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ILLINOIS COMMERCE COMMISSION

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

ORIGINAL
ILLINOIS COMMERCE COMMISSION
JUN 7 10 39 AM '01
CHIEF CLERK'S OFFICE

XO Illinois, Inc. :
-vs- :
NorthPoint Communications, Inc. : 01-0296
 :
Petition for Emergency Relief. :

**JOINT BRIEF ON EXCEPTIONS
TO HEARING EXAMINER'S PROPOSED ORDER**

XO Illinois, Inc. and XO Communications, Inc. (collectively "XO") and NorthPoint Communications, Inc. ("NorthPoint") take exception to certain aspects of the Hearing Examiner's Proposed Order ("HEPO").

The Complaint was brought by XO Illinois, Inc. and XO Communications, Inc. The HEPO should be modified to reflect the proper parties. Additionally, the HEPO should be modified throughout to reflect the proper capitalization of NorthPoint's name.

At the time the Complaint was filed, NorthPoint had not disconnected service to XO's customers. During the period between the filing of the Complaint and the first hearing, NorthPoint terminated service to XO's customers. The second paragraph of the HEPO should be modified accordingly.

In their Joint Motion for Entry of Order of Dismissal on Stipulated Terms and Conditions, the parties set out certain terms and conditions which, if applied, would aid in the smooth transition of customers from the exiting carrier to the succeeding carrier. These terms and conditions are reasonable and should be set out in the body of the Order.

Although an Order in this case is not binding on other carriers, the Commission should take this opportunity to strongly and clearly state that it expects carriers

abandoning or disconnecting service to provide the requisite statutory notice and will require all carriers involved in the conversion to cooperate amongst themselves so that the conversion is as seamless and efficient as possible to the customer.

Finally, the Commission should institute a rulemaking to address the conversion process between CLECs. The CLEC industry has been meeting voluntarily to address the process for both voice and data conversions, and once finalized, will be discussing the process with Ameritech. The process, however, will not have the force of law. The rights and responsibilities of all carriers involved in the conversion of customers from one carrier to another must have the force of the Commission behind it to ensure that the conversions are handled efficiently and effectively with no, or minimal, adverse impact on the customers. It is possible that the process once finalized by the industry may be adaptable to a rule.

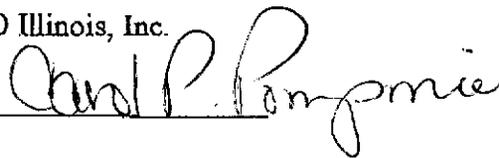
Attached hereto as Exhibit A is a redlined version of the HEPO incorporating the changes consistent with this Brief on Exceptions.

[Signature page follows]

Respectfully submitted:

XO Illinois, Inc.

By

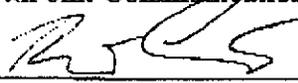


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Dated: June 6, 2001

Respectfully submitted:

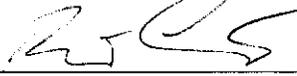
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