

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

ILLINOIS COMMERCE COMMISSION)
On Its Own Motion)
) <i>ICC Docket No. 00-0532</i>
)
Development of an expedited process to make)
available interconnection arrangements pursuant to)
Condition 27 in the order in Docket 98-0555)

MOTION TO DISMISS
OF THE STAFF OF THE ILLINOIS COMMERCE COMMISSION

NOW COMES the Staff of the Illinois Commerce Commission ("Staff"), by and through its attorneys, and pursuant to Section 200.190 of the Illinois Administrative Code, (83 Ill. Adm. Code 200.190), hereby moves the Hearing Examiner assigned to this docket to dismiss the Commission's Initiating Order dated August 1, 2000. In support of this Motion, Staff states the following:

1. Merger Condition #(27) of the Commission's September 23, 1999 Order in Docket 98-0555 ("Merger Order") addresses certain interconnection issues arising from the SBC/Ameritech merger transaction. Specifically, Merger Condition #27(B) established a collaborative process involving SBC/Ameritech, competitive local exchange carriers ("CLECs"), and Staff to coordinate and facilitate matters involving implementation of the Merger Order's interconnection requirements.

2. The Order directed Staff to facilitate the aforementioned collaborative process and, at its conclusion, issue a report (“Staff Report”) summarizing the results of the collaborative sessions. The particular issue that this current docket intends to address (ie. development of an expedited process for opting into interconnection agreements) originated in the interconnection collaborative and was further addressed in the subsequent Staff Report issued on June 2, 2000.

3. As a result, on August 1, 2000, the Commission issued its initiating order in this docket whereby the Commission directed that a rulemaking be undertaken for purposes of developing an expedited process for the approval of interconnection provisions.

4. On August 16, 2000, a pre-hearing status was held at which time certain parties expressed their concern over the precise scope of this proceeding. Specifically, a question arose regarding the “general applicability” of this particular rulemaking. In other words, some uncertainty exists as to whether the final rule that is derived at the conclusion of this proceeding will apply solely to SBC/Ameritech or to all Illinois incumbent local exchange carriers (“ILECs”) as well.

5. Based on those discussions and a review of the Initiating Order, Staff has taken the position that the rulemaking should be applicable to all incumbent local exchange carriers in Illinois. Staff, therefore, believes it appropriate for the Commission to dismiss the original Initiating Order and re-issue a second Initiating Order which would help clarify the

precise scope of this proceeding as it relates to the issue of general applicability.

6. Additionally, Staff has attached a new Initiating Order (Attachment A) to its Motion so that the Commission can expeditiously dismiss and subsequently immediately reinstate this docket if it is so inclined to so.

7. Staff avers that adopting its proposal will help clarify the scope of this proceeding, expedite the workshop process that has been contemplated by the parties, and will not prejudice the rights of any party to this proceeding.

WHEREFORE, for all the reasons stated herein, Staff respectfully prays that its Motion To Dismiss be granted by the Hearing Examiner.

Respectfully submitted,

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