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World Com Exhibit No. 5.2

Witness Caputo

Date 7/1/02 Reporter KM

**BEFORE THE ILLINOIS COMMERCE COMMISSION**

**Docket No. 01-0662**

**Rebuttal Testimony of Edward J. Caputo  
On Behalf of WorldCom, Inc.**

**WorldCom Exhibit No. ~~5.1~~ 5.2**

**May 20, 2002**

**REBUTTAL TESTIMONY OF EDWARD J. CAPUTO  
ON BEHALF OF WORLDCOM**

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**I. INTRODUCTION AND PURPOSE OF TESTIMONY**

**Q. Are you the same Edward J. Caputo that prepared direct testimony in this proceeding?**

**A.** Yes.

**Q. What is the purpose of your testimony?**

**A.** The purpose of this testimony is to respond to the rebuttal testimony of William C. Deere on behalf of Ameritech Illinois dated April 22, 2002, the rebuttal testimony of Jan D. Rogers on behalf of Ameritech Illinois dated April 22, 2002 and the rebuttal testimony of George Light on behalf of the Illinois Commerce Commission Staff ("Staff") dated April 22, 2002. In responding to these witnesses, my testimony focuses on issues related to checklist item numbers 6 (access to unbundled local switching) and 7 (access to 9-1-1, Directory Assistance and Operator Services) of the so-called competitive checklist contained in the federal Telecommunications Act of 1996 ("TA96"). Specifically, I respond to testimony that addresses issues of Operator Services and Directory Assistance ("OS/DA") services as Unbundled Network Elements ("UNEs") and customized routing of OS/DA calls placed by WorldCom's local customers so that those calls can reach WorldCom's OS/DA platforms or the OS/DA platforms of third party OS/DA providers.

22 As discussed in detail below, because Ameritech fails to provide WorldCom with  
23 custom routing of OS/DA traffic in the manner requested by WorldCom,  
24 Ameritech fails to satisfy the requirements of checklist items 6 (unbundled local  
25 switching) and 7 (access to 9-1-1, directory assistance and operator services).  
26 Unless and until Ameritech provides customized routing of OS/DA traffic as  
27 requested by WorldCom, the Illinois Commerce Commission ("Commission")  
28 should decline to recommend to the Federal Communications Commission  
29 ("FCC") that Ameritech Illinois be granted approval to provide in-state, interLATA  
30 services in Illinois under Section 271 of TA96.

## II. CUSTOMIZED ROUTING OF CALLS TO OPERATOR SERVICES/DIRECTORY ASSISTANCE ("OS/DA")

- 31  
32 **Q. Despite Mr. Deere's comments in his rebuttal testimony, is the issue still**  
33 **whether Ameritech Illinois meets its' requirements relative to Checklist**  
34 **items 6 and 7?**  
35 **A. Yes. Nothing has changed in this regard.**

36  
37 Ameritech fails to meets its' obligation under checklist item 6 to provide  
38 WorldCom with customized routing of its' OS/DA calls to the Feature Group D  
39 ("FGD") trunks designated by the WorldCom as part of the unbundled switching  
40 requirement. WorldCom has requested from SBC/Ameritech that Ameritech  
41 route WorldCom's operator services and directory assistance services traffic,  
42 associated with local services that WorldCom provides to end user customers via  
43 the Unbundled Network Element Platform ("UNE-P" or "Platform"), to

44 WorldCom's existing shared access Feature Group D ("FGD") trunks. Incumbent  
45 Local Exchange Carriers ("ILECs") are required to provide any technically  
46 feasible customized routing functions as part of the unbundled local switching  
47 UNE.<sup>1</sup>

48  
49 Ameritech Illinois has not proven to the Illinois Commerce Commission that the  
50 Advanced Intelligent Network ("AIN") and Line Class Code customized routing  
51 that it purportedly offers will actually provide the specific customized routing that  
52 WorldCom has requested. Nor has it proven to the Illinois Commerce  
53 Commission that the customized routing requested by WorldCom is not  
54 technically feasible. The Federal Communications Commission ("FCC") was  
55 clear with respect to this point in the Bell South Louisiana II decision where it  
56 concluded that "Bell South does not meet the requirements set forth in the Local  
57 Competition First Report and Order and our rules that an incumbent LEC provide  
58 technically feasible customized routing functions."<sup>2</sup> I emphasize the related  
59 footnote 705 of Louisiana II decision, which reads, "An incumbent LEC must  
60 provide customized routing as part of the local switching element, unless it can

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<sup>1</sup> "Section 271 (c)(2)(B)(vi) of the Act, item (vi) of the competitive checklist, requires a BOC to provide "[l]ocal switching unbundled from transport, local loop transmission, or other services." in the *Local Competition First Report and Order*, the Commission concluded that incumbent LECs must provide local switching as an unbundled network element. The Commission defined local switching to encompass line-side and trunk-side facilities, plus the features, functions, and capabilities of the switch. The features functions and capabilities of the switch include the basic switching function as well as the same basic capabilities that are available to the incumbent LEC's customers. Additionally, local switching includes all vertical features that the switch is capable of providing, as well as any technically feasible customized routing functions. *Application of BellSouth Corporation, BellSouth Telecommunications, Inc., and BellSouth Long Distance, Inc., for Provision of In-Region, InterLATA Services in Louisiana*, FCC 98-121, 13 F.C.C.R. 20599 (Oct. 13, 1998) ("Louisiana II"), at ¶¶ 207, 210, 219, 224.

61 prove to the state commission that customized routing in a particular switch is not  
62 technically feasible.” The Illinois Commerce Commission was equally clear with  
63 respect to this issue In its order in Docket 98-0396, issued October 16, 2001.

64  
65 In addition, Ameritech Illinois fails to meet its obligation under checklist item 7  
66 because it does not provide WorldCom with nondiscriminatory access to  
67 Ameritech's Illinois' OS/DA as an Unbundled Network Element. The FCC stated  
68 in its UNE Remand Order that ILECs must provide competitors with customized  
69 routing in order to be relieved of their obligation to provide OS/DA services as  
70 UNEs. Ameritech has not met its obligation in this regard nor has it recognized  
71 and complied with the Illinois Commerce Commission Order in 98-0396, dated  
72 October 16, 2001, to provide OS/DA as UNEs at TELRIC rates until such time as  
73 it provides customized routing as described above.

74 **Q. What are Ameritech's obligations with respect to OS/DA?**

75 **A.** The FCC, in ¶ 462 of its *UNE Remand Order*, specified that where the ILEC does  
76 not provide customized routing, it must continue to offer OS/DA as UNEs  
77 pursuant to Section 251 (c)(3) of TA96. Furthermore, the Illinois Commerce  
78 Commission has required Ameritech Illinois to provide OS/DA as UNEs at Total  
79 Element Long Run Incremental Cost (“TELRIC”) rates “until such time as  
80 Ameritech successfully demonstrates, after testing and [ICC] approval of terms,

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<sup>2</sup> Id. ¶ 221

81 that CLECs have the ability to route their OS and DA traffic to their own OS and  
82 DA platforms or to those of a third party provider.”<sup>3</sup>

83 **Q. Has Ameritech Illinois tested either of the AIN or Line Class Code**  
84 **customized routing methods that it offers to determine whether it meets**  
85 **WorldCom’s request? Has Ameritech proven that its customized routing**  
86 **offers are consistent with WorldCom’s business needs, FCC’s rules and**  
87 **ICC orders?**

88 **A.** No. Ameritech Illinois has neither tested nor proven that it can provide a workable  
89 version of customized routing for WorldCom’s OS/DA calls. In negotiations with  
90 SBC in California, Texas, Ohio, Connecticut and Missouri, WorldCom has  
91 provided its specific request for customized routing to SBC and indicated that the  
92 request applies to all SBC operating companies. It is clear from the testimony  
93 that WorldCom filed in the Illinois TERCIC Compliance case in Docket 98-0396<sup>4</sup>  
94 that WorldCom has been attempting to obtain the same type of customized  
95 routing for sometime in Illinois, also to no avail.

96 **Q. Is WorldCom’s preferred customized routing technically feasible?**

97 **A.** Yes. WorldCom’s proposal for customized routing uses line class codes and  
98 standard switch table routing features and functions. This will facilitate routing of  
99 OS/DA calls to WorldCom’s Feature Group D trunks and to WorldCom’s OS/DA  
100 platforms. Proprietary Schedule EJC-1-P to my direct testimony provides a

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<sup>3</sup> Investigation into the compliance of Illinois Bell Telephone Company with the order in Docket 96-0486/0569, Docket No. 98-0396, Order, issued October 16, 2001 (“TERLIC Compliance Order”), p. 95.

<sup>4</sup> See, e.g., Testimony of Sherry Lichtenberg in 98-0396, pre-filed March 29, 2000.

101 complete package of switch vendor documentation on how to accomplish such  
102 routing as well as the results of WorldCom's own lab testing of this exact custom  
103 routing capability.<sup>5</sup> WorldCom's lab testing included successful tests of  
104 customized routing of OS/DA traffic on switches from the three main switch  
105 vendors, including Siemens, Nortel and Lucent. It is important to note that  
106 contrary to Mr. Deere's rebuttal testimony starting at line 510 where he states,  
107 "Ameritech Illinois also uses Siemens central office switches and no test has  
108 been conducted on this type of switch," that WorldCom's Proprietary Schedule  
109 EJC-1-P shows conclusively that WorldCom tested its customized routing  
110 solution for the Siemens switch and this testing proves that WorldCom's  
111 proposed solution for Siemens switches is feasible and can provide the  
112 customized routing that WorldCom requested from SBC/Ameritech.

113  
114 Contrary to Mr. Deere's assertion starting at line 511 of his rebuttal testimony,  
115 Pacific Bell, in its testing of WorldCom's proposed customized routing solution for  
116 California has not provided any evidence that there was any problem in  
117 developing the records necessary for proper billing to occur, and in fact the  
118 documentation in Proprietary Schedule EJC-1-P demonstrates that all necessary  
119 billing records, sometimes referred to as Automatic Message Accounting or

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<sup>5</sup> In addition to providing SBC/Pacific Bell with documentation and the results WorldCom's lab tests on OS/DA customized line class code-based customized routing for Siemens, Nortel and Lucent switches, WorldCom provided SBC/Pacific Bell with documents from the switch vendors -- Siemens, Nortel and Lucent -- which illustrate how WorldCom's preferred line class code-based customized routing method works for the vendors respective switches. See Proprietary Schedule EJC-1-P, which contains the documentation that was provided by WorldCom to SBC/Pacific Bell.

120 "AMA" records, are produced in WorldCom's proposed customized routing  
121 solution. Like the Illinois Commission, the California PUC required Pacific Bell to  
122 provide OS/DA as a UNE until it provides customized routing.<sup>6</sup>

123 **Q. Is Ameritech Illinois correct in its assertion that WorldCom must submit a**  
124 **Bona Fide Request for customized routing?**

125 A. No. In his rebuttal testimony beginning at line 471, Mr. Deere states that  
126 WorldCom has not used the Bona Fide Request provision of its interconnection  
127 agreement to request a special form of customized routing. As I have stated  
128 earlier, the FCC has already ruled that customized routing must be provided as  
129 part of the unbundled local switching element. WorldCom is not required to  
130 submit a BFR for an existing UNE.

131 **Q. Is WorldCom's required to propose a solution for customized routing?**

132 A. No. Beginning at line 505 of his rebuttal testimony, Mr. Deere states that  
133 WorldCom has no proposed solution for Nortel switches to custom route  
134 WorldCom's OS traffic. First, CLECs are not required to provide custom routing  
135 solutions to ILECs. The onus is on the ILEC to develop and deliver customized  
136 routing solutions based on the CLECs request. The FCC support for this position  
137 is clear from its language in the Louisiana II order where it says in pertinent part,  
138 "If a competing carrier requests Feature Group D signaling and it is technically

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<sup>6</sup> CPUC Decision 10-09-054, dated September 20, 2001, *Application by Pacific Bell Telephone Company (U 1001 C) for Arbitration of an Interconnection Agreement with MCI/metro Access Transmission Services, L.L.C. (U 5253 C) Pursuant to Section 252(b) of the Telecommunications Act of 1996*, pages 11-13

139 feasible for the incumbent LEC to offer it, the incumbent LEC's failure to provide  
140 it would constitute a violation of section 251 (c)(3) of the Act. Our rules require  
141 incumbent LECs, including BOCs to make network modifications to the extent  
142 necessary to accommodate interconnection or access to network elements."<sup>7</sup>  
143 The FCC further stated, "Thus , we require incumbent LECs, to the extent they  
144 have not accommodated technologies used for customized routing, to offer  
145 OS/DA as an unbundled network element."<sup>8</sup>

146 Moreover, it is important to point out that the only shortcoming in the customized  
147 routing proposal that WorldCom has made deals with the ability of the Nortel  
148 local switch to route local operator service dialed calls, that is where the  
149 customer dials "0" alone to get operator assistance, or dials "0" plus a local  
150 number to get operator assistance. WorldCom made this shortcoming known to  
151 SBC during the California arbitration proceeding so this is no surprise to SBC.  
152 Further, WorldCom contacted Nortel prior to the California arbitration proceeding  
153 to discuss the shortcoming and Nortel indicated that it could develop software to  
154 remedy this issue. WorldCom made this information know to SBC during the  
155 California proceeding yet WorldCom is unaware of any initiative that SBC has  
156 made to obtain the software remedy from Nortel. Regardless of the potential for  
157 a software solution from Nortel for this shortcoming, Ameritech Illinois holds the  
158 solution to this issue in its own hands. All Ameritech Illinois has to do is prove  
159 through a successful test that can be verified by the Commission and CLECs that

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<sup>7</sup> Louisiana II, ¶ 226

160 its proposed AIN based customized routing solution for 0+/0- calls originating  
161 from Nortel switches works. Ameritech Illinois claims that its AIN customized  
162 routing will meet WorldCom's needs, so Ameritech Illinois should be able to  
163 prove this by working in a collaborative fashion with WorldCom to demonstrate  
164 that it can use AIN to custom route WorldCom's 0+/0- calls from Nortel switches  
165 to WorldCom's shared access, Feature Group D trunks as requested.

166 **Q. Does Ameritech recognize its obligation to provide OS/DA services as**  
167 **UNEs at least until Ameritech proves that it can provide customized routing**  
168 **consistent with the Illinois Commerce Commission rules?**

169 **A.** No. Despite Mr. Deere's statement at lines 464 and 465 of his rebuttal that,  
170 "...the FCC has approved the same type of customized routing arrangements for  
171 Arkansas and Missouri," The Illinois Commerce Commission has already set the  
172 conditions for Ameritech Illinois with respect to customized routing and OS/DA  
173 services. The Commission found in the TELRIC Compliance Order 98-0396,  
174 dated October 16, 2001, that "...we also require Ameritech, consistent with the  
175 record evidence presented by AT&T and MCI WorldCom and the FCC's UNE  
176 Remand Order, to provide operator services and directory assistance as  
177 unbundled network elements at TELRIC rates until such time as Ameritech  
178 successfully demonstrates, after testing and our approval of terms, that CLECs  
179 have the ability to route their OS and DA traffic to their own OS and DA platforms  
180 or to those of a third party provider."

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<sup>8</sup> UNE Remand Order, ¶ 463

182 Further, the FCC states in footnote 711 of the Louisiana II Order, "In the  
183 *Ameritech Michigan Order*, the Commission determined that a BOC's promise of  
184 future performance has no probative value in demonstrating its present  
185 compliance. To gain in-region, interLATA entry a BOC must support its  
186 application with actual evidence demonstrating its present compliance with the  
187 statutory conditions for entry, instead of prospective evidence that is contingent  
188 on future behavior."

189

190 **Q. Mr. Deere contends that the FCC's rejection of Bell South Louisiana II**  
191 **Application is irrelevant and asks the Commission to look to orders**  
192 **in other SWBT states. Has there been a recent order in another**  
193 **SWBT state regarding customized routing?**

194 A. Yes. The Texas Public Utilities adopted the following arbitrator's decision in May,  
195 2002:

196 Arbitrators' Decision

197 The UNE Remand Order requires ILECs to unbundle their OS/DA  
198 services, unless the ILEC provides customized routing to a requesting  
199 carrier to allow it to route traffic to alternative OS/DA providers.<sup>9</sup>  
200 Customized routing, by definition, must permit requesting carriers to  
201 designate the particular outgoing trunks associated with unbundled  
202 switching provided by the incumbent.<sup>10</sup> The Arbitrators therefore reject  
203 SWBT's claim that, by providing customized routing through Feature  
204 Group C (FGC) trunks, it has satisfied the customized routing

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<sup>9</sup> UNE Remand Order at 13.

<sup>10</sup> See UNE Remand Order at n.867.

205 requirement.<sup>11</sup> As the FCC observed, CLECs are impaired without  
206 accommodating technologies used for customized routing. Therefore, to  
207 the extent ILECs have not accommodated technologies for customized  
208 routing, they must offer OS/DA as a UNE.<sup>12</sup>

209 In this arbitration, MCI<sub>m</sub> requested customized routing through Feature  
210 Group D (FGD) trunks.<sup>13</sup> MCI<sub>m</sub>, Sage, and the CLEC Coalition adduced  
211 evidence that provisioning OS/DA in the manner proscribed by SWBT  
212 (via FGC) is prohibitively costly.<sup>14</sup> Sage presented un rebutted evidence  
213 that the higher cost would result in Sage being unable to provide OS/DA  
214 to its customers under FGC.<sup>15</sup> The Arbitrators therefore conclude that  
215 SWBT has not met the condition precedent of providing customized  
216 routing that accommodates technologies specified by the CLEC, and  
217 therefore OS/DA should remain a UNE.

218 The Arbitrators' decision does not imply that, if SWBT were to offer  
219 customized routing using Feature Group D, SWBT would then be  
220 automatically authorized to discontinue offering OS/DA services as a  
221 UNE. The FCC's analysis of whether OS/DA services should be offered  
222 as a UNE included an assessment of the availability of third party vendors  
223 to offer OS/DA services.<sup>16</sup> The FCC concluded that a CLEC would not be  
224 materially diminished without access to OS/DA from an ILEC on an  
225 unbundled basis in part because, at the time the UNE Remand Order was  
226 issued, there were a substantial number of regional and national alternative

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<sup>11</sup> Tr. at 191.

<sup>12</sup> UNE Remand Order ¶ 463.

<sup>13</sup> MCI<sub>m</sub> Exh.No. 7, Caputo Direct at 6.

<sup>14</sup> Sage Exh. No. 1, Nuttal Direct at 46; Coalition Exh. No. 1, Gillan Direct at 47-48.

<sup>15</sup> Sage Exh. No. 1, Nuttal Direct at 46.

227 providers of OS/DA.<sup>17</sup> Changes have occurred in the telecommunications  
228 market since the FCC issued the UNE Remand Order, and the Arbitrators  
229 observe that these changes may include far fewer choices of third-party  
230 vendors for OS/DA.<sup>18</sup> In addition, the Arbitrators agree with the CLEC  
231 Coalition's claim that requiring a new entrant that operates in a limited  
232 area to establish customized routing to all locations potentially poses a  
233 barrier to entry by increasing the cost of entry.

234 The Arbitrators conclude that SWBT shall continue providing OS/DA  
235 services as an unbundled network element until SWBT initiates a  
236 proceeding before the Commission to demonstrate that it has met the  
237 customized routing requirements necessary to cease offering OS/DA as  
238 UNEs. This process will allow all interested parties to present evidence  
239 on whether SWBT has provided customized routing and if necessary,  
240 allow the Commission to consider evidence regarding whether CLECs  
241 would be impaired in Texas without access to OS/DA from SWBT on an  
242 unbundled basis.

243 Therefore, the Arbitrators adopt MCI's proposed interconnection  
244 agreement language for section 7 of Attachment 6 – UNE, GTC 49.1, DA  
245 Attachment 22, and OS Attachment 23. The Arbitrators also adopt  
246 SWBT's proposed section 1.4 of Attachment 6 – UNE, which appears to  
247 be primarily descriptive and accurate. The Arbitrators discuss proposed  
248 section 2.2 of Attachment 6 – UNE in DPL Issue No. 9.<sup>19</sup>

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<sup>16</sup> UNE Remand Order ¶ 464.

<sup>17</sup> *Id.*

<sup>18</sup> Tr. at 241-46 (Telecommunications acquisitions and bankruptcies have resulted in a smaller number of competitors and reduced capitalization).

<sup>19</sup> *PETITION OF MCIMETRO ACCESS TRANSMISSION SERVICES, LLC, SAGE TELECOM, INC., TEXAS UNE PLATFORM COALITION, MCLEOD USA TELECOMMUNICATIONS SERVICES, INC., AND AT&T COMMUNICATIONS OF TEXAS, L.P. FOR ARBITRATION WITH SOUTHWESTERN BELL TELEPHONE COMPANY UNDER THE TELECOMMUNICATIONS ACT OF 1996, PUC DOCKET NO. 24542, pages 163-164*

249

250 **Q. Have there been any additional decisions related to Regional Bell**  
251 **Operating Company ("RBOC") 271 Applications that deal with**  
252 **customized routing?**

253 A. Yes. I am aware that an Administrative Law Judge ("ALJ") for the Minnesota  
254 Public Utilities Commission issued an opinion relating to Qwest's 271 Application  
255 in May, 2002.<sup>20</sup> The following is an excerpt of the ALJ's decision with regard to  
256 Qwest's customized routing that I believe is relevant to the Commission's  
257 consideration of Ameritech's arguments in this proceeding:

258

259 101. The Michigan Public Service Commission has rejected an  
260 argument similar to the one advanced by Qwest in this proceeding.  
261 There, it found that:

262 Ameritech Michigan has interpreted the customized routing  
263 conditions of the UNE Remand Order as requiring less of it  
264 than the FCC intended. The justification that the FCC  
265 provided for changing its approach was that competitive  
266 OS/DA had become widely available on a national basis and  
267 could be readily accessed if the ILEC provided appropriate  
268 customized routing arrangements. However, the FCC did  
269 not suggest that an ILEC could arbitrarily implement any  
270 form of customized routing it desired, without regard to  
271 whether that arrangement provided meaningful access to  
272 competitive OS/DA alternatives. The FCC emphasized  
273 instead that "customized routing is necessary to access  
274 alternative sources of OS/DA for competitors not deploying  
275 their own switches," and that "[l]ack of a customized routing  
276 solution that enables competitors to route traffic to  
277 alternative OS/DA providers would therefore effectively

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<sup>20</sup> In the Matter of a Commission Investigation Into Qwest's Compliance with Section 271(c)(2)(B) of the Telecommunications Act of 1996 Checklist Items 3, 7, 8, 9, 10, and 12, OAH Docket No.12-250014485-2 PUC Docket No. P-421/C1-01-1370, ¶ 101 – 104.

278 preclude competitive LECs from using such alternative  
279 providers."

280 This concern is also apparent in the FCC's discussion of the  
281 substantial cost of reconciling WorldCom's Feature Group D  
282 signaling with other systems used by ILECs, a difficulty that  
283 WorldCom raises in this case. SBC had taken the position in the  
284 UNE Remand case that customized routing of Feature Group D  
285 was not technically feasible for all end-office switches. The FCC  
286 concluded that it would "require incumbent LECs, to the extent they  
287 have not accommodated technologies used for customized routing,  
288 to offer OS/DA as an unbundled network element." The  
289 significance of the point, in this Commission's view, is that the FCC  
290 did not regard technical issues as problems for the CLECs alone to  
291 address entirely at their own expense. Instead, the FCC directed  
292 both parties to attempt to devise technical solutions and, failing  
293 that, it required the ILEC to make OS/DA available as a UNE:

294 The Commission finds that Ameritech Michigan must continue to  
295 offer OS/DA as a UNE at TSLRIC-based rates. The obligation to  
296 provide unbundled OS/DA will continue in effect until Ameritech  
297 Michigan provides reasonable accommodations for the problems  
298 presented by dedicated end-office trunking and other technological  
299 issues that inflate the CLECs' cost of obtaining access to  
300 competitive OS/DA services. When Ameritech Michigan believes  
301 that it meets the requirements relating to providing access to  
302 competitive OS/DA services, it may file an application for  
303 authorization to remove OS/DA from its list of UNEs. However, it  
304 may not remove OS/DA from UNE status without prior Commission  
305 authorization.<sup>21</sup>

306 102. Although Qwest made a prima facie case showing that it provides  
307 OS/DA service on a nondiscriminatory basis, its opponents have  
308 demonstrated that Qwest fails to provide customized routing as  
309 contemplated by the FCC. First, there is no real evidence that a  
310 competitive wholesale market for OS/DA exists in Minnesota, because  
311 Qwest is not providing customized routing to any CLEC in Minnesota.  
312 Qwest's "offer" to provide this service appears to be no more than a paper  
313 promise, as opposed to a demonstration of present compliance.

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<sup>21</sup> In the Matter of the Application of Ameritech Michigan for Approval of a Shared Transport Cost Study and Resolution, Case No. U-12622, Opinion and Order at 10-11 (March 19, 2001) (citations omitted).

314 103. Second, Qwest's opponents have demonstrated that Qwest has not  
315 accommodated technologies used for customized routing as required by  
316 the FCC, and therefore OS/DA must be offered as unbundled network  
317 elements.<sup>22</sup> Even without evidence of a specific request for customized  
318 routing, the record is clear that Qwest is not capable of furnishing it in  
319 quantities that competitors may reasonably demand and at an acceptable  
320 level of quality. For customized routing through line class codes, which  
321 the FCC has indicated would be acceptable on an interim basis, Qwest  
322 has no standard pricing and no standard service interval. No CLEC is  
323 likely to order the service on this basis, particularly when Qwest will not  
324 even engage in testing without "clear evidence" that the CLEC is going to  
325 order the service.<sup>23</sup> Although it has committed to provide routing over  
326 Feature Group D trunks in Colorado, it will not commit to providing it in  
327 Minnesota, and it will not even take a position as to whether it is  
328 technically feasible to do so unless a CLEC first orders it, again without  
329 knowing the cost or how long it would take. Qwest's position puts the cart  
330 before the horse, and is self-serving and anti-competitive. No CLEC can  
331 be expected to order a service without some assurance and likelihood  
332 that it will work. There may be some method of ensuring that the CLEC  
333 participates in the cost of testing new services, even if it does not order  
334 the service, but Qwest's position is too extreme.

335 104. Because Qwest does not provide customized routing, it cannot charge  
336 market-based rates for OS/DA services. Because Qwest charges market-  
337 based rates in Minnesota for OS/DA services, it is not in compliance with  
338 checklist items 7(II) and (III). This deficiency can be remedied by pricing  
339 OS/DA as unbundled network elements. Until Qwest begins providing  
340 more reasonable accommodations to the technological problems  
341 presented by customized routing, OS/DA should remain unbundled  
342 network elements and should be priced as such in the UNE pricing docket.

343  
344 **Q. Does WorldCom have an obligation to either provide a solution for**  
345 **customized routing or to prove that it is technically feasible, as suggested**  
346 **by Staff witness Mr. Light?**

347 **A. No. In Mr. Light's rebuttal testimony starting at line 80, he asks if WorldCom's**  
348 **proposal for customized routing of OS/DA traffic is technically feasible. He refers**

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<sup>22</sup> See UNE Remand Order ¶ 463.

<sup>23</sup> Tr. 2:203.

349 to WorldCom's attachments to my direct testimony as providing information from  
350 Siemens, Lucent, and Nortel vendors on how customized routing is supported by  
351 these vendors and internal WorldCom test results on this customized routing.  
352 Beginning at line 87 of his rebuttal testimony, Mr. Light indicates that my  
353 testimony in California points out a problem with routing Operator Services traffic  
354 through Nortel switches using WorldCom's suggested method.

355  
356 Let me point out that it is the obligation of the ILEC to provide customized routing  
357 and while WorldCom has provided a proposal for how this can be done CLEC's  
358 are not obligated to do so. Mr. Light is correct that in my testimony in California I  
359 did indicate to SBC that there was a limitation in the Nortel switching software  
360 that does not address WorldCom's requested custom routing for local operator  
361 service calls that are dialed as 0+ and 0- to obtain operator assistance.  
362 However, there are several factors that mitigate Mr. Light's concerns in this  
363 regard.

364  
365 First, this limitation in no way affects Ameritech Illinois' ability to provide  
366 customized routing as requested by WorldCom for local 0+/0- calls for the Lucent  
367 and Siemens switches, nor does it affect AI's ability to provide customized  
368 routing for local Directory Assistance calls for the Nortel, Lucent and Siemens  
369 switches. Second, Ameritech Illinois has indicated that it would use an AIN  
370 based approach to customized routing. If Ameritech Illinois has proven that it  
371 can use an AIN based customized routing approach to route WorldCom's 0+/0-  
372 calls from Nortel switches according to WorldCom's requirements, then  
373 Ameritech Illinois should be able to produce results of such tests. Ameritech's  
374 ability to prove that it can provide custom routing as requested by WorldCom  
375 through AIN based custom routing, as required by the Commission's order in  
376 Docket 98-0396, would presumably address Mr. Light's concern that  
377 approximately 45% of Ameritech Illinois' network is comprised of Nortel switching  
378 equipment. Additionally, as I pointed out earlier in my rebuttal testimony,

379 WorldCom contacted Nortel in 2000 when it became aware that Nortel switches  
380 would not custom route 0+/0- according to WorldCom's requirements. Nortel  
381 indicated that it could develop this capability however, to my knowledge, neither  
382 Ameritech Illinois nor SBC has requested such development from Nortel in order  
383 to meet our requirements.

384

385 **Q. At pages 6-7 of his rebuttal testimony, Mr. Light contends that Ameritech**  
386 **appears to meet the non-rate OS/DA requirements of Checklist item 7. Do**  
387 **you agree?**

388

389 **A.** No. As I stated previously, WorldCom has consistently communicated its  
390 requirements for customized routing to SBC/Ameritech over an extended period  
391 of time, and SBC/Ameritech have yet to implement a custom routing solution to  
392 meet these requirements. Accordingly, Ameritech is not in compliance with the  
393 OS/DA requirements of competitive checklist item number 7.

394

395 Since Mr. Light is not able to discern whether Ameritech's proposed AIN-based  
396 method of customized routing is technically feasible, I do not understand how he  
397 can state that Ameritech appears to be in compliance with this checklist item.  
398 The Illinois Commerce Commission has previously ordered that Ameritech Illinois  
399 must demonstrate that it provides customized routing through testing of this  
400 capability, which it has not done. Further, as I stated earlier in my rebuttal  
401 testimony, the FCC places the burden of proof squarely on ILECs to prove that  
402 customized routing is not technically feasible. For all of these reasons,  
403 Ameritech Illinois must prove to the Commission that the customized routing that  
404 WorldCom has requested is not technically feasible for all types of local operator  
405 services and directory assistance calls across all switch types it deploys in  
406 Illinois. It has not done so.

407

408 **Q. How would you summarize WorldCom's position with respect to Ameritech**  
409 **Illinois' obligations under checklist items 6 and 7?**

410 A. Ameritech is not in compliance with these checklist items. SBC and Ameritech  
411 Illinois have had ample time to understand WorldCom's requirements. SBC and  
412 Ameritech Illinois have been aware of WorldCom's requirements since 1997, and  
413 have been provided with documentation on exactly how to perform the  
414 customized routing that WorldCom requires since before February, 2001, as part  
415 of the Pacific Bell proceeding. Regardless, SBC and Ameritech Illinois have  
416 failed to provide WorldCom with its required customized routing in a swift,  
417 efficient and businesslike manner. Likewise, Ameritech Illinois has failed to  
418 acknowledge in this proceeding that it must comply with the Illinois Commerce  
419 Commission Order in 98-0396, dated October 16, 2001 to provide OS/DA as  
420 UNEs at TELRIC rates until such time as it provides customized routing. For  
421 these reasons, Ameritech Illinois does not meet its obligations under checklist  
422 items 6 and 7. Unless and until Ameritech Illinois does comply with checklist  
423 items 6 and 7, the Illinois Commerce Commission should refuse to endorse any  
424 *bid by Ameritech to provide in-state, interLATA services in Illinois.*

425

426 **Q. Does this conclude your testimony?**

427

428 A. Yes.