

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In re Applications of AMERITECH CORP.,)
Transferor,)
AND)
SBC COMMUNICATIONS INC.,)
Transferee,)
For Consent to Transfer Control of)
Corporations Holding Commission Licenses)
and Lines Pursuant to Sections 214)
and 310(d) of the Communications Act)
and Parts 5, 22, 24, 25, 63, 90, 95 and 101)
of the Commission's Rules)

CC Docket No. 98-141

**NOTIFICATION OF FINAL STATUS
OF ADVANCED SERVICES OSS PLAN OF RECORD**

Anita Taff-Rice
Blumenfeld & Cohen
4 Embarcadero Center
Suite 1170
San Francisco, CA 94111
415-394-7500
415-394-7505 (facsimile)

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Rhythms Links, Inc. ("Rhythms"), MCI WorldCom, Inc., AT&T Corp., Sprint, Covad Communications, Inc. ("Covad), NorthPoint Communications, Inc., Intermedia Communications Inc, IP Communications Corporation, CoreComm Communications, Inc., and Birch Telecom, Inc., (referred to jointly herein as "Participating CLECs") hereby submit this notification of final status of Southwestern Bell Corporation's ("SBC") advanced Services OSS Plan of Record. This notification is made pursuant to requirements of the Federal Communications Commission ("Commission") in Appendix C, paragraph 15c(2) of the SBC/Ameritech merger order.¹ The Participating CLECs wish to notify the Commission that they were unable to reach agreement on all unresolved issues regarding pre-ordering, ordering and provisioning for advanced services, including xDSL-capable loops. Because agreement was not reached on all issues, SBC has not fulfilled requirements of the Merger Conditions Order, as set forth in Paragraph 15c(2), and thus, has not successfully completed Phase 2. No CLEC in attendance at the collaboratives, including SBC's data affiliate, was willing to sign an agreement indicating that SBC has fully met its obligations during the POR process. However, the Participating CLECs were able to reach agreement on some issues, as discussed below, and a proposed agreement reflecting those areas is attached as Exhibit A. All CLECs who have actively participated in the POR proceedings have signed that Agreement. In addition, the Participating CLECs are providing a detailed summary of unresolved issues, including some that the CLECs had previously viewed as resolved.

¹ In re Applications of Ameritech Corp., Transferor, and SBC Communications, Inc., Transferee, For consent to Transfer For Consent to Transfer Control of Corporations Holding Commission Licenses and Lines Pursuant to Sections 214 and 310(d) of the Communications Act and Parts 5, 22, 24, 25, 63, 90, 95 and 101 of the Commission's Rules, (rel. October 8, 1999) ["Merger Order"].

In light of the difficulties in reaching agreement on disputed issues, the Participating CLECs do not believe it would be fruitful to conduct further collaboratives with SBC to reach a negotiated agreement, with two exceptions. First, the Participating CLECs urge the Commission to direct SBC to participate in a further collaborative on pre-ordering, ordering and provisioning for advanced services in a Project Pronto configuration. The Project Pronto plan is a substantial network re-configuration already underway by SBC.² However, because Project Pronto was announced in the midst of the POR process, neither the POR itself, nor SBC's February 7, 2000 Addendum provide sufficient information. Both SBC and the Participating CLECs agree that Project Pronto is appropriately included in this Advanced Services POR, thus SBC should have, but did not, provide a 12-month forward looking view of process changes and deployment schedule for Project Pronto under the requirements of Paragraph 15 of the Merger Order. Second, the Participating CLECs request a discussion of parity issues at the additional collaborative. Many of SBC's proposals in Project Pronto and other offerings, such as gateways and interfaces developed for SBC's data affiliate that are unavailable to Participating CLECs, raise substantial and serious parity issues. Therefore, the Participating CLECs request that an additional collaborative be held during the next two weeks at which SBC must make available subject matter experts to provide details about OSS issues related to Project Pronto and parity issues related to SBC's OSS generally. The Participating CLECs request that the collaborative be held in Washington, D.C. and that Commission staff attend. For the issues identified in Section V as disputed issues, all of which were previously identified in correspondence to the Commission, the

² Collaborative Session 4, March 29, 2000 (Phillips-991:8-14).

Participating CLECs believe further progress is not possible and therefore they request the Commission to authorize arbitration.

I. BACKGROUND

On December 6, 1999, SBC made available on its secure website a Plan of Record discussing the present method of operation ("PMO") for the operations and support systems ("OSS") that support pre-ordering and ordering of unbundled network elements ("UNEs") for advanced services.³ SBC provided a PMO for each of its four service territories - Pacific Bell/Nevada Bell, Southwestern Bell Telephone, Ameritech Information Systems, and Southern New England Telephone ("SNET"). In addition, SBC provided a description of a unified future method of operation ("FMO") that it intended to make available across its 13-state region.

CLECs submitted detailed comments expressing numerous concerns about SBC's Phase I Plan of Record on January 6, 2000. As required by the Merger Order, SBC scheduled a workshop on January 19, 2000 to discuss and resolve the Participating CLECs' concerns. At the conclusion of the January 19, 2000 meeting, held in Dallas, Texas, the positions of the Participating CLECs and SBC were far apart, with no agreement reached regarding Participating CLECs' concerns. Part of the reason for the lack of agreement was SBC's insistence that discussions at the workshop could center only on a limited subset of issues that SBC deemed to be "inside the scope of the POR." Therefore, a second set of meetings, for February 1 and 2, 2000, were scheduled, also in Dallas, Texas.

³ Although SBC posted the POR on TCNet in the Ameritech region, it did not indicate that CLECs could file comments regarding the proposal. In its other regions SBC included a notification that CLECs could file comments.

At the February 1 and 2 meetings, the Participating CLECs believed agreement had been reached with SBC on several issues, but there were numerous unresolved issues remaining. The Participating CLECs notified the Commission of these disputed issues on February 7, 2000 and requested an additional period during which further collaboratives could be held to negotiate. SBC filed a concurrent notification that some issues remained unresolved. The Participating CLECs further clarified their concerns regarding the unresolved issues on February 14, 2000, and on February 16, 2000, SBC responded. On February 24, 2000, the Commission granted an extension until March 17, 2000 during which the Participating CLECs and SBC could conduct further collaboratives. SBC notified CLECs that a two-day collaborative would be held on March 13-14, 2000, in Dallas. However, on March 9, 2000, SBC belatedly discovered personnel constraints and requested Participating CLEC concurrence that a further extension be sought from the Commission. On March 10, 2000, The Commission granted a limited extension until March 31, 2000 with the express understanding that SBC utilize the interim period to provide Participating CLECs with information in advance of a new collaborative. The final collaborative on SBC's Advanced Services OSS Plan of Record was held on March 28-29, 2000 in Dallas.

II. SBC'S PLAN OF RECORD DOES NOT COMPLY WITH REQUIREMENTS OF THE MERGER ORDER

In implementing the *Merger Conditions*, the Commission recognized that a primary requirement was to fulfill the Commission's statutory obligation under the Telecommunications Act of 1996 ("the Act") to open local telecommunications networks.

to competition.⁴ The Commission imposed the Merger Conditions expressly to alleviate the potential harm to the public interest associated with the SBC/Ameritech merger.⁵ The principal harm identified was the merger's likely anti-competitive effect. The Merger Conditions were put in place to ensure that competitors would have a sufficient opportunity to enter the market and offer services that rival and surpass those provided by SBC/Ameritech. The Commission concluded that, without the Merger Conditions, the SBC/Ameritech merger "will lead the merged entity to raise entry barriers that will adversely affect the ability of rivals to compete in the provision of retail advanced services thereby reducing competition and increasing prices for consumers."⁶ Therefore, any evaluation of SBC's satisfaction of its obligations under the Merger Order must be based on a careful inquiry into the effect of SBC's conduct on competition.

During its review of the SBC/Ameritech merger, the Commission concluded that the SBC/Ameritech merger would tend to encourage discrimination against advanced services competitors, and therefore imposed the Merger Conditions.⁷ As one of those conditions, SBC was required to develop an Advanced Services OSS Plan of Record providing "an overall assessment of SBC's and Ameritech's existing Datagate and EDI interfaces, business processes and rules, hardware capabilities, data capabilities, and differences, and SBC/Ameritech's plan for developing and deploying enhancements to the existing Datagate or EDI interfaces for pre-ordering xDSL and other Advanced Services components and enhancements to the existing EDI interface for ordering xDSL

⁴ *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-98, First Report and Order, 11 FCC Rcd. 15,499, ¶1 (1996) ("Local Competition Order").

⁵ Merger Order ¶ 357.

⁶ Merger Order at 32.

⁷ Merger Order at ¶¶ 186, 254.

and other Advanced Services components" Clearly then, the Commission viewed the existing EDI/Datagate systems of SBC as inadequate to fulfill SBC's obligations to support competitors' entry into the advanced services market.

The Datagate gateway and the EDI protocols are the conduits through which CLECs interact with SBC's OSS to obtain the capabilities, services and feature they need to compete. These systems represent a critical bottleneck for CLECs, and the Commission took steps to ensure that they could be used fully by CLECs to access other necessary capabilities to which CLECs are entitled. For example, the Commission's UNE Remand Order requires that CLECs be given access to ILECs' backend systems, databases and records. The FCC's UNE Remand order stated "the relevant inquiry is not whether the retail arm of the incumbent has access to the underlying loop qualification information, but rather whether such information exists anywhere within the incumbents' back office and can be accessed by any of the incumbent LEC's personnel."⁵ Thus, EDI and Datagate must be capable of providing the necessary access to such systems in order for CLECs to exercise their rights under the UNE Remand Order.

Although SBC has contended numerous times during the POR process that CLEC requests were "outside the scope" of the POR, SBC's assertion is incorrect. Any capability, feature or information that CLECs have a right under to access through SBC's OSS will necessarily go through the EDI/DataGate systems provided by SBC. Additionally, CLECs have a right to ensure that the EDI/DataGate systems will support CLEC operations at parity with the flow-through, integrated systems SBC has developed for itself or its advance service affiliates. The Participating CLECs submit that all of the

⁵ *In the Matter of Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, Third Report and Order, CC Docket No. 96-98 (rel. Nov. 5, 1999) ("UNE Remand Order") ¶ 430.

disputed issues discussed below fall squarely within the scope of modifications or information SBC must provide so that CLECs can exercise their rights granted by Commission orders and the Telecommunications Act. Thus, resolution of all disputed issue is necessary for SBC to comply with its obligations under the Merger Order.

III. FURTHER COLLABORATIVES WILL NOT ASSIST THE PARTIES IN REACHING AGREEMENT ON DISPUTED ISSUES

Participating CLECs have been active in collaboratives for three months in an effort to reach agreement on necessary modifications to SBC's EDI and Datagate systems. The Participating CLECs first notified SBC that the Plan of Record was deficient via comments filed in January.⁹ The CLEC comments were followed by a series of three collaborative meetings in which CLECs attempted to further define the OSS capabilities required to support their entry into the advanced services market. In order to ensure that the Plan of Record achieved its purpose, the Merger Order requires SBC to reach a written agreement with the Participating CLECs regarding modifications. Despite their good faith efforts, the Participating CLECs were unable to reach a written agreement on all issues, and as discussed below, several issues critical to the Participating CLECs' ability to compete and to exercise their rights under Commission orders and the Telecommunications Act are in dispute.

Some of these issues are in dispute because SBC was unable or unwilling to provide sufficient information to the Participating CLECs to enable them to assess whether the proposed POR would adequately meet their needs for pre-ordering, ordering and provisioning of advanced services. The remaining disputed issues are discussed in Section V below. Because a written agreement was not reached on these disputed issues,

SBC is not in compliance with the Merger Order. The Participating CLECs submit that written agreement was not reached on all issues for the following reasons.

A. SBC Failed to Prepare for the Collaboratives

The Commission granted SBC an extension of the collaborative process until March 31, 2000 with the express condition that SBC must utilize the time to fully prepare for the collaborative. The Commission stated, "this limited extension of time should not delay SBC's efforts to provide CLECs with information needed to participate productively in the extended Phase II advanced services OSS workshops. SBC should therefore provide the participating CLECs with such information in advance of the extended workshop dates, which will allow for a more productive and efficient collaborative process."¹⁰

Despite the Commission's directive, SBC did not provide CLECs with requested information prior to the collaborative and, in fact, SBC delayed any substantial work effort on compiling information requested by CLECs until immediately prior to the collaborative date. For example, the CLECs requested, and SBC represented to the Commission that it had agreed to provide, sample data from its loop qualification system. The Participating CLECs requested loop qualification information from 100 addresses selected at random from each of the SBC/Ameritech states. The Participating CLECs provided SBC with a spreadsheet to be populated with these data in early February. However, SBC did not begin attempting to compile the sample data until the week before

⁹ Merger Order, Appendix C, paragraph 15c(1)(B).

¹⁰ In the February 24th CCB Letter, the Bureau stated that SBC should provide the participating CLECs with information needed to participate in the advanced services OSS collaborative sessions required by the Merger Conditions. Such information includes, for example, sample data from SBC's existing loop qualification processes for 100 addresses in 13 states, information on the methods in which SBC will support ordering line sharing arrangements, and certain information about SBC's records, databases, and back-end systems. See February 24th CCB Letter at 2-5.

the March 28, 2000 collaborative.¹¹ Citing time constraints, SBC was able to provide loop qualification data on only 50 addresses, not the 1300 requested by the Participating CLECs. Not only were the data lacking in volume, but in quality as well. The personnel collecting the data were not given a common understanding of how to report the data, such as by using a common key or by having a meeting at which all personnel received common instructions.

In addition, SBC personnel at the collaborative did not have sufficient information to answer many questions of the Participating CLECs. Such inability is especially disappointing given that the Commission provided guidance to SBC on topics that should be discussed and the CLECs reinforced that guidance with a letter detailing exactly what information the CLECs required on March 24, 2000, prior to the final collaborative.

B. SBC Failed to Provide Requested Information and Documents

On March 24, 2000, the Participating CLECs wrote to SBC reiterating the type of information and documentation they required for several issues scheduled for negotiation at the March 28 and 29 meeting. The Participating CLECs believed that SBC had agreed to provide much of this information, and in some instances, the Commission had indicated that such information was necessary. SBC did not contact any of the Participating CLECs indicating that such information and documents could not be provided. However, SBC personnel at the March 28 and 29 meeting stated that they did not have such information and documents or that they did not want to provide them. The Participating CLECs were seeking technical documentation on the following: Methods and Procedures documenting changes made to the pre-ordering, ordering and

¹¹ Collaborative Session 4, March 29, 2000 (Phillips 1056:9-1057:3).

provisioning systems in light of the EDI/DataGate enhancements for xDSL provided on standalone loops and in a Line Sharing Arrangement; documentation on SBC's agreement to populate its electronic databases with loop provisioning information after a CLEC pays for a manual look up; and documentation on the table changes, or other changes made to LFACS or other database systems in order to dismantle SBC's spectrum management system.

C. SBC Reversed Its Position on Some Previously Agreed-To Issues

At the February 1 and 2 collaborative, the CLECs suggested a list of 13 specific requests for modifications to SBC's OSS and SBC agreed. SBC then filed an addendum with the Commission reflecting those areas of agreement. However, SBC reversed its position on some of those issues at the March 28 and 29 collaborative. For example, SBC reported to the Commission that it had agreed not to require a mandatory loop qualification for loops of 12,000 feet or less. In a letter to Mr. Larry Strickling, SBC stated "Where a CLEC determines a loop length of less than 12,000 feet (through loop pre-qualification or otherwise), the CLEC may order the loop in reliance on the CLEC loop length information without having to perform the loop qualification."¹² SBC had made the same commitment in December to the Texas Public Utilities Commission as part of the proceeding examining its application to provide in region interrelate service under Section 271 of the Telecommunications Act of 1996.¹³ However, at the meeting on

¹² Letter from SBC to Larry Strickling, Chief Common Carrier Bureau, February 16, 2000 at 3.

¹³ See Texas Public Utilities Commission comments regarding SBC's Section 271 application.

March 28 and 29, an SBC representative stated several times that loop qualification would be required regardless of the length of the loop.¹⁴

Similarly, SBC had previously assured the Participating CLECs and the Commission that its advanced services affiliates "will utilize the DataGate and EDI interfaces and would be operating those interfaces in the same manner as the CLECs."¹⁵ However, at the March 28 and 29 meeting, SBC representatives indicated that it has developed two interfaces, EDI and a new interface, *Advanced Services Order System* ("ASOS"). ASOS was developed according to specifications from SBC's advanced service affiliate, *Advanced Solutions, Inc.*, but will not be made available to unaffiliated CLECs.

SBC also reversed its position regarding the definition of loop length, a critical characteristic for the provision of xDSL services. At the February 1 and 2 meeting, SBC indicated that loop length would provide the distance from the central office to the customer's pedestal. However, at the March 28 and 29 meeting, the Participating CLECs discovered after questioning SBC that in the *Project Pronto* configuration (i.e., fiber-fed DLC to an remote terminal), SBC would provide only the copper portion of the loop (i.e., from the RT to the customer pedestal). SBC eventually reverted to the previous definition of loop length during a conference call on March 31, 2000, the day this documents from the Participating CLECs was due at the Commission.

Finally, SBC agreed during the collaborative to maintain the existing pre-qualification processes, which SBC agreed to do. However, SBC circulated Accessible

¹⁴ Collaborative Session 4, March 29, 2000 (Chapman) 1092:6-1093:4; 1189:22-1190:5.

¹⁵ Letter from SBC to Larry Strickling, Chief Common Carrier Bureau, February 16, 2000 at 3.

Letter (CLEC 00-082) that was not discussed in the meeting indicating that TCnet in the Ameritech region, will be replaced by another web-based GUI. The Participating CLECs should have been informed through the POR of any such change.

IV. ISSUES ON WHICH AGREEMENT WAS REACHED

At the conclusion of the February 1 and 2 collaborative, agreement was reached on 13 modifications or commitments to SBC's Plan of Record. SBC and the Participating CLECs filed documents at the Commission indicating their areas of agreement. However since that time, as discussed above, SBC appears to have changed its position sufficiently that some of the prior agreements may have been reversed. Those issues will be discussed as issues still in dispute in the next section. The Participating CLECs reached agreement with SBC regarding several issues. The exact language agreed to, and signatures indicating agreement on these issues is included in Attachment A to this document.

A. Additional Data Elements in Loop Qualification

The Participating CLECs and SBC had agreed at the February 1 and 2 meeting to a list of 32 data elements that would be provided as part of SBC's loop qualification system. All elements would be available no later than December 2, 2000. At the March 28 and 29, 2000 collaborative, SBC reversed its position as to several of the data elements on the list, indicating that it could not provide the information, or redefining the data element so that it no longer provides all of the information requested by the Participating CLECs. SBC was persuaded by the Participating CLECs to reconsider its position, and SBC eventually agreed to provide the set of data elements agreed to in February. This agreement was reached during a conference call held the day this document was due at the Commission. In addition, to the list of data elements from the

February meeting, SBC agreed to provide a few new data elements that will be required for xDSL pre-ordering in a Project Pronto environment. The complete list of data elements SBC agreed to provide is provided in Attachment A.

B. Support for and Modification to CLEC User Interfaces:

SBC agreed to support Verigate, LEX and WebGUI graphical user interfaces now and in the future. SBC agreed to move forward the date for pre-qualification done through a GUI in the Ameritech region to September 1, 2000.

C. Provision of Design Layout Records:

Industry standard Dacs are not available in all regions of SBC/Ameritech's serving area. Therefore, CLECs asked, and SBC agreed to provide all of the information contained in a DLR to CLECs, though the data would not be provided in the standard DLR format.

D. No Conditioning Charges For Loops Less Than 12,000 Feet:

SBC agreed it would not charge CLECs conditioning charges for removal of load coils, repeaters, excessive bridged tap from such loops, and low pass filters (on SBC's side of the customer demarcation point for all loops) because according to SBC's own design rules, these loops should not be loaded with interfering devices such as load coils or repeaters.

E. Change Management Process:

The CLECs agreed with SBC that rather than creating a new Change Management for the POR process, as indicated in the POR, the existing Change Management process for SBC/Pacific and Ameritech should be used. SBC agreed to, but has not yet, provided a copy of the current Change Management Process to CLECs.

F. Additional Data Elements in Pre-Qualification:

SBC agreed to unmask all of the data fields currently available in its pre-qualification mini database. Currently three fields are available: 26-gauge equivalent loop length, red/yellow/green indicator and taper code. SBC agreed to and did unmask two other fields -- wire center code and design cable gauge makeup -- for the Southwestern Bell Telephone ("SWBT") region on March 18, 2000. The same data will be unmasked on July 22, 2000 for Pacific Bell's service area.

G. SBC Database Audits and Reviews:

SBC agreed to allow CLECs to conduct audits and reviews of its databases and records in order to verify the scope, type and accessibility of data available to internal personnel. The CLECs request access to unredacted data in SBC's electronic databases (i.e., not portioned access). In addition, the CLECs request copies of data dictionaries or other materials needed for CLECs to identify the fields and content of databases. CLECs also request the ability to review the content and performance of SBC's databases by being allowed to use a terminal to run a variety of reports and inquiries to access data. The Participating CLECs submit that audits and reviews should be ongoing, and allowed quarterly, but SBC did not agree with this frequency. Therefore, the Participating CLECs and SBC agreed to meet and determine the exact parameters for audits and reviews by May 1, 2000.

V. DISPUTED ISSUES

Although some progress was made at the February workshops, many CLEC issues were not addressed. The most significant unresolved issues are discussed below.

A. Access to all SBC Records, Databases and Back-End Systems

CLECS have requested, and the Texas PUC and the FCC have ordered, that SBC provide CLECs with real-time, mechanized access to all records, databases, and back-end systems available to SBC's own personnel, including engineers. Among the systems to which SBC must provide CLECs direct, read-only access are: LFACs (SBC's primary loop assignment and tracking system), LEAD/LEIS, TIRKS, APTOS, PREMISE, and SORD.

B. Population of Data

The POR is deficient in not requiring the updating of relevant databases to incorporate necessary loop makeup data. To the extent the existing databases do not contain loop make-up data (or that data is incomplete) that information should be incorporated or updated in the pertinent databases as manual loop qualifications or engineering queries, or new network deployments such as Project Pronto are performed. Such updates of loop makeup information will be done for Ameritech service regions. SBC has agreed to increase the percentage of data in its mechanized databases throughout its other service areas over the next 4-6 years with a priority on central offices designated by Participating CLECs. SBC will accomplish these data updates with a database system, ARES, currently used in the Ameritech region. However, the Participating CLECs and SBC could not reach agreement on timeframes for, or documentation of, data population in SBC's databases resulting from manual lookups paid for by CLECs or from new network deployments of facilities such as Project Pronto.

C. Mandatory Loop Qualification:

CLECs and SBC had agreed that no loop qualification would be required for loops of 12,000 feet or less and that once a pre-qualification is performed on these loops,

an order may flow-through immediately. SBC had agreed to make this modification available no later than July, 2000. However, at the March 28 and 29 meeting, SBC reversed its position and indicated loop qualification procedures and charges are necessary for every loop.

D. Real-Time Flow-Through of CLEC Orders

SBC supports flow-through of CLEC orders predominantly for ADSL, the chosen type of xDSL offered by SBC's data affiliate. Such approach is clearly discriminatory and therefore improper under the Telecommunications Act and numerous Commission orders. The Participating CLECs requested further detailed information regarding flow-through for other types of xDSL. As part of this discussion, the Participating CLECs seek to understand the degree of integration SBC offers for itself and its data affiliate through the CPSOS system. In addition, the Participating CLECs seek a commitment from SBC, and details regarding, flow-through for CLEC to CLEC migrations.

E. Methods and Procedures Documents for EDI/Datagate:

CLECs requested detailed documents, referred to as Methods and Procedures internally in the Bell system, describing precisely what changes are being made to its OSS for the pre-ordering and ordering enhancements in the POR. The Commission agreed that such information was necessary, but at the March 28 meeting, SBC stated that it would not provide M&Ps to CLECs. It should be noted that M&Ps of the type sought by the Participating CLECs have been determined to be non-confidential materials by the Texas Public Utilities Commission.

F. Parity

In their comments and at the workshops, CLECs requested a detailed explanation of the way in which SBC supports pre-ordering and ordering for its internal ADSL

operations, and/or its advanced services affiliates. SBC personnel have acknowledged that SBC's internal DSL operations utilize pre-ordering and ordering systems different than those used by CLECs. For example, SBC's makes available an interface, ASOS, that is not available to CLECs. Additionally, SBC makes available CPSOS to both its affiliate and unaffiliated CLECs for pre-qualification, but SBC provides CPSOS for ordering and order status to its affiliate only.¹⁶ Further, SBC agreed during the collaborative Such arrangement creates an unacceptable disparity because CPSOS appears to have the capability to function as an integrated, mechanized system handling all functions from pre-ordering through ordering.

CLECs requested that the POR establish a process for providing information on systems used by SBC's internal operations and/or advanced services affiliate, and information regarding performance measures for internal versus CLEC systems.

G. Spectrum Management

CLECs have requested, and the Texas PUC and FCC have ordered SBC to dismantle its binder group management/selective feeder separation ("BGM/SFS") system. Therefore, CLECs requested documentation that the table changes, rules and other changes made in LFACS, FACS, TIRKS, or any other system or database have been removed so that the SFS/BGM system cannot be used in loop assignments. Despite repeated requests, SBC brought no such documentation with it to the March 28 meeting. However, SBC personnel indicated that documentation existed. Specifically, documentation was provided to each service region's systems administrator detailing the exact changes to be made to remove the SFS/BGM system. Therefore, the Participating

¹⁶ SBC indicated that CLECs could obtain information regarding CPSOS on the SBC secure website, but no such information was located.

CLECs reiterate this request documentation from SBC's internal change management process, including the change management request number and details of the request(s) directing the dismantling the BGM/SFS system.

Request for documentation regarding the dismantling of SBC's BGM/SFS system is appropriate for several reasons. First, the D1/D2 designators placed on loops in conjunction with BGM/SFS provide loop length categories (i.e., D1 designates loops of 12,000 feet or less and D2 designates loops of more than 12,000 feet). Such information, which is contained in LFACS, but not available to CLECs, could be used by SBC as an initial loop screening method for short loops. Orders for short loops can be flowed through without loop qualification. In addition, the Merger Conditions are intended to ensure CLECs can compete effectively. Therefore, the Plan of Record should be used both to ensure SBC provides necessary functionality as well as to ensure that SBC cannot introduce elements into its OSS that would disadvantage CLECs. For example, SBC once asserted that CLECs must specify on the LSR different loop types for different xDSL types. Such system would be cumbersome and unnecessary, but worse, could allow SBC to delay CLEC xDSL services by requiring ordering of multiple loop types.

H. Line Sharing

SBC must be required to address fully in its POR all OSS issues related to ordering in a line-sharing environment. If CLECs cannot successfully place an order, they will clearly be precluded from fully exercising their rights to line share under the Commission's order. SBC provided only a high-level discussion that ordering for line sharing will be handled in the same manner as non-lined shared xDSL. However, these statements contradict information provided to CLECs in SBC's Line Sharing

proceedings. It should be noted that Pacific Bell has stated in testimony in a proceeding to implement line sharing in California that it will rely on the POR process for the development of OSS for line sharing.¹⁷

I. UNE-P:

The Participating CLECs requested OSS information regarding addition of xDSL service to a UNE-P configuration. Because it is necessary to work out the actual processes and procedures to allow such activity, including pre-ordering, ordering, maintenance and repair, it is an appropriate issue for the POR proceeding. Participating CLEC attempts to date to negotiate such processes and procedures with SWBT have been unsuccessful, despite SBC's commitment to do so in its filing with the FCC dated February 22, 2000 titled "*Reply Brief In Support of Applications By Southwestern Bell For Provision of In-Region InterLATA Services.*" On page 37, footnote 19 SBC stated that "AT&T is free to offer both voice and data service over the UNE Platform or other UNE arrangements, whether by itself or in conjunction with its xDSL partner, IC Communications. The Commission's Line Sharing Order did nothing to alter those options; it merely allowed data CLECs to access the high-frequency portion of loops over which the incumbent already provides voice service." While Participating CLECs have repeatedly requested clarification through the POR process regarding whether SBC intends to comply with the statement in its Reply Brief, the issue remains open.

VI. OTHER ISSUES

The Participating CLECs and SBC were unable to reach resolution on numerous issues primarily because SBC did not have information or did not have requested

¹⁷ Testimony of V. Alan Samson, March 27, 2000, R.93-04-003/1.93-04-002 (Line Sharing Phase) at 23 (excerpt provided as Attachment B).

documentation. However, during a lengthy conference call on March 31, 2000, the date this CLEC document was due, SBC reached agreement with the Participating CLECs on many of these issues.¹⁸ Where agreement was reached, language is provided in Attachment A.

¹⁸ These issues are identified in a separate section because although the Participating CLECs believe resolution was reached, further confirmation of SBC's fulfillment of these matters may be needed.

A. Issues Requiring SBC Agreement

1) Elimination of Mandatory Tracking Number: SBC agreed to make available the CNO field for use with an optional tracking number generated by the CLEC. The field will have no edits and therefore the absence of a number in the field should not affect the timely flow-through processing of a CLEC order.

2) Continued Support for Pre-Qualification: SBC had agreed that it will continue to make available a pre-qualification process through Datagate and EDI in any service area where it is currently available.

3) Keeping Verigate and LEX in synch with Datagate and EDI: SBC agreed to this item.

4) Date returned by all systems for loop qualification: SBC admitted to add a date field on all systems (EDI/CORBA and Datagate) for manual loop qualifications, but not for mechanized.

5) Definition of loop length in a project pronto configuration: SBC agreed to provide the entire length of the loop from the CO to the customer premises, which includes the fiber portion of the loop between the CO and the RT and the copper portion between the RT and the customer premises.

6) Conditioning of Loops: The Participating CLECs asked SBC to make the same commitment as Bell Atlantic and provide free conditioning on loops up to 18,000 feet. SBC has agreed only to condition loops up to 12,000 feet without charge. SBC refused, but the CLECs agreed this should be retained as an item for future discussion.

B. Issues Closed After SBC Provided Requested Information

SBC provided sufficient information that the Participating CLECs were able to reach agreement and/or close the following items. However, the Participating CLECs reserve the right to seek additional clarification in the future, if necessary.

- 1) Valid value null indicator will be developed.
- 2) Ameritech email Loop Qualification is considered to be manual.
- 3) Parity matrix was distributed.
- 4) Flow-thru matrix updated: SBC agreed to provide an corrected copy of a matrix discussing flow-through issues. However, SBC has not yet provided such matrix.
- 5) Verification that the two fields (wire center code and design cable gauge makeup) in SBC's mini database for pre-qualification will be unmasked for Pacific as well as for SWBT territories.
- 6) SBC will verify accuracy and availability of the fields in the LoopQual data matrix.
- 7) Sample data: SBC will should provide sample data for all 1300 addresses requested by CLECs, not just 50 addresses, as provided at the March 28 and 29 meeting.
- 8) RTZ: SBC confirmed that prequalification systems returning red,yellow,green or RTZ indicators are available in Pacific's region and will be available into the future.
- 9) Ordering Problems with 3/18 Release of EDI/DataGatc: SBC acknowledged a problem with the new release that returned incorrect information regarding presence of DLC. Therefore, CLECs may be getting false loop qualifications indicating a loop is not suitable for xDSL. SBC issued an Accessible Letter stating that a problem had occurred, as well as the duration of the problem. However, SBC did not provide details regarding

the cause or the fix for the problem. SBC agreed to recheck all reject indications issued between 3/18 and the date of repair to determine which C.I.R.C. orders may have gotten false rejection notices.

10) SBC agreed to provide a spec code requested by SBC's data affiliate that will allow it to request to preauthorize any necessary conditioning

11) SBC added language to the POR that it would provide electronic availability of spare pairs.

VII. CONCLUSION

The Participating CLECs have made progress in addressing OSS issues for pre-ordering and ordering xDSL loops in workshops with SBC. However, a number of resolved issues remain as identified in Section V and arbitration may be necessary for resolution of these issues.

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Respectfully submitted

On Behalf of CLECs



Anita Taff-Rice
Blumenfeld & Cohen
4 Embarcadero Center
Suite 1170
San Francisco, CA 94111
415-394-7500
415-394-7505 (facsimile)