

**BEFORE THE ILLINOIS COMMERCE COMMISSION**

**Docket No. 01-0662**

**Rebuttal Testimony of Chris Nations  
On Behalf of Ameritech Illinois**

**Ameritech Illinois Exhibit 9.1**

**April 22, 2002**

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Witness NATIONS

Date 7/1/02 Reporter KM

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18 **II. Directory Assistance Listings (“DAL”) provided in bulk IS not AN UNBUNDLED**  
19 **NETWORK ELEMENT (“UNE”).**

20 **Q. Mr. Lehmkuhl asserts that WorldCom is entitled to get downloads of Ameritech**  
21 **Illinois’ DA database as a UNE at TELRIC rates. (Lehmkuhl, lines 52-136). Is**  
22 **Ameritech Illinois required to provide DA Listings (“DAL”) in bulk as a UNE?**

23 A. No. No LEC is required to provide DA listings in bulk as an unbundled network element.  
24 Unfortunately, WorldCom’s Mr. Lehmkuhl attempts to confuse access to Ameritech  
25 Illinois’ DA database on a query-by-query basis with DA listings provided in bulk. These  
26 services are distinctly different both in and of themselves and in terms of the legal  
27 obligations that they carry.<sup>2</sup> It is important to note that WorldCom has not requested  
28 access to Ameritech Illinois DA database on a query-by-query basis. Rather, WorldCom  
29 currently purchases DA listings in bulk, with daily updates, and incorporates those listings  
30 into its own database. Its efforts in this case are focused on getting the DAL download at  
31 a lower rate by claiming that it is a UNE.

32

33 **Q. Why do you say that DAL download is not a UNE?**

34 A. The FCC’s *UNE Remand Order* reinforced the holding that DAL is not an unbundled  
35 network element, and never has been. There, the FCC stated that “We decline to expand  
36 the definition of OS/DA...to provide directory assistance listings updates

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<sup>2</sup> There actually three different DA-related offerings: 1) *Directory Assistance* service is an operator-assisted service wherein Ameritech operators furnish published listing information to callers; 2) *DA listings in bulk* enable CLECs and their agents to purchase Ameritech DA listings to incorporate into the CLEC or agents’ DA database so the CLEC’s or agents’ operators can provide DA service themselves; and 3) *Direct Access to Ameritech DA database*

37 ...because...these obligations already exist under section 251(b)(3) and the relevant rules  
38 promulgated thereunder.”<sup>3</sup> Since a DA listing download is not a UNE, TELRIC-based  
39 rates do not apply to DA listings in bulk, with daily updates. The FCC confirmed this  
40 holding yet again when it approved Southwestern Bell Telephone’s 271 compliant “X2A”  
41 agreements for Arkansas, Kansas, Missouri, Oklahoma, and Texas containing market-  
42 based prices (not UNE prices) for wholesale DAL services.

43

44 **Q: WorldCom witness Lehmkuhl nonetheless argues that even if CLECs are not entitled**  
45 **to download the DA database as a UNE, market-based pricing of the download**  
46 **would be inappropriate. (Lehmkuhl, lines 52-136). How do you respond?**

47 A: This docket is not an opportunity for WorldCom to make generalized claims that  
48 Ameritech Illinois rates for non-UNEs should be lower. This is a 271 proceeding, not a  
49 cost proceeding.

50

51 **Q: Does Ameritech Illinois have any legal obligation to provide downloads of DA listings**  
52 **in bulk?**

53 A: Yes, Ameritech Illinois acknowledges that it, like all other local carriers, must provide  
54 such downloads under Section 251(b)(3) of the Act. However, this duty is not a Section

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is available (although no CLEC has requested it) so CLEC’s or agents’ operators can access Ameritech DA database on a query-by-query basis to provide DA service themselves.

<sup>3</sup> In the Matter of Implementation of the Local Competition Programs of the Telecommunications Act of 1996, Third Report and Order, CC Docket No. 96-98, (Released November 5, 1999). (“UNE Remand Order”), ¶444 at page 200.

55 251(c)(3) UNE obligation and, therefore, TELRIC rates do not apply. Market-based rates  
56 do, as the FCC has already held.<sup>4</sup>

57

58 **Q: How does Ameritech Illinois make DA listings in bulk available to CLECs?**

59 A: Ameritech Illinois provides the same market-based prices to all CLECs under Attachment  
60 DAL to local interconnection agreements. Ameritech Illinois fulfills its obligations under  
61 Section 251(b)(3) of the Act by providing nondiscriminatory access to its OS and DA  
62 services and DA listings on a wholesale basis.

63

64 **III. DAL PROVISIONING ISSUES.**

65

66 **Q. Mr. Lehmkuhl alleges (lines 137-148) that Ameritech Illinois places unlawful**  
67 **restrictions on its use the DA listings that it downloads from Ameritech Illinois (as a**  
68 **non-UNE). Does it?**

69 A. No. Mr. Lehmkuhl is referring to an issue addressed by the FCC in the directory listing  
70 order<sup>5</sup>, where the FCC ruled that LECs could not restrict the use of DAL to DA service  
71 only. In compliance with that FCC order, Ameritech Illinois issued an Accessible Letter  
72 (CLECAM01-080, March 21, 2001) stating that it would comply with the FCC's order.

73

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<sup>4</sup> *The UNE Remand Order*, ¶ 473- "...under these circumstances it would be counterproductive to mandate that incumbent offer the element at forward looking prices. Rather market price should prevail, as opposed to a regulated rate which, at best, is designed to reflect the pricing of a competitive market."

<sup>5</sup> First Report and Order, *Provision of Directory Listing Information under the Telecommunications Act of 1934, As Amended*, CC Docket No. 99-273, FCC 01-27 (rel. Jan. 23, 2001).

73 The Accessible Letter specifically stated that Ameritech Illinois would not enforce any  
74 restrictions on the use of directory assistance listing information by any directory  
75 assistance provider. A proposed amendment to DAL agreements was included with the  
76 Accessible Letter.<sup>6</sup> Thus, the CLECs have a “non-enforcement” letter from Ameritech  
77 Illinois and a proposed amendment to their DAL agreement. In addition, newly  
78 negotiated DAL agreements will include language that complies with the FCC’s order. In  
79 short, there is no issue here.

80

81 **Q. Mr. Lehmkuhl claims that Ameritech Illinois has a competitive advantage over other**  
82 **carriers with respect to OS/DA in Illinois. Do you agree with that assertion?**

83 A. No. There is competition in Illinois for OS/DA services. The CLECs and third-party  
84 OS/DA providers can, and do, purchase downloads of DAL, so each competitor has the  
85 same listing information – and the same daily updates -- as Ameritech Illinois operators.  
86 Further, CLECs have many choices among OS/DA service providers. CLECs can choose  
87 Ameritech Illinois as wholesale provider of DA services, or CLECs can route their  
88 subscribers’ calls to their own OS/DA platforms or the platforms of third-party OS/DA  
89 providers. As the FCC found in the *UNE Remand Order*, there is vibrant competition

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<sup>6</sup> Accessible Letter CLECAM01-080, “Subject to any subsequent decision or order by the FCC or a court, the SBC telephone companies will comply with the FCC’s Order and will not enforce any restrictions on the use of directory assistance listings information by any directory assistance provider that provides telephone exchange service or telephone toll service under section 251(b)(3), or by any directory assistance provider that acts as an agent or an independent contractor for a qualifying entity under section 251(b)(3). To the extent that any such use restrictions exist in interconnection agreements, the SBC telephone companies will not enforce such use restrictions. Nevertheless, CLECs seeking to amend their interconnection agreements may contact their account manager with their request. A sample amendment is attached.” <<https://clec.sbc.com/>>

90 among wholesale OS/DA providers:

91 “Even requesting carriers advocating the unbundling of operator and directory  
92 assistance services acknowledge that there exists a substantial number of  
93 alternative providers of operator and directory assistance services. For example,  
94 AT&T, MCI WorldCom, and Sprint have already established national operator  
95 services via toll-free numbers. Metro One provides OS/DA service to Alltel and  
96 GST Telecom. Cox and Omnipoint obtain OS/DA service from Teltrust, and  
97 Winstar obtains these services from Frontier. Requesting carriers may also obtain  
98 OS/DA services and directory listings from numerous wholesale providers,  
99 including Century Tel Telecommunications, Clifton Forge, Consolidated  
100 Communications, Excell, Experian’s TEC Group, Frontier, HebCom, InfoNXX,  
101 Metro One, Quest 411, and Teltrust.”<sup>7</sup>

102 As this list demonstrates, in addition to self-provisioning OS/DA services (MCI provides  
103 its own DA services to its switch-based local exchange subscribers and to all callers via  
104 10-10-9000), there are a number of wholesale OS/DA providers among whom WorldCom  
105 can choose.

106

107 **Q. Mr. Lehmkuhl’s testimony questions the accuracy of Ameritech Illinois’ DAL data**  
108 **and refers to a problem called “unmatched deletes”. What does this mean?**

109 A. Listing information for all carriers changes daily. Accordingly, DA listings provided to  
110 DAL customers must be updated daily. When these updates occur, indicators are used to  
111 identify the current listings that are being changed or deleted. Mr. Lehmkuhl suggests that  
112 in other Ameritech states, delete indicators were provided for numbers that did not match  
113 data in WorldCom’s existing DAL data.

114

115 **Q. Is Mr. Lehmkuhl correct in his allegation that Ameritech Illinois provided these**  
116 **“unmatched deletes”?**

117 A. No. This issue was investigated previously in 2001 and addressed last year in other  
118 proceedings. It was found that in every instance the deleted listing matched a listing that  
119 WorldCom had previously received from Ameritech Illinois and that there were no  
120 “unmatched deletes”. In fact, with the help of Ameritech’s personnel, WorldCom found  
121 that WorldCom was trying to match the wrong field on update files to listings it had  
122 previously incorporated into its DA database.

123

124 **Q. Is this an Ameritech Illinois operational issue, as Mr. Lehmkuhl suggests?**

125 A. No. Ameritech Illinois provides daily DA listing updates accurately. WorldCom attempts  
126 to lay the blame for this at Ameritech Illinois’ door when, in reality, it was due to a  
127 programming problem on WorldCom’s side—a flaw that Ameritech personnel helped  
128 WorldCom to resolve. WorldCom’s comments about this issue are without merit, and  
129 should be discarded.

130

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<sup>7</sup> *UNE Remand Order*, ¶ 448, pp. 202.

130 **Q. What standards does Ameritech Illinois apply to the DA listings it provides**  
131 **WorldCom and other CLECs?**

132 A. WorldCom is offered DA listings, including complete downloads, reloads and updates, on  
133 the same basis as Ameritech Illinois provides them to itself. For example, Ameritech  
134 Illinois' White Page database was upgraded in 2001. To ensure that future listing updates  
135 that flow from the WP database to Ameritech Illinois' DA database match what is already  
136 in its DA database, Ameritech Illinois downloaded all Illinois listings once in 2001. That  
137 same download was offered and accepted by WorldCom and other DAL customers.

138

139 **Q. Mr. Lehmkuhl claims that the overall quality of the database download is not good,**  
140 **and he points to the fact that WorldCom got "5 reloads of DAL in 2001" (Lehmkuhl,**  
141 **line 255). How do you respond?**

142 A. Reloads were provided to WorldCom due to its concern that the database was not  
143 accurate. This concern was misplaced, mainly due to the "unmatched delete" issue I  
144 described above. As I pointed out, this was a problem of WorldCom's making and was  
145 not caused by any problems with Ameritech Illinois' DA database. WorldCom was the  
146 only CLEC to request multiple reloads on the basis of "unmatched deletes" from  
147 Ameritech Illinois during this period.

148

148 Q. How does Ameritech Illinois address the claims that: 1) on one occasion the DAL  
149 data included question marks for abbreviated titles; and 2) that there are  
150 unexplained monthly fluctuations in the number of listings for the entire Ameritech  
151 region? (Lehmkuhl, lines 271-93).

152 A: Mr. Lehmkuhl concedes that the month to month “fluctuation” issue has been resolved.<sup>8</sup>  
153 It is important to note that Mr. Lehmkuhl’s comments were not centered on Illinois. As  
154  
155 Ameritech has pointed out in other proceedings, the number of monthly updates in any  
156 state may increase prior to the “close” date of a large metropolitan White Page directory.  
157 Subscribers – both retail and wholesale – often decide to change their listings prior to  
158 publication of a new White Page directory. Since WP listing changes flow into Ameritech  
159 Illinois’ DA listing database, increased numbers of WP listing changes mean an increased  
160 number of DA listing changes. This is normal and not “a fluctuation.” As for the data that  
161 included question marks, a programming error inserted question marks in listings that  
162 included abbreviations of titles (e.g., Dr.). This programming issue was resolved in July of  
163 2001. Neither Ameritech Illinois, nor its DAL customers, has had problems or complaints  
164 regarding this issue after the problem was corrected last year.

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<sup>8</sup> Direct, Lehmkuhl, line 286.

166 **IV. AMERITECH ILLINOIS' OBLIGATION FOR OS/DA PROVISIONING**

167 **Q. Has Ameritech Illinois proven that it can provide a form of customized routing that**  
168 **is consistent with WorldCom's business needs and consistent with the FCC rules?**

169 A. As discussed in the Affidavit of William C. Deere, customized routing is available to  
170 CLECs throughout Ameritech's region. Competing carriers in the Ameritech region can  
171 route their OS/DA traffic to their own platform or another provider of OS/DA services.

172

173 **Q. In Mr. Caputo's testimony (lines 203-217), he addresses Ameritech Illinois'**  
174 **obligation to provide OS/DA services as UNEs at least until Ameritech Illinois proves**  
175 **that it can provide customized routing consistent with the Illinois Commerce**  
176 **Commission rules. Is Ameritech Illinois currently in compliance with the ICC rules?**

177 A. Yes. Through its TELRIC Compliance Order, this Commission directed Ameritech  
178 Illinois to provide unbundled access to OS/DA at TELRIC-based prices. In compliance  
179 with this Order, Ameritech Illinois tariffed OS/DA services, along with adjunct services  
180 such as branding, as UNEs in Tariff No. 20, Part 19, Sections 7 and 8.<sup>9</sup>

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<sup>9</sup> The October 16, 2001 TELRIC Compliance Order (Docket 98-0396) requires Ameritech Illinois "to provide OS/DA as UNEs until such time as Ameritech successfully demonstrates, after testing and our approval of terms, that CLECs have the ability to route their OS and DA traffic to their own OS and DA platforms or to those of a third party provider." As Mr. Deere shows, Ameritech Illinois already offers this customized routing.

181

182 **V. LISTING VERIFICATION PROCESS.**

183 **Q. Do CLECs have the ability to verify the presence and accuracy of their listings?**

184 A. Yes. As stated in my Direct Testimony filed in this proceeding, Ameritech Advertising  
185 Services (“AAS”), the directory publishing affiliate of Ameritech Illinois, offers  
186 verification of CLEC listings in the Ameritech White Page (“WP”) database. WP listings  
187 – retail and wholesale alike – flow into Ameritech Illinois’ DA database. CLEC listing  
188 verification processes are addressed in more detail in the Affidavit of Robben Kniffen-  
189 Rusu. As detailed in Ms. Kniffen-Rusu’s affidavit, CLECs may utilize a graphic user  
190 interface website to verify their listings on a daily basis.

191

192 **VI. CONCLUSION**

193 **Q. In summary, has Ameritech Illinois satisfied its obligations under Section 251(b)(3)**  
194 **and Section 271(c) of the Act?**

195 A. Yes. As stated in my Direct Testimony filed in this docket, Ameritech Illinois meets its  
196 obligations under Section 251 of the Act<sup>10</sup> and 271 Checklist Item No. (vii) pursuant to 47

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<sup>10</sup> Section 251(b)(3), Communications Act of 1934 as amended by the Telecommunications Act of 1996.

197 C.F.R. § 271 (c)(2)(B)(vii)(II) & (III) by providing CLECs with nondiscriminatory access  
198 to the following services:<sup>11</sup>

- 199 • Operator Services (“OS”), including adjunct Operator Call Completion Services;
- 200 • Directory Assistance (“DA”) Services, including Information Call Completion  
201 (“ICC”);
- 202 • Directory Assistance Listings (“DAL”) in bulk format, with daily updates,
- 203 • Direct Access to Ameritech Illinois’ DA database on a query-by-query basis.

204

205 **Q. Does this complete your Rebuttal Testimony?**

206 A. Yes. However if new issues arise, I respectfully request the opportunity to supplement  
207 this testimony.

208

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<sup>11</sup> FCC 96-333 *Second Report and Order and Memorandum Opinion And Order* (“Second Report and Order”) and CC Docket 96-98, Appendix B - Rules, Amendments to the Code of Federal Regulations (C.F.R), Part 51, Subpart D (“the FCC Rules”).