

1 APPEARANCES: (Cont'd)

2 MR. LEON NOWALSKY
3 3500 North Causway Boulevard
4 Suite 1442
5 Metairie, Louisiana 70002

6 (Appearing on behalf of Choctaw
7 Communications, L.C., d/b/a Smoke
8 Signal Communications via
9 teleconference)

10 MR. JAMES WEGING
11 160 North La Salle Street
12 Suite C-800
13 Chicago, Illinois 60601

14 (Appearing on behalf of the Staff of the
15 Illinois Commerce Commission via
16 teleconference)

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SULLIVAN REPORTING COMPANY, by
Cheryl A. Davis, Reporter, #084-001662

I N D E X

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2	<u>WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
3	(None)				
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12	<u>EXHIBITS</u>		<u>MARKED</u>	<u>ADMITTED</u>	
13	(None)				
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PROCEEDINGS

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2 JUDGE ALBERS: By the authority vested in me by
3 the Illinois Commerce Commission, I now call Docket
4 Numbers 02-0782 and 03-0088. These two dockets
5 concern Illinois Bell Telephone Company and Choctaw
6 Communications L.C., doing business as Smoke Signals
7 Communications. The Joint Petitioners seek approval
8 of a Negotiated Interconnection Agreement as well as
9 the First Amendment to that agreement.

10 I also call at the same time Docket Numbers
11 02-0789 and 03-0092. These dockets concern Illinois
12 Bell Telephone Company and Midwestern
13 Telecommunications, Inc., and, again, these Joint
14 Petitioners also seek approval of an Interconnection
15 Agreement as well as the First Amendment to that
16 agreement.

17 May I have the appearances for the record,
18 please.

19 MR. HUTTENHOWER: James Huttenhower,
20 H-U-T-T-E-N-H-O-W-E-R, appearing on behalf of
21 Illinois Bell Telephone in all four dockets. My
22 address is 225 West Randolph Street, Suite 25D,

1 Chicago, Illinois 60606.

2 MR. WEGING: This is James Weging, W-E-G-I-N-G,
3 160 North La Salle Street, Suite C-800, Chicago,
4 Illinois 60601, (312)793-2877, appearing for the
5 Commission Staff in all four dockets.

6 MR. NOWALSKY: This is Leon Nowalsky spelled
7 N-O-W-A-L-S-K-Y. My address is 3500 North Causway
8 Boulevard, Suite 1442, and that's in Metairie,
9 Louisiana, and the zip code is 70002, and I'm
10 appearing on behalf of Choctaw Communications.

11 JUDGE ALBERS: Thank you.

12 Let the record reflect that there are no others
13 wishing to enter an appearance at this time.

14 As far as preliminary matters, the only thing
15 that I'm aware of are two motions to consolidate.
16 Ameritech on Friday submitted a motion to
17 consolidate 02-0782 and 03-0088 and on Monday
18 submitted a motion to consolidate Dockets 02-0789
19 and 03-0092. I don't believe there's any objections
20 to those motions, but speak up now if you do have
21 any objection.

22 MR. WEGING: This is Jim Weging. Staff

1 supports the motions to consolidate.

2 JUDGE ALBERS: Very well.

3 MR. NOWALSKY: Choctaw does not have any
4 objection.

5 JUDGE ALBERS: Okay. Hearing no objection,
6 then both motions to consolidate are granted.

7 Also, or rather since we last met we have, in
8 fact, received the amendments that were spoke of in
9 the last status hearing. I will turn things over to
10 Mr. Weging now to present Staff's position regarding
11 the agreements and the amendments thereto in both
12 dockets, or rather with regard to both Petitioners,
13 set of Petitioners.

14 JUDGE ALBERS: Yes. This Jim Weging.

15 In view of the amendments that were filed in
16 both cases, any issues concerning revenue plans are
17 satisfied as far as Staff is concerned since the
18 amendments, the newer amendments adopt the 01-0120
19 plan.

20 There are two issues that Staff has raised in
21 other cases, one of which is the question of whether
22 certain language within the negotiated agreement

1 meant that the CLECs in each of the cases were
2 waiving their legal rights vis-a-vis ongoing federal
3 court actions, FCC actions, etc. Ameritech -- or I
4 guess I should say SBC Illinois in their answers to
5 the data requests indicated that that was not their
6 construction of the language, so that issue is
7 satisfied as far as Staff is concerned.

8 The third issue Staff has raised is the
9 question about some language about supporting the
10 underlying agreement without modification. In view
11 of the fact that in each of these cases we are
12 actually modifying the agreement, Staff's concern
13 about the language does not appear to be within
14 these dockets.

15 Therefore, Staff has no -- does not recommend
16 anything to be rejected in any of these agreements,
17 and they can be approved -- the original plus the
18 amendment can be approved by the Commission, subject
19 to the usual post-approval requirements that
20 Ameritech file a verified statement with the Clerk's
21 Office so that we can put these agreements on our
22 Web site and that Ameritech amend its tariffs to

1 indicate that these agreements exist.

2 Therefore, in view of the amendments, Staff has
3 no opposition and recommends approval of both sets
4 of agreements.

5 JUDGE ALBERS: So in all respects Staff finds
6 the amendments and the agreements in compliance with
7 all their statutes and rules?

8 MR. WEGING: Yes.

9 JUDGE ALBERS: Okay.

10 MR. WEGING: Maybe I should note for the record
11 that the amendments herein do not have the two typos
12 that appeared in some of the earlier adoptions of
13 the 01-0120, so they do not even have the
14 typographical errors that Staff found that needed to
15 be corrected.

16 JUDGE ALBERS: Okay. Thank you.

17 Does Ameritech or Choctaw have anything they
18 would like to add or respond to?

19 MR. HUTTENHOWER: Just a point of
20 clarification. I seem to recall from other dockets
21 where we've had this same situation, is there any
22 need for -- as far as Staff is concerned or the ALJ

1 is concerned for us to file a different sort of
2 verification than we normally file after the
3 Commission presumably approves the agreement and
4 amendments together?

5 JUDGE ALBERS: I think in light of the fact
6 that the two typographical corrections don't exist
7 in these dockets, I don't foresee any reason to have
8 anything other than the normal verified statement
9 that Ameritech is normally required to submit.

10 MR. WEGING: Yeah. This is Jim Weging. Yes, I
11 think the change was due to the fact of the
12 typographical errors because you had to refile the
13 amendments without the typographical errors, so I
14 don't think there's any need for a special verified
15 statement.

16 MR. HUTTENHOWER: All right. Thank you.

17 JUDGE ALBERS: Okay. Is there anything else
18 today? Well, hearing nothing, then I thank you for
19 your time, and I will mark the record Heard and
20 Taken.

21 HEARD AND TAKEN

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