STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

Cbeyond Communications, LLC	**)**	
	)	
-vs-	**)**	
	)	**Docket No. 10-0188**
Illinois Bell Telephone Company d/b/a AT&T Illinois	**)**	
	)	
Formal Complaint and Request for Declaratory Ruling pursuant to Sections 13-515 and 10-108 of the Illinois Public Utilities Act	**)**	

Cbeyond Communications, LLC Response Brief

Exhibit J

AT&T response to Staff Discovery QL 3.01

Public

Illinois Commerce Commission
Docket No. 10-0188
Staff's Revised 3rd Set Of Data Requests – QL-3.01

Request: In response to Staff Data Request QL 2.09, AT&T clarifies that the currently effective Clear Channel Capability ("CCC") charges ($70.32, $8.87) in the Parties' Interconnection Agreement ("ICA") apply to DS1 loop in DS1/DS3 UNE combination. (AT&T Response to Staff QL 2.09.) In other words, under the Parties' ICA, CCC charges would be applicable to a DS1 loop if Cbeyond purchases the DS1 loop as part of DS1/DS3 EEL. In contrast, CCC charges would not be applicable to a DS1 loop if Cbeyond purchases the DS1 loop as a standalone loop or as part of DS1/DS1 EEL. This seems to suggest that, under the Parties' ICA, the applicability of CCC charge on a DS1 loop varies according to whether the DS1 loop is to be connected to AT&T-provided unbundled DS3 transport or not.

(A) Please explain the CCC functionality and its applications (e.g., the circumstances in which CCC functionality is required, or desirable, to be added to a DS1 loop).

(B) Please explain why the applicability of the CCC charges on DS1 loop, under the Parties' ICA, varies according to the speed/provider of the transport to which the DS1 loop is to be connected.

(a) Please indicate whether CCC feature was ever added to a DS1 loop, which Cbeyond purchased as part of DS1/DS1 EEL from AT&T.

(1) If the answer to (a) is "yes," please indicate whether AT&T added the CCC functionality or feature to such DS1 loops at no charges to Cbeyond.

(b) Please indicate whether CCC feature was ever added to a standalone DS1 loop that Cbeyond purchased from AT&T, which was to be connected to third party- or Cbeyond-provided DS1 transport.

(1) If the answer to (b) is "yes," please indicate whether AT&T added CCC functionality or feature to such DS1 loops at no charges to Cbeyond.

(c) Please indicate whether CCC feature was ever added to a standalone DS1 loop that Cbeyond purchased from AT&T, which was to be connected to third party- or Cbeyond-provided DS3 transport.

(1) If the answer to (c) is "yes", please indicate whether AT&T added the CCC functionality or feature to such DS1 loops at no charges to Cbeyond.

Response: AT&T Illinois objects to the request as improper because it is premised on AT&T Illinois' response to the original version of Staff's Data Request QL-2.09, in which AT&T Illinois mistakenly indicated that CCC charges were not applicable in a DS1/DS1 EEL combination. Staff has subsequently asked AT&T Illinois to respond to a revised version of Data Request QL-2.09. Based on AT&T Illinois' response to that revised data request (which states that CCC charges are applicable in a DS1/DS1 EEL combination), the description of

AT&T's response in the first paragraph of the current data request – and thus the premise of the overall request, and of subpart (B), in particular – is inaccurate. AT&T Illinois also objects to the request on the ground that it is vague and ambiguous, in that the term 'added" is nowhere defined. For purposes of its response, AT&T Illinois assumes that the request refers to a situation in which Cbeyond already has obtained a DS1 loop from AT&T Illinois and places a subsequent order to obtain CCC for that loop.

Without waiving its objections, AT&T Illinois states as follows in response to the request:

(A) The CCC functionality formats the DS1 loop to transmit a clear channel bit stream and allows use of the full bandwidth available on the circuit. Such functionality may be desirable if the loop is to be used for data transmission. AT&T Illinois does not require CLECs to order CCC functionality. If requested by the CLEC, AT&T will accommodate the request, add CCC to the circuit, and bill the appropriate CCC charges.

(B) The applicability of CCC charges on a DS1 loop does not depend on the speed of the transport to which the loop is to be connected. The applicability of CCC charges on a DS1 loop also does not depend on the provider of the transport to which the loop is to be connected.

(a) No. AT&T Illinois affirmatively states, however, that Cbeyond has ordered CCC as part of every DS1/DS1 EEL circuit it ordered dating back to January 2006.

(1) Not applicable. AT&T Illinois affirmatively states, however, that CCC charges that otherwise would have been applicable to Cbeyond's orders may have been waived as part of a re-grooming project that occurred in March 2007. (*See* AT&T Verified Answer ¶ 49.)

(b) No, based on a search of the active AT&T Illinois CLEC ordering database for Cbeyond orders received between January 2006 and April 2010.

(1) Not applicable.

(c) No, based on a search of the active AT&T Illinois CLEC ordering database for Cbeyond orders received between January 2006 and April 2010.

(1) Not applicable.