

**Illinois Commerce Commission
Docket 06-0029
McLeodUSA/NuVox Data Request 1.9**

Request:

Provide a copy of the specific version of the “issue list” discussed in Docket 05-0717 that Ms. Chapman and Mr. Nevels used in preparing their testimonies in this proceeding.

Response:

AT&T Illinois objects to this Data Request on the grounds that the requested information is not relevant and does not seek information that will lead to relevant information. Furthermore, it is unclear from the data request what document McLeodUSA/NuVox is seeking. AT&T Illinois was provided an issues list by CLECs (including McLeod) in connection with Docket 05-0717, so McLeod already has that document and it need not be produced here.

Supplemental Response: AT&T Illinois continues to maintain its above-stated objection. Without waiving any objection, AT&T Illinois states that Ms. Chapman’s reference to issues raised by CLECs in Docket 05-0717, and to issues raised by CLECs in the discussions leading to the Commission order in that docket, includes the Petition filed by CLECs in that proceeding and one or more of several versions of an Issues List provided by CLECs to AT&T Illinois. The only version of the Issues List provided by CLECs still in AT&T Illinois’ possession and not subject to attorney client privilege is attached.

December 1, 2005

ICC Docket 05-0717
Petition for ICC Investigation of SBC Wire Center Designations
List of Issues

I. Business Line Count

1. What year's ARMIS 43-08 data did/should SBC use in making its business line counts – 2003 or 2004?
2. What adjustments, if any, has SBC made/should SBC make to ARMIS 43-08 data for purposes of its business line counts?
3. Did/should SBC exclude unused capacity on high capacity UNE-L lines (including those used in combination with UNE transport) for purposes of its business line counts?
4. Did/should SBC exclude non-switched UNE-L capacity on high capacity UNE-L lines (including those used in combination with UNE transport)?
5. Has SBC included lines that are served by VoIP in its business line counts?

II. Fiber-Based Collocator (FBC)

1. Must a carrier counted as a FBC have fiber facilities that enter and exit its collocations? Should carriers cross-connected with another carrier (that is already counted as a FBC) be counted? Has SBC counted such cross-connected carriers in its FBC counts?
2. How should the phrase "terminates at a collocation arrangement within the wire center (47 CFR §51.5) be construed and implemented? (From SBC issue list in TX PUC case.)
3. What non-fiber-optic cable facilities qualify as "comparable transmission facilities" under the definition of "FBC" in 47 CFR §51.5? (From SBC issue list in TX PUC case.)
4. In determining whether dark fiber obtained from an ILEC qualifies as CLEC fiber for purposes of applying the FBC criterion, what constitutes an "indefeasible right of use" under 47 CFR §51.5 and what evidence should be used to identify an IRU? What criteria has SBC applied in identifying IRUs? (From SBC issue list in TX PUC case.)
5. When will SBC post a revised list of WC designations based on implementation of its merger commitment to the FCC to treat AT&T as an "affiliate"?

III. Data Access

1. The ICC should establish rules and procedures whereby CLECs can obtain meaningful access to the data SBC relies on to make its WC designations, so that the CLEC can review this data (subject to reasonable confidentiality restrictions) before deciding to make a self-certification.
2. Should the data underlying SBC's WC determinations be filed with the ICC and/or provided to Staff?
3. Should the data made available to CLECs per III.1 should include the identities of the carriers in the WC that SBC has counted as FBCs?
4. Should SBC be required to notify and obtain confirmation from each carrier that SBC has counted as a FBC in a WC?