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REBUTTAL TESTIMONY

OF

A. OLUSANJO OMONIYI
TELECOMMUNICATIONS DIVISION
POLICY DEPARTMENT
ILLINOIS COMMERCE COMMISSION

DOCKET NO. 01-0614
AMERITECH TARIFFS PURSUANT TO SECTION 13-801

November 14, 2001

INTRODUCTION

Q. Please state your name and business address.

A. My name is A. Olusanjo Omoniyi and business address is 527 East Capitol Avenue, Springfield, Illinois 62701.

Q. Are you the same A. Olusanjo Omoniyi who previously filed a Direct Testimony in this proceeding?

A. Yes, I filed a Direct Testimony, Staff Exhibit 3.0.

Q. What is the purpose of your rebuttal testimony?

A. The purpose of my testimony will be to respond to issues raised in the direct testimonies of the following witnesses:

1. Ameritech's witnesses: Theresa M. Bates, Mark Welch and Scott J. Alexander;
2. CLECs witnesses representing:
 - a. Sprint: Edward B. Fox,
 - b. Joint CLECs: Joseph Gillan,
 - c. Covad Communications: Melia Carter, and
 - d. Novacon LLC: Robert W. Walker.

In this rebuttal, I will address the same three issues I addressed in my Direct Testimony: 1) Issue VII: Collocation Equipment: Types of Equipment; 2) Issue VIII: Cross Connections: Interconnections among CLECs; and 3) Issue XVII: Presubscription and PIC Changes.

Issue VII: Collocation Equipment: Types of Equipment

Q. Which Ameritech and CLECs witnesses address this issue?

A. Ms. Theresa M. Bates addressed this issue on behalf of Ameritech while Ms. Melia Carter addressed the issue on behalf of Covad Communications.

Q. Do you agree with Ms. Bates's position on Ameritech's proposal on the inclusion of the term "necessary equipment"?

A. No. Ms. Bates's asserts she believes that Ameritech's proposed language conforms to "the requirements of both the federal and state law."¹ Contrary to her assertion, Ameritech's proposed tariffs include a more stringent requirement than what Section 13-801(c) of the Illinois PUA requires because it includes the term "necessary."² Ameritech has not yet defined this term thus, leaving it an open-ended term that could be interpreted by Ameritech. As a result, my conclusion remains the same as in my Direct Testimony that the Commission should reject the inclusion of the word "necessary."³

~~**Q. Do you agree with Ms. Carter on Covad Communications' position on the issue of the term "necessary" equipment?**~~

~~A. Yes. I agree with Ms. Carter, who testifies on behalf of Covad Communications, that Ameritech's proposal (which includes the concept of~~

¹ Direct Testimony of Theresa M. Bates (Ameritech Illinois Exhibit 5.0), pp. 3-4.

² I.C.C. No. 20, Part 23, Section 4, 4th Revised Sheet. 1.2, paragraph 10(a)(1).

³ Direct Testimony of A. Olusanjo Omoniyi (Staff Exhibit 3.0), p.6.

~~“necessary” equipment) is inconsistent with Section 13-804 of the Illinois
PUA.⁴~~

- Q. If the word “necessary” is stricken would Ameritech’s tariffs be inconsistent with requirements of federal law and regulations?**
- A. No. Ameritech’s tariffs would be consistent with both the federal and state laws. If the word “necessary” were deleted, any type of equipment that a CLEC collocates in Illinois would need to be in compliance with both state and federal requirements.

ISSUE VIII: Cross Connections: Interconnections among CLECs

- Q. Which Ameritech and CLECs witnesses address this issue?**
- A. Two Ameritech’s witnesses, Ms. Theresa M. Bates and Mr. Mark Welch address this issue while Mr. Edward B. Fox addresses this issue on behalf of Sprint. The primary witness for Ameritech on this issue is Ms. Bates.
- Q. Do you agree with Ms. Bates’s position on Ameritech’s proposal for cross-connections?**
- A. No. Ms. Bates did not adequately address the objections raised in my Direct Testimony to the three requirements imposed in Ameritech’s tariff that I believe go beyond the Illinois PUA.⁵ Ameritech continues to maintain that these additional requirements should be included in their proposed tariffs despite the fact that Section 13-801(c) of the Illinois PUA does not contemplate them. In fact, these three additional requirements

⁴ Direct Testimony of Melia Carter (Covad Exhibit 1.0), pp. 7-8.

⁵ Direct Testimony of A. Olusanjo Omoniyi (Staff Exhibit 3.0), pp. 11-3.

remain in the Ameritech's proposed tariff.⁶ I maintain the position stated in my Direct Testimony that these additional requirements should be stricken from Ameritech's proposed tariffs in order to bring it into compliance with Section 13-801(c).⁷

Q. Do you agree with Mr. Fox of Sprint's position on the issue of Ameritech's proposed tariff language on cross connection?

A. Yes. Mr. Fox points out that Ameritech's proposed language for cross connections concerning these requirements should be stricken. More generally, I agree with Mr. Fox that cross connection is "an important piece in the development of competition."⁸

ISSUE XVII: PRESUBSCRIPTION AND PIC CHANGE

Q. Which Ameritech and CLEC witnesses address this issue?

A. Mr. Robert W. Walker of Novacon LLC, a CLEC, addressed this issue and Mr. Scott J. Alexander addressed this issue on behalf of Ameritech.

Q. Do you agree with Mr. Alexander on Ameritech's position on this issue?

A. No. Mr. Alexander argues that the proposed Ameritech's tariff complies with Section 13-801 of the Illinois PUA.⁹ As pointed out in my Direct Testimony, Ameritech's proposed language concerning disposition of revenues and its proposed limitation on provisioning of UNEs to CLECs is

⁶ I.C.C. No 20, Part 23, Section 4, 3rd Revised Sheet 11, paragraph 5.

⁷ Direct Testimony of A. Olusanjo Omoniyi (Staff Exhibit 3.0), pp. 12-3.

⁸ Direct Testimony of Edward B. Fox (Sprint Exhibit 2.0), p. 5.

⁹ Direct Testimony of Scott J. Alexander (Ameritech Illinois Exhibit 2.0), pp. 3-31.

unacceptable and non-compliant with Section 13-801(d)(6).¹⁰ Ameritech's proposed language introduces unnecessary ambiguity into the tariff language, imposes unnecessary limitations on both the disposition of revenues and the provisioning of UNEs to CLECs and is, in general, unjustified and unsupported by the PUA. Thus, Ameritech's proposal contravenes the Illinois PUA.

Q. Do you agree with Mr. Walker of Novacon's position on this issue?

A. Yes. Specifically, Mr. Walker points out that Ameritech's proposed language does not implement the intent of the PUA to impose certain obligations upon Ameritech.¹¹ Namely, Mr. Walker points out that Ameritech is obligated, pursuant to Section 13-801 of the Illinois PUA, to provide nondiscriminatory access to the unbundled network elements platform (UNE-P).¹² In essence, Mr. Walker argues, and I agree, that the Illinois PUA requires Ameritech to provide access to any unbundled network elements platform, which should include both "Pre-Existing UNE-P" and new UNE-P.¹³

¹⁰ Direct Testimony of A. Olusanjo Omoniyi (Staff Exhibit 3.0), pp. 14-5.

¹¹ Direct Testimony of Robert W. Walker (Novacon LLC Exhibit), pp. 2-4.

¹² *Id* at 2-16.

¹³ *Id* at 4; Direct Testimony of A. Olusanjo Omoniyi (Staff Exhibit 3.0), pp. 14-5.

Q. Do you agree with Mr. Gillan that Ameritech’s “obligation is to offer any sequence of network elements that it combines for itself, both now and in the future?”¹⁴

A. Yes. This is what Section 13-801(d) of the Illinois PUA requires. Thus, this requirement includes both “Pre-Existing UNE-P” and new UNE-P. This is the same position I enunciated in my Direct Testimony.¹⁵

Q. Does this conclude your rebuttal testimony?

A. Yes.

¹⁴ Direct Testimony of Joseph Gillan (Joint CLEC Ex. No. 1), p. 7.

¹⁵ Direct Testimony of A. Olusanjo Omoniyi (Staff Exhibit 3.0), p.15.