence, emails, notes (including notes of conversations), and workpapers related to the “investigation” of the “possibility of providing internet protocol telephony” discussed at lines 302 through 385 of Mr. Segal’s testimony as overly broad, unduly burdensome, expensive, oppressive, excessively time consuming, and cannot be accomplished in the limited time available.

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Request:

- 1.29 Provide all Documents related to the “beta tests conducted by Data Net Systems on an IP telephony system” referred to at line 327 of Mr. Segal’s testimony.

Answer:

Data Net objects to the generic data request for all documents related to the “beta tests conducted by Data Net Systems on an IP telephony system” referred to at line 327 of Mr. Segal’s testimony as overly broad, unduly burdensome, expensive, oppressive, excessively time consuming, and cannot be accomplished in the limited time available.

Without waiving its objections or purporting to provide copies of all documents related to the “beta tests conducted by Data Net Systems on an IP telephony system” referred to at line 327 of Mr. Segal’s testimony, Data Net is requesting permission to release copies of emails of Mr. Segal, that are subject to a confidentiality agreement, which relate to the beta test problems concerning the ability to make outgoing calls but not receive incoming calls referred to in lines 327 to 332 of Mr. Segal’s testimony.

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Request:

- 1.30 With reference to lines 288 through 290 of Mr. Segal's testimony, provide all Documents related to any analyses of the "CLEC margins for residential service" "under an alternative network facilities arrangement" for Data Net and each of the other CLEC members of the "coalition" referred to at line 89 of Mr. Segal's testimony.

Answer:

Data Net objects to the generic data request for all documents related to any analyses of the "CLEC margins for residential service" "under an alternative network facilities arrangement" for Data Net and each of the other CLEC members of the "coalition" referred to at line 89 of Mr. Segal's testimony as overly broad, unduly burdensome, expensive, oppressive, excessively time consuming, and cannot be accomplished in the limited time available.