

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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In the Matter of

Application by SBC Communications Inc.,  
The Ohio Bell Telephone Company d/b/a  
Ameritech Ohio, and Southwestern Bell  
Communications Services, Inc. d/b/a  
Ameritech Long Distance  
Pursuant to Section 271 of the  
Telecommunications Act of 1996 to  
Provide In-Region, InterLATA Services  
in Ohio

CC Docket No. \_\_\_\_\_

**BRIEF IN SUPPORT OF APPLICATION  
BY SBC COMMUNICATIONS INC., AMERITECH OHIO,  
AND AMERITECH LONG DISTANCE FOR PROVISION  
OF IN-REGION, INTERLATA SERVICES IN OHIO**

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## EXECUTIVE SUMMARY

With this application, Ameritech Ohio seeks authority to provide long-distance telecommunications services to the citizens of Ohio. This application reflects the successful efforts by Ameritech Ohio and the Public Utilities Commission of Ohio (“PUCO”) to open the local market to competition. It marks a defining moment for Ohio consumers. And it presents the State of Ohio the opportunity, not only to recognize the market-opening initiatives already undertaken in the local market, but also to realize the benefits of full competition in all markets, local and long-distance, that flow from Section 271 approval.

Ameritech Ohio and the PUCO have long worked to achieve the goal of competition in all telecommunications markets. Since December of 1999, those efforts coalesced into a comprehensive and exhaustive set of collaborative proceedings, in which Ameritech Ohio – with open participation from competing local exchange carriers (“CLECs”) and active supervision by the PUCO – developed and implemented a number of enhancements designed to keep pace with evolving rules and technologies, to maintain and assure compliance with Section 271’s competitive checklist, and to address concerns raised by the CLECs. This application describes the fruits of those efforts.

Section 271(c)(1)(A). Local competition has taken root and is growing rapidly in Ohio. AT&T, WorldCom, CoreComm, Buckeye TeleSystem, ICG Communications, and XO Communications, along with many other CLECs, serve residential and business subscribers in Ohio, either exclusively or predominantly over their own facilities. Ameritech Ohio has entered into PUCO-approved interconnection and resale agreements with approximately 130 wireline CLECs. As a result, competing carriers have installed switching capacity that gives them the capability to serve all of the customers in Ameritech Ohio’s service areas, and their existing

collocation arrangements with Ameritech Ohio allow them to reach 93 percent of Ameritech Ohio's business access lines and 88 percent of residential access lines. See Section I *infra*.

Section 271(c)(2)(B) Competitive Checklist. Ameritech Ohio has implemented the competitive checklist of Section 271(c)(2)(B) by entering into binding legal obligations (in the form of interconnection agreements with competing carriers) to provide each of the fourteen checklist items, on terms and conditions that comply with the 1996 Act and the FCC's regulations. The PUCO has conducted extensive proceedings and has approved (or has pending before it) the rates for services that run the gamut of the checklist, from advanced services through line sharing and reciprocal compensation to unbundled access to network elements.

To help provide this array of products and services, Ameritech Ohio offers requesting carriers multiple electronic and manual options to access the same operations support systems ("OSS") functions (pre-ordering, ordering, provisioning, repair and maintenance, and billing) that are available to Ameritech Ohio's own retail operations. In recent months Ameritech Ohio has developed and implemented a series of OSS enhancements that reflect the state of the art in industry standards, similar initiatives by Southwestern Bell, and extensive input from CLECs in Ohio and throughout the Ameritech region.

These commitments are backed by a set of over 160 PUCO-approved performance measures and standards designed to both monitor and assure Ameritech Ohio's ongoing compliance with its obligations and its continued satisfaction of market-opening commitments. These measures and standards are modeled on, and are in virtually all respects the same as (or even more stringent than), those approved by the FCC for Texas, Kansas and Oklahoma. They reflect extensive discussion with CLECs in PUCO-supervised collaborative sessions, and they have received the support of the participating CLECs and of the PUCO. See Section II *infra*.

Public Interest. Ameritech Ohio's commitment to competition goes beyond the date of the application, and is designed to last long after interLATA relief is granted. Ameritech Ohio is subject to a comprehensive performance assurance plan, including a regimen of substantial self-executing remedies to be paid to CLECs and to the State of Ohio should performance fail to meet the PUCO-approved standards. The PUCO, too, has demonstrated that it will continue to play an active role in maintaining local competition well beyond the momentous date of section 271 approval.

One need look no further than the states in which the FCC has already granted section 271 relief to see the benefits that section 271 approval will have in Ohio. Entry by Bell Operating Companies – like Ameritech Ohio's sister companies in Texas, Kansas and Oklahoma – has spurred long-distance carriers to compete more actively in their own market and to enter more aggressively into the local market. The ultimate beneficiaries in all these markets are consumers, who benefit from increased choice and innovative service offerings. See Section III infra.

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- Tab 3. Mark Cottrell  
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- Tab 6. Salvatore T. Fioretti  
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- Tab 10. Deborah O. Heritage  
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- Tab 12. Denise Kagan  
(Billing)
- Tab 13. Daniel R. McKenzie  
(Public Utilities Commission of Ohio Proceedings)
- Tab 14. Jeffrey A. Mondon  
(Number Portability)
- Tab 15. Jeffrey A. Mondon  
(Access to Telephone Numbers)
- Tab 16. Mary Pat Regan  
(Account Management)
- Tab 17. Jan D. Rogers  
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Appendix B: Selected Interconnection Agreements (to be filed at FCC)

Appendix C: Record of Public Utilities Commission of Ohio  
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Appendix E: OSS Accessible Letters (to be filed at FCC)

Appendix F: Selected Documents (to be filed at FCC)

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CC Docket No. \_\_\_\_\_

**BRIEF IN SUPPORT OF APPLICATION  
BY AMERITECH OHIO FOR PROVISION  
OF IN-REGION, INTERLATA SERVICES IN OHIO**

Pursuant to Section 271(d) of the Telecommunications Act of 1996 (“the 1996 Act” or “the Act”), SBC Communications Inc., Ameritech Ohio, and Ameritech Long Distance submit this Brief in support of their Application to the Federal Communications Commission (“FCC”) for Southwestern Bell Communications Services, Inc. d/b/a Ameritech Long Distance to provide in-region, interLATA services, and services treated as such under Section 271(j) of the Act, in Ohio.<sup>1</sup>

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<sup>1</sup> This Brief generally refers to The Ohio Bell Telephone Company, d/b/a Ameritech Ohio, the “Bell operating company” (“BOC”) providing service within the State of Ohio, as “Ameritech Ohio.” The term “Ameritech” encompasses Ameritech Corporation and all of its affiliates. However, Ameritech’s wholly-owned long distance affiliate, Southwestern Bell Communications Services, Inc. d/b/a Ameritech Long Distance, is referred to as “Ameritech

## INTRODUCTION

This application represents the culmination of extensive efforts by the Public Utilities Commission of Ohio (“PUCO”) and Ameritech Ohio, working with competing local exchange carriers (“CLECs”), to foster the emergence of effective local competition, to address the concerns identified in previous section 271 proceedings, and to keep pace with continued evolution in technology and legal requirements.

One of the important milestones in this process was the PUCO’s review and approval of the SBC/Ameritech merger. McKenzie Aff. ¶ 4. As a condition of approval, the PUCO initiated a series of rigorous, comprehensive, and collaborative processes that have helped to both ensure and demonstrate checklist compliance. Id. The collaborative proceedings were open to all interested parties, and the PUCO issued an Entry inviting all interested parties to participate. Id. ¶ 7. The PUCO also took advantage of parallel collaborative proceedings in other states throughout the SBC and Ameritech regions, and of the proceedings and conditions that led to approval of the SBC/Ameritech merger by the FCC and by other state commissions in the Ameritech region. Where collaborative sessions were held in the other Ameritech states, their results were imported to Ohio: For example, many OSS enhancements and operational process improvements were addressed in Wisconsin collaboratives and then imported to Ohio. Id. ¶ 14.

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Long Distance” where necessary to distinguish it from other Ameritech affiliates. Because Ameritech seeks authority on behalf of Ameritech Long Distance, and any wholly-owned subsidiaries it may later create or acquire, to provide interLATA services in Ohio, references to Ameritech Long Distance also encompass any wholly-owned affiliates of Ameritech Long Distance.

The fruits of the extensive work of the PUCO, its staff, Ameritech Ohio, and the CLEC community are detailed throughout this brief and the supporting affidavits and attachments. To highlight a few of the most significant developments:

1. Ameritech Ohio has submitted to the PUCO its proposed Ohio 271 Amendment or “Oh2A,” an interconnection agreement amendment that governs rates, terms and conditions for existing and new combinations of unbundled network elements, including the unbundled network element “platform”, and Enhanced Extended Links. See Section II.B.2 infra.

2. The PUCO has approved rates based on TELRIC principles for most of the products and services made available to CLECs by Ameritech Ohio. Ameritech Ohio has issued supplemental rates, terms and conditions, also based on TELRIC, for advanced and other wholesale services (including line sharing and loop conditioning, sub-loop unbundling, dark fiber, and unbundled local switching with shared transport). These rates are now before the PUCO for approval. See Sections II.B.3 and II.B.5 infra.

3. Ameritech Ohio has implemented numerous enhancements to the operations support systems (“OSS”) that help it provide the various checklist items. These improvements have been set forth in a Plan of Record for Uniform and Enhanced OSS filed with the FCC – without any disputed or unresolved issues – as a condition of approval of the SBC/Ameritech merger. They have also been documented in a series of Joint Progress Reports filed with the PUCO, and binding upon Ameritech Ohio. See Section II.B.6 infra.

4. With extensive input from competing carriers, Ameritech Ohio has developed and instituted procedures to ensure timely and smooth coordinated cut-overs of unbundled loops and to provide access to network interface devices (Section II.D infra).

5. Ameritech Ohio has fully implemented long-term number portability (“LNP”), which enables end users to change carriers while keeping their telephone numbers. LNP is available not just in those areas where implementation is required by the FCC’s rules, but in every single one of Ameritech Ohio’s nearly 300 switches. As a result, CLECs have ported over 219,000 telephone numbers from Ameritech Ohio. See Section II.K infra.

6. To help monitor Ameritech Ohio’s ongoing performance of its numerous obligations and commitments, Ameritech Ohio has adopted (as ordered by the PUCO) a comprehensive plan of over 160 detailed performance measurements: divided into product and service categories, defined by precise business rules, tested by annual audits, and governed by rigorous standards. The performance plan, modeled on similar plans approved by the FCC in its section 271 orders for Texas, Kansas, and Oklahoma (and in its conditions for approval of the SBC/Ameritech merger), reflects further input from the PUCO and from CLECs participating in the collaborative process. See Sections II.B.6 and III.B infra.

7. To help enforce these approved performance standards, the PUCO has adopted and ordered Ameritech Ohio’s plan for a system of self-executing remedies to be paid to CLECs and/or the State of Ohio. Like the underlying performance standards it is designed to enforce, the remedy plan is based on similar plans approved by the FCC in its approval of section 271 relief for Southwestern Bell in Texas, Kansas, and Oklahoma. See Section III.B infra.

The purpose of this filing is to demonstrate the efforts taken by Ameritech Ohio and the PUCO to date. Ameritech Ohio’s commitment to checklist compliance, and the PUCO’s efforts to ensure compliance, are ongoing. At this time, KPMG (which the FCC has commended for “detailed and comprehensive” efforts that it found “critical to the success” of the landmark New

York 271 proceedings, New York 271 Order, ¶ 10) is conducting an independent third-party test of Ameritech Ohio's OSS. KPMG is proceeding under an exhaustive Master Test Plan, which was developed on a collaborative basis using experience from other states as a guide. McKenzie Aff. ¶¶ 10-13, 36(a). Along with the test results, Ameritech Ohio plans to present actual OSS performance data for the PUCO to review in assessing Ameritech Ohio's provision of nondiscriminatory access to OSS. Id. ¶ 36(c).

## DISCUSSION

### I. AMERITECH OHIO IS ELIGIBLE TO SEEK INTERLATA RELIEF UNDER SECTION 271(C)(1)(A)

By almost any measure, competition is growing rapidly in Ohio. Between June 2000 and June 2001, CLECs' facilities-based lines increased by 57 percent, and UNE loops grew 77 percent. See Heritage Aff. ¶ 7 & Attach. D. CLECs' existing collocation arrangements allow them to serve more than 93 percent of the business access lines and 88 percent of the residential access lines in Ameritech Ohio's service area. Id. ¶ 32 & Table 5. The CLECs' installed switching capacity is capable of serving all of the customers in Ameritech Ohio's serving area. Id. ¶ 27 & Table 4. Moreover, although most CLECs in Ohio, like elsewhere, concentrate on major metropolitan areas, local competition is present in rural areas as well. CLECs are currently serving customers in Fremont (population 17,648), Painesville (population 15,699), and Ravenna (population 12,069). Id. ¶ 6.<sup>2</sup>

Ameritech Ohio has lost approximately 9-15 percent of its total lines to unaffiliated carriers. Heritage Aff. ¶ 5 & Table 2. As of June 2001, between 311,150 and 634,125 of these

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<sup>2</sup> Ameritech Ohio has well over 100 approved wireline interconnection and resale agreements with CLECs. See Heritage Aff. ¶ 4.

lines are served by competitors over their own facilities. See id., Table 1. CLECs have captured at least 276,125 business lines, and at least 35,025 residential lines, in Ameritech Ohio’s service area. See id., Table 1. Clearly, CLECs are providing Ohio consumers “an actual commercial alternative.”<sup>3</sup> See id. ¶ 8 & Attach. E (articles reporting on CLEC solicitation of customers in Ohio).

The table below reflects the extent of CLEC activity in Ohio at the end of June 2001:

**CLEC ACTIVITY IN OHIO**

FACILITIES-BASED					RESALE	
UNE Platforms	Interconnection Trunks	Unbundled Stand Alone Loops	E911 Listings	Ported Numbers	Business* Lines	Residential Lines
29,356	219,916	109,777	281,794	235,942	53,179	18,727

\*includes coin

See Heritage Aff. ¶¶ 17, 19, Table 6, & Attach. A.

At least six CLECs are providing services to residential and business subscribers in Ohio, either exclusively or predominantly over their own facilities (Heritage Aff. ¶ 10 & Attachment C), thereby establishing that Ameritech Ohio satisfies Track A. See 47 U.S.C. § 271(c)(1)(A). These “Track A” carriers include both well established brand names and new entrants. For example, AT&T has several operational voice switches in Ohio, and provides facilities-based

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<sup>3</sup> Memorandum Opinion and Order, Application of Ameritech Michigan Pursuant to Section 271 of the Communications Act of 1934, as amended, To Provide In-Region, InterLATA Services In Michigan, 12 F.C.C. Rcd. 20543, 20585, ¶ 77 (1997) (“Michigan 271 Order”); see Kansas/Oklahoma Order ¶ 42. While many facilities-based carriers in Ohio have substantial numbers of subscribers, there is no statutory requirement that a qualifying CLEC under section 271(c)(1)(A) serve any particular quantity of customers. See Michigan 271 Order, 15 F.C.C. Rcd. at 20584-85, ¶¶ 76-77. Congress rejected metric tests of actual competition in favor of a clear statutory “test of when markets are open.” 141 Cong. Rec. S8188, S8195 (daily ed. June 13, 1995) (statement of Sen. Pressler).

service to tens of thousands of residential and business subscribers. See id., Attach. C ¶¶ 4-5; see also Michigan 271 Order, 12 F.C.C. Rcd. at 20598, ¶ 101 (service provided through UNEs is facilities-based for purposes of Track A). Likewise, WorldCom offers service largely over its own facilities to tens of thousands of business and residential customers. Id. Attach. C ¶¶ 10-11. Additional CLECs such as CoreComm, Buckeye TeleSystem, ICG Communications and XO Communications, individually and/or collectively, also qualify as Track A providers under the standards developed in prior FCC decisions.<sup>4</sup> See Heritage Aff. Attach. C.

## **II. AMERITECH OHIO'S PUCO-APPROVED AGREEMENTS SATISFY ALL REQUIREMENTS OF THE COMPETITIVE CHECKLIST**

Because the “competitive checklist” of section 271(c)(2)(B) incorporates substantive requirements of section 251, it allows the FCC to verify that Congress’s “three paths of entry into the local market – the construction of new networks, the use of unbundled elements of the incumbent’s network, and resale” – are available in practice.<sup>5</sup> Part II of this Brief comprehensively addresses Ameritech Ohio’s compliance with the detailed requirements of the checklist and the implementing orders of the FCC and PUCO. In many cases, this compliance is

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<sup>4</sup> See Michigan 271 Order, 12 F.C.C. Rcd. at 20587-88, ¶ 82 (“when a BOC relies upon more than one competing provider to satisfy section 271(c)(1)(A), each such carrier need not provide service to both residential and business customers”); Kansas & Oklahoma 271 Order ¶ 43 n.101 (holding that Track A may be satisfied where “competitors’ service to residential customers is wholly through resale”) (quoting Memorandum Opinion and Order, Application of BellSouth Corp., et al., for Provision of In-Region, InterLATA Services in Louisiana, 13 F.C.C. Rcd. 20599, 20635, ¶ 48 (1998) (“Second Louisiana 271 Order”).

<sup>5</sup> Memorandum Opinion and Order, Application of BellSouth Corporation, et al. Pursuant to Section 271 of the Communications Act of 1934, as amended, To Provide In-Region, InterLATA Services In South Carolina, 13 F.C.C. Rcd. 539, 545-46, ¶¶ 10-11 (1997) (“South Carolina 271 Order”).

established through the same or similar systems, processes, and procedures that were found sufficient for section 271 relief in Texas, Kansas, and Oklahoma.

As explained below, any CLEC can obtain from Ameritech Ohio the facilities and services it needs to provide local service in Ohio, no matter what mode of entry the CLEC selects. To insure that this is so, Ameritech Ohio has “a concrete and specific legal obligation to furnish [each checklist] item upon request” and has done what is necessary to supply those items “in the quantities that competitors may reasonably demand and at an acceptable level of quality.” Michigan 271 Order, 12 F.C.C. Rcd. at 20601-02, ¶ 110. The following sections (and the affidavits and other materials supporting them) discuss Ameritech Ohio’s offerings and the associated network arrangements for each checklist item.

**A. Checklist Item 1: Interconnection**

1. Interconnection Trunking

Ameritech Ohio satisfies Checklist Item 1 by making available all required forms of interconnection. Ameritech Ohio makes Fiber-Meet Interconnection available at any mutually agreeable, economically and technically feasible point between a CLEC’s premises and an Ameritech Ohio tandem or end office. Deere Aff. ¶ 15. The Fiber-Meet arrangement may be used to provide interoffice trunking for originating and terminating calls between the two networks or for transit of calls to or from a third party via Ameritech Ohio’s tandem switch. Id. ¶ 16; see also id. ¶¶ 17-20 (discussing types of Fiber-Meet arrangements). CLECs can interconnect to Ameritech Ohio at the trunk-side or line-side of the local switch, trunk connection points of a tandem switch, central office cross-connect points, out-of-band signaling transfer points, and points of access to UNEs, as well as other technically feasible points upon

request. Id. ¶¶ 23-24; 47 C.F.R. § 51.305(a)(2). At their discretion, CLECs can obtain a single point or multiple points of interconnection per LATA. Deere Aff. ¶ 32.

The Affidavit of William C. Deere discusses interconnection interoffice trunking arrangements for various types of traffic between a CLEC and Ameritech Ohio. Deere Aff. ¶¶ 35-41. Forecasting and servicing of interconnection trunk groups are based upon the same industry standard objectives that Ameritech Ohio uses for its own trunk groups. Id. ¶ 42; see also id. ¶¶ 43-62 (discussing forecasting requirements and procedures). Ameritech Ohio also uses standard trunk traffic engineering methods to ensure that interconnection trunking is managed in the same manner as trunking for Ameritech Ohio's own local services. Id. ¶ 49. Ameritech Ohio accommodates CLEC requests for one-way or two-way trunking when technically feasible. Id. ¶¶ 35, 37-38. In order to ensure equality, Ameritech Ohio interconnects with CLECs using the same facilities, interfaces, technical criteria, and service standards as for its own retail operations. Id. ¶¶ 33-34.

Ameritech Ohio has implemented multiple performance measurements and standards to govern interconnection trunking. See Fioretti Aff. ¶¶ 52-74. As with the other measurements and standards herein, they were discussed in collaborative proceedings with CLEC input, and they have been approved and made legally binding by order of the PUCO. Id. ¶¶ 32-41. The principal measure tracks the rate of call blockage: blockage on call attempts from Ameritech Ohio customers that are to be routed to and terminated on CLEC networks, as compared to the blockage rate for traffic that both originates and terminates on Ameritech Ohio facilities. Id. ¶¶ 55-59. The call blockage rate reflects the actual volume and source of traffic that is affected, adjusting for calls that are re-routed and successfully completed over other facilities. Id. ¶ 57.

Ameritech Ohio also reports on trunk blockage (PM 71), average installation intervals (PM 78), missed due dates (PM 73), the length of delays for missed due dates (PM 74), and trunk restoration intervals (PMs 76, 77). Id. ¶¶ 60-67. These are the very same “clearly defined performance measurements and standards” developed in Texas. Texas 271 Order, 15 F.C.C. Rcd. at 18357, ¶ 3; Kansas & Oklahoma 271 Order ¶ 3.<sup>6</sup>

## 2. Collocation

In accordance with Section 251(c)(6), 47 C.F.R. § 51.321, and 47 C.F.R. § 51.323, Ameritech Ohio makes available to CLECs collocation of telecommunications equipment for interconnection and access to unbundled network elements. See Alexander Aff. ¶ 13; Deere Aff. ¶ 26. Ameritech Ohio’s terms and conditions for collocation are provided in legally binding interconnection agreements. Alexander Aff. ¶ 13. In addition, a CLEC may negotiate and/or arbitrate terms and conditions for collocation as part of its own interconnection agreement with Ameritech Ohio. Id. Ameritech Ohio’s interconnection agreements incorporate and are fully compliant with the FCC’s collocation requirements as set forth in the Advanced Services Order<sup>7</sup> and the Advanced Services Reconsideration Order.<sup>8</sup> Alexander Aff. ¶ 13. A CLEC can apply

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<sup>6</sup> In re Joint Application by SBC Communications Inc., et al. for Provision of In-Region, InterLATA Services in Kansas and Oklahoma, CC Docket No. 00-217, 2001 WL 55637 (Jan. 22, 2001) (“Kansas & Oklahoma 271 Order”).

<sup>7</sup> First Report and Order and Further Notice of Proposed Rulemaking, Deployment of Wireline Services Offering Advanced Telecommunications Capability, 14 F.C.C. Rcd. 4761 (1999) (“Advanced Services Order”).

<sup>8</sup> Order On Reconsideration And Second Further Notice Of Proposed Rulemaking In CC Docket No. 98-147 And Fifth Further Notice Of Proposed Rulemaking In CC Docket No. 96-98, Deployment of Wireline Services Offering Advanced Telecommunications Capability, 15 F.C.C. Rcd. 17806 (2000) (“Advanced Services Reconsideration Order”).

for collocation space even while that CLEC's state certification is still pending, or before the CLEC and Ameritech Ohio have entered into a final interconnection agreement. Id. ¶ 14.

Physical collocation of CLEC equipment is available where space permits. See Alexander Aff. ¶¶ 24-35; Deere Aff. ¶ 25. Ameritech Ohio makes available caged, shared cage, cageless and other physical collocation arrangements, all at the option of the CLEC. See Alexander Aff. ¶¶ 27-35; Deere Aff. ¶ 5. These offerings fully comply with the FCC's collocation rules, as well as the PUCO's orders. Alexander Aff. ¶¶ 13, 15.

Adjacent space collocation is available on Ameritech Ohio's premises when all space for physical collocation within an Ameritech Ohio Eligible Structure is legitimately exhausted. Alexander Aff. ¶ 33; Deere Aff. ¶ 25. If space in an Eligible Structure subsequently becomes available, the CLEC may, at its option, relocate its equipment into that interior space. Alexander Aff. ¶ 33; 47 C.F.R. § 51.323(k) (as revised by the Advanced Services Reconsideration Order, ¶ 46). Ameritech Ohio also will make available other technically feasible collocation arrangements consistent with Paragraph 45 of the Advanced Services Order, which provides that "deployment by any incumbent LEC of a collocation arrangement gives rise to a rebuttable presumption in favor of a competitive LEC seeking collocation in any incumbent LEC premises that such an arrangement is technically feasible." See Alexander Aff. ¶ 35.

Detailed terms for collocation are spelled out in Technical Publication TP 76300MP, Installation Requirements, which is incorporated by reference in the Appendix Physical Collocation. Id. ¶ 26. CLECs obtaining physical collocation also receive access via the CLEC Online website to Ameritech Ohio's Interconnector's Collocation Services Handbook for Physical Collocation. Id.

Denials of Request. If Ameritech Ohio must deny a CLEC's request for physical collocation because space is not available, Ameritech Ohio will inform the CLEC by letter within ten days, with an informational copy to the PUCO staff. Alexander Aff. ¶ 37. Furthermore, if space is not available to accommodate the CLEC's request, the CLEC may request a tour of the premises. Id. ¶ 37. Consistent with 47 C.F.R. § 51.321(f), this tour will be scheduled within five business days from the date the written request for such a tour is received from the CLEC. Id. Ameritech Ohio has also modified its internal procedures to ensure that, if it denies collocation on the grounds that a CLEC's equipment fails to meet applicable safety standards, the FCC-required affidavit will contain all the information required by the Advanced Services Reconsideration Order, ¶ 57 (revising 47 C.F.R. § 51.323(b)). Alexander Aff. ¶ 47.

In addition, Ameritech Ohio maintains a publicly available document on the Internet indicating those facilities, if any, that currently are full; this list is updated within ten days of the date a central office is determined to be out of physical collocation space. Id. ¶ 38. Ameritech Ohio ensures that only offices that do not have a minimum of one bay space for physical collocation are posted on this list. Id. Moreover, prior to submitting an application for physical collocation, a CLEC may request a report that indicates the available collocation space in a particular Ameritech Ohio premises. Id. ¶ 39.

Space Reservation. Ameritech Ohio's space reservation policies are nondiscriminatory. Id. ¶ 40. As required by 47 C.F.R. § 51.323(f), Ameritech Ohio does not and will not allow any of its affiliates to reserve space on terms more favorable than those that apply to collocation. Id.; Advanced Services Reconsideration Order, ¶ 53. Moreover, Ameritech Ohio has adopted a number of policies that conserve collocation space and maximize opportunities for carriers to

enter or to expand their presence in the local market. Alexander Aff. ¶ 41. For instance, Ameritech Ohio will remove obsolete unused equipment upon reasonable request by a collocator or upon order of the state commission. Id. Ameritech Ohio also conserves caged collocation space by allowing CLECs to purchase space in increments as small as the amount of space needed to house and maintain a single rack or bay of equipment. Id. ¶ 27; Deere Aff. ¶ 5.

Ameritech Ohio employs security measures for collocators in its central offices to reasonably protect its network and equipment from harm, and these measures are no more stringent than those followed by Ameritech Ohio's own personnel. Alexander Aff. ¶ 42. CLEC personnel are not required to undergo security training that is more stringent or intensive than the training undergone by Ameritech Ohio personnel, nor are they required to obtain training from Ameritech Ohio. Id. ¶ 43. Nor does Ameritech Ohio impose more stringent security measures than those permitted by the FCC. Id. ¶ 42; Advanced Services Order, ¶¶ 46-49. Consistent with the Advanced Services Order (¶¶ 42, 48), Ameritech Ohio may recover the costs of erecting an interior security partition to separate Ameritech Ohio's own equipment in lieu of the costs of other reasonable security measures. See Alexander Aff. ¶ 44. Such a security partition will not interfere with a CLEC's access to its own equipment, and will not be the basis for a claim that collocation space is exhausted. Id. ¶ 44. Ameritech Ohio does not use information obtained from CLECs in the course of implementing security arrangements for marketing or other competitive purposes. Id. ¶ 42.

CLECs have access to their collocated equipment 24 hours a day, seven days a week, without a security escort, as well as access to restrooms and parking. Id. ¶ 46. CLECs also have

reasonable access to their chosen collocation space during construction. Id. ¶ 20; see Advanced Services Reconsideration Order, ¶ 59.

Ameritech Ohio requires that all equipment to be collocated in its Eligible Structures meet Level 1 safety requirements as set forth in publication TP 76200MP. Alexander Aff. ¶ 47.<sup>9</sup> However, Ameritech Ohio may not impose safety requirements on collocators that are more stringent than the safety requirements it imposes on its own equipment. Id. Ameritech Ohio may not deny collocation of a collocator's equipment if it fails to meet TP 76200MP *reliability* standards. Id.; see Advanced Services Reconsideration Order, ¶ 55.

Intervals. Ameritech Ohio's interconnection agreements establish processes and procedures to ensure that collocation arrangements are available on terms and conditions that are just, reasonable, and nondiscriminatory in accordance with Section 251(c)(6) of the 1996 Act. Alexander Aff. ¶ 15. These include standards in Ameritech Ohio's approved interconnection agreements regarding the length of time required to process and implement requests for collocation. Id. Ameritech Ohio provisions collocation space in full conformity with the criteria established by the FCC in its Advanced Services Reconsideration Order and by the PUCO in Case Nos. 98-1082-TP-AMT and 00-942-TP-COI regarding collocation costs, rates, terms and conditions. Id.

Ameritech Ohio notifies a requesting collocator whether its request for collocation space has been granted or denied due to a lack of space within ten days of submission of the completed application. Alexander Aff. ¶ 16. Ameritech Ohio also provides specific construction intervals, pursuant to its interconnection agreements. For caged physical collocation, including shared

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<sup>9</sup> This document is available in the CLEC Online Handbook at <<https://sbc.clec.com>>.  
12822177.3 80801 2059C 97352207

caged, Ameritech Ohio provides a 90-day construction interval for Active Collocation Space.<sup>10</sup> Alexander Aff. ¶ 17. The interval for caged collocation is 180 days for Other (Inactive) space, reflecting the engineering and construction time necessary to convert inactive space to active collocation space. Id. These application and provisioning intervals allow Ohio CLECs to obtain collocation in a timely manner and are consistent with the FCC’s regulations. Advanced Services Reconsideration Order, ¶ 21; 47 C.F.R. § 51.323(l).

Ameritech Ohio has established, and the PUCO has approved, performance measurements and standards to demonstrate the timeliness of processing collocation applications. Alexander Aff. ¶ 23; Fioretti Aff. ¶¶ 71-73. These include the percentage of requests processed within established timelines, the rate of missed due dates, and the average delay on missed due dates, all of which are identical to measures approved in the Texas 271 Order. Id.

Additional Requests. In addition to requests for initial collocation space, Ameritech Ohio accommodates requests to augment existing collocation arrangements, with shortened intervals for certain requests. Alexander Aff. ¶ 21.

Virtual collocation is available to CLECs regardless of the availability of physical collocation. Alexander Aff. ¶ 48. Ameritech Ohio uses the same engineering practices for virtually collocated equipment as it does for similar equipment of its own. Id. ¶ 49. Ameritech Ohio will maintain and repair virtually collocated equipment at the direction of the collocator using the same standards that Ameritech Ohio uses for maintaining and repairing its own

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<sup>10</sup> “Active Collocation Space” means space within a structure eligible for collocation, which has sufficient infrastructure systems, including power. Any other space is referred to as “Other (Inactive)” space. Alexander Aff. ¶ 17 n.18.

equipment. Id. ¶ 50. The standard offered interval for construction of virtual collocation is 90 days. Id. ¶ 22.

3. Pricing for Interconnection

As demonstrated below, in item 4 for checklist item 2 (access to unbundled network elements), Ameritech Ohio provides interconnection and physical and virtual collocation at rates that comply with all FCC and statutory requirements.

**B. Checklist Item 2: Access to Network Elements**

1. Access to UNEs Generally

Ameritech Ohio satisfies Checklist Item 2 by providing “nondiscriminatory access to network elements on an unbundled basis at any technically feasible point on rates, terms, and conditions that are just, reasonable, and nondiscriminatory” through its approved interconnection agreements and tariffs. 47 U.S.C. §§ 251(c)(3) & 271(c)(2)(B)(ii), 252(d)(1). This offer of leased access to individual components of Ameritech Ohio’s local exchange network enables CLECs to serve their local customers without duplicating Ameritech Ohio’s multi-billion dollar investment in local network infrastructure.

2. UNE Combinations

Existing Combinations. In compliance with 47 C.F.R. § 51.315(b), Ameritech Ohio does not separate UNEs that are currently physically combined in its network unless a CLEC requests that it do so. Alexander Aff. ¶ 63. Ameritech Ohio provides UNEs in a manner that allows CLECs to combine them by making certain collocation arrangements – including caged, shared-caged, and cageless physical collocation – available for that purpose. Id. ¶ 69. In addition, under the Oh2A Ameritech Ohio makes available to CLECs a non-collocation option for combining

UNEs through access to a secured frame option or cabinets (where space is not available inside the central office) that are set aside for accomplishing the necessary connections. Id.; Kansas & Oklahoma 271 Order ¶ 173. CLECs are not restricted to these methods of combining UNEs and can request other technically feasible methods of access that are consistent with the 1996 Act and other governing statutes and decisions. Alexander Aff. ¶ 35.

The various collocation options, the secured frame option, and Ameritech Ohio's offer to combine certain UNEs for CLECs under the Oh2A (discussed below) provide multiple methods for CLECs to obtain UNEs without owning or controlling any other local exchange facilities. Alexander Aff. ¶ 79. Facilities-based CLECs can use these same methods to combine Ameritech Ohio's network elements with their own facilities.

New Combinations. Ameritech Ohio also makes available new UNE combinations, which goes beyond current federal requirements under the 1996 Act. Under the Oh2A, when requested to do so, Ameritech Ohio will combine particular network elements that are not already combined, including new loop to switch port combinations (the "UNE Platform" or "UNE-P") and, under certain conditions, loop to interoffice transport combinations (the "Enhanced Extended Loop" or "EEL"). Alexander Aff. ¶¶ 66-68, 71-76; see Oh2A §§ 2.5.3, 2.3. Upon PUCO approval, the Oh2A will be made available to all CLECs in Ohio on a legally binding basis, and will be brought to all CLECs' notice by an Accessible Letter and posting on Ameritech's CLEC website. See Alexander Aff. ¶ 67; Oh2A §§ 2.1.1, 1.2, 2.1.2. The Oh2A provisions regarding combination of UNEs are substantively identical to those contained in SWBT's T2A (Texas), K2A (Kansas), and O2A (Oklahoma), which the FCC has already found satisfy section 271. Alexander Aff. ¶ 67; see Texas 271 Order ¶ 218 & n.604, ¶ 224; Kansas &

Oklahoma 271 Order ¶¶ 172-173 & n.490. These provisions should again be found to satisfy section 271.

In addition to new UNE-Ps, under the Oh2A Ameritech Ohio will combine unbundled loops with unbundled dedicated transport to provide new EEL arrangements. See Alexander Aff. ¶¶ 73-75; Oh2A § 3.5. The terms and conditions associated with Ameritech Ohio’s agreement to assemble new EEL combinations are more generous than required under the UNE Remand Order, which addressed only “existing combinations of loop and transport between the end user and the incumbent LEC’s serving wire center.” 15 F.C.C. Rcd. at 3912, ¶ 486 (emphasis added).

Pricing. When a CLEC orders UNEs that are already combined, Ameritech Ohio applies the recurring and non-recurring rates for the relevant UNEs consistent with the PUCO’s Orders in Case No. 96-922-TP-UNC, as reflected in the Oh2A (§§ 2.1.2, 2.4.1). Alexander Aff. ¶ 71. For combinations of UNEs that require new work to assemble, and thus are outside the pricing requirements of sections 251 and 252, Ameritech Ohio applies recurring and non-recurring rates that comply with the 1996 Act and have been submitted to the PUCO for approval. Id. ¶ 143.

### 3. Intellectual Property

Consistent with the FCC’s determinations in the Intellectual Property Order (¶¶ 2, 9),<sup>11</sup> Ameritech Ohio has committed to use its best efforts to obtain co-extensive Third Party Intellectual Property rights that are equal in quality to those Ameritech Ohio obtains for itself, so

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<sup>11</sup> In re Petition of MCI for Declaratory Ruling that New Entrants Need Not Obtain Separate License or Right-to-use Agreements Before Purchasing Unbundled Elements; Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, CC Docket No. 96-98 (rel. April 27, 2000); 15 F.C.C. Rcd. 13896 (“Intellectual Property Order”).

that CLECs can utilize network elements in the same manner as Ameritech Ohio. Alexander Aff. ¶ 80. Ameritech Ohio has made this commitment even though the FCC has recognized that “we do not believe that this issue is currently preventing competing carriers from being able to enter the local exchange and exchange access markets.” Intellectual Property Order, ¶ 2.

4. Pricing

Ameritech Ohio provides UNEs to CLECs at rates that comply fully with all FCC and statutory requirements. Each UNE rate currently available – as well as the rates currently available for all required forms of collocation and reciprocal compensation – has either been approved or is pending approval by the PUCO. In reviewing the rates currently in effect, the PUCO has applied in a strict, and we believe conservative, manner the FCC’s TELRIC methodology. Needless to say, the rates are far lower than those the CLECs would be eligible to receive under Section 252(d)(1) of the 1996 Act, as recently interpreted by the Eighth Circuit. See Iowa Utilities Board v. FCC, 219 F.3d 744, 749-51 (8<sup>th</sup> Cir. 2000).

Subsequent to the passage of the 1996 Act, the PUCO conducted a cost docket to determine, among other things, the UNE and collocation rates Ameritech Ohio is permitted to charge CLECs under arbitrated interconnection agreements approved by the PUCO.<sup>12</sup> All significant Ohio CLECs actively participated in this case, including AT&T and MCI WorldCom. The PUCO Staff also played an active role in the case. Currie Aff. ¶¶ 13, 17, 20 and 22. In Case No. 96-922-TP-UNC, Ameritech Ohio developed cost studies covering each of the UNEs ordered unbundled by the FCC and the PUCO at the time of filing, as well as caged and virtual

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<sup>12</sup> In re Review of Ameritech Ohio’s Economic Costs of Interconnection, Unbundled Network Elements, and Reciprocal Compensation for Transport and Termination of Local Telecommunications Traffic, PUCO Case No. 96-922-TP-UNC.

collocation and reciprocal compensation. These studies complied fully with the FCC's TELRIC methodology. Nevertheless, these studies and the costs and rates they produced were challenged and subjected to detailed, extensive criticism and commentary by the CLECs and many other interested parties. See Currie Aff. ¶ 13.

After compiling a voluminous record, and after a stipulation was reached by Ameritech Ohio, the PUCO Staff and various other parties, Ameritech Ohio submitted compliance cost studies to the PUCO, which by letter from the PUCO Staff dated May 27, 1999 were found to be in compliance with PUCO orders. Currie Aff. ¶¶ 13-20. During the year 2000, Ameritech Ohio submitted for PUCO approval cost studies, rate information, and/or terms and conditions for UNE-P, xDSL line sharing, loop conditioning, loop information, permanent shared transport, and shared and cageless collocation. Currie Aff. ¶ 22. The proposed rates are based on and derived from cost studies that comply with the principles and directives articulated in Case No. 96-922-TP-UNC. Extensive hearings on these cost studies, rates, and terms and conditions have been held, and the matter is pending PUCO determination. Id.

All the PUCO-approved rates are available to CLECs throughout Ameritech Ohio's service areas. They can be incorporated in new interconnection agreements and by amendment to existing interconnection agreements.

#### 5. Non-Discriminatory Access to OSS

The term "operations support systems" ("OSS") refers generally to the "systems, databases, and personnel used by incumbent LECs to provide service to their customers." Kansas & Oklahoma 271 Order, ¶ 104. The three facets of OSS can be described by way of example: When an Ameritech Ohio service representative contacts a customer to sell new

services, that representative can consult information maintained in electronic *databases* about that customer's services, and thus better understand what new services the customer might need or want. If the customer places an order, the service representative can input that order into computer *systems*, which coordinate the activities (electronic and manual) involved in installing service. Ameritech Ohio *personnel* then help provision the order, and are available for subsequent repairs as needed. Ameritech Ohio updates its databases, and bills the customer accordingly.

The FCC requires a Bell Operating Company ("BOC") to provide requesting carriers nondiscriminatory access to its OSS so they can "formulate and place orders for network elements or resale services, . . . install service for their customers, . . . maintain and repair network facilities, and . . . bill customers." Kansas & Oklahoma 271 Order, ¶ 104. "For OSS functions that are analogous to those that a BOC provides to itself, its customers or its affiliates, the nondiscrimination standard requires the BOC to offer requesting carriers access that permits competing carriers to perform these functions in 'substantially the same time and manner' as the BOC." Id. Where there is no retail analog, the BOC must offer access "sufficient to allow an efficient competitor a meaningful opportunity to compete." Id.

The FCC takes a two-step approach to analyzing OSS compliance. The first is to determine whether the BOC has made its OSS available to requesting carriers – that is, whether the BOC "has developed sufficient electronic (for functions that the BOC accesses electronically) and manual interfaces to allow competing carriers equivalent access to all of the necessary OSS functions." Id. ¶ 105. The second step is to find whether the OSS are operationally ready, as a practical matter: i.e., "whether the BOC's OSS is handling current

demand and will be able to handle reasonably foreseeable future volumes.” Id. “The most probative evidence that OSS functions are operationally ready is actual commercial usage in the state for which the BOC seeks 271 authorization.” Id. In addition, the FCC may consider “the results of carrier-to-carrier testing, independent third-party testing, and internal testing.” Id.

We follow the FCC’s two-step approach here. In this phase of the proceeding, we describe the electronic and manual interfaces Ameritech Ohio offers for each OSS function, along with the extensive efforts Ameritech Ohio has made to address operational concerns and ensure operational readiness. In a subsequent filing, we will describe the results of commercial performance and of the independent third-party test of OSS that is now underway.

As we describe below, and in the accompanying affidavits of Messrs. Cottrell (OSS), Brown (Local Service and Operations Centers) and Foster (Special Services) and Ms. Kagan (billing), Ameritech Ohio offers requesting carriers a full menu of electronic and manual options to access each of the five OSS functions (pre-ordering, ordering, provisioning, repair and maintenance, and billing) for whatever entry strategy (interconnection, unbundled access, or resale) they choose. In recent months, culminating in the March 2001 implementation of version 4 of the Local Service Ordering Guidelines (“LSOG 4”), Ameritech Ohio has carried out a number of upgrades designed to keep existing OSS options current, to give requesting carriers still more alternatives for OSS access, and to address operational issues raised by requesting carriers. Ameritech Ohio developed these improvements in close cooperation with CLECs and regulatory authorities in collaborative proceedings overseen either by the FCC, the PUCO, or other state commissions throughout the Ameritech region. They have been codified in a Uniform and Enhanced Plan of Record for OSS, filed with the FCC at the conclusion of the

federal collaborative proceedings without any objection from the participating CLECs, and in Joint Progress Reports provided to the PUCO in Case No.00-942-TP-COI, and binding on Ameritech Ohio.

To demonstrate on an ongoing basis the commercial results of these OSS undertakings, Ameritech Ohio – with input from the PUCO Staff and numerous requesting carriers in a collaborative proceeding initiated by the PUCO – has also implemented a comprehensive array of over 160 performance measurements (further divided into categories such as product, service, and geographic area to facilitate analysis) governed by rigorous standards. Fioretti Aff. ¶¶ 42-46. These measurements and standards are modeled on, and substantially identical to, the Southwestern Bell performance plans approved by the FCC in its Texas and Kansas & Oklahoma 271 Orders. Fioretti Aff. ¶ 47. The PUCO approved (and made binding) the updates to this performance plan when it adopted the OSS Master Test Plan by order entered December 7, 2000 in Case No. 00-942-TP-COI. Id. ¶ 39. Further updates have been agreed to by the collaborative participants and have been submitted to the PUCO for approval in Case No. 00-942-TP-COI. Id. ¶ 41. As directed by the PUCO in Case No. 98-1082-TP-AMT, Ameritech Ohio has implemented a system of self-executing remedies to enforce the agreed performance measures and standards, taken (with minor modifications) from similar remedy plans the FCC approved in its Texas and Kansas & Oklahoma 271 orders and in its conditions for approval of the SBC/Ameritech merger. See Section III.B infra.

Further, as described in the affidavits of Messrs. Cottrell and Brown, Ameritech Ohio has established several service organizations to assist requesting carriers: a Local Service Center to facilitate ordering, a Local Operations Center to assist in provisioning unbundled network

elements and in repair and maintenance activities, and call-in centers for advice and assistance. All of these resources fit under the umbrella of a dedicated account team (described in Ms. Regan’s affidavit) that serves as the requesting carrier’s single point of contact for coordinating and resolving questions or problems.

Over and above the extensive efforts it has already made, Ameritech Ohio is committed to continuous upkeep and improvement of OSS access in order to keep abreast of developments in technology and law. To that end, Ameritech Ohio and its affiliates have spent over a year negotiating a uniform Change Management Plan (“CMP”) for all 13 SBC/Ameritech states. Cottrell Aff. ¶ 200. The CMP offers requesting carriers multiple opportunities to suggest changes to OSS, to provide input on and receive information about proposed changes, and to test changes before their actual implementation. The 13-state plan is modeled on plans approved by the FCC for Texas, Kansas and Oklahoma, and it has been presented to the FCC in final form (as part of the collaborative proceeding on Uniform and Enhanced OSS) with no disputed issues at the federal level.

a. Pre-Ordering

Pre-ordering “generally includes those activities that a carrier undertakes to gather and verify the information necessary to place an order.” Kansas & Oklahoma 271 Order, ¶ 120. Ameritech Ohio offers CLECs two main electronic interfaces to access pre-ordering functions, which enable CLECs to access the same information from the same sources that Ameritech Ohio’s retail operations use, and which also give CLECs additional functions not available to retail representatives. Cottrell Aff. ¶¶ 11, 71-75. Both interfaces respond in “real time” – that is, the CLEC representative can retrieve information while talking with an end user. Id. ¶ 73.

The first pre-order interface is EDI/CORBA, an industry standard gateway that can understand inquiries submitted in either of two languages (EDI and CORBA) promulgated by technical industry bodies. Id. ¶ 76. EDI/CORBA is an “application-to-application” interface: It allows a CLEC’s electronic systems and software applications to communicate with their counterparts at Ameritech Ohio. Id. A CLEC can thus integrate the interface with its own electronic systems, and with the ordering interface described below. Id. And by using industry standard formats, Ameritech Ohio gives CLECs that operate in more than one region the opportunity to build to a relatively standard interface nationwide, rather than having to learn how to work with the individual systems of different BOCs. Id.

Ameritech Ohio’s second pre-order gateway is Enhanced Verigate, which was introduced for commercial use in March 2001 and which is modeled on the Verigate (Verification Gateway) interface used by Southwestern Bell. Id. ¶ 80. Enhanced Verigate is a Graphical User Interface: Instead of communicating with a CLEC’s electronic systems the way an application-to-application interface would, Enhanced Verigate accepts commands from CLEC representatives working on computer screens, just like well-known personal computer programs do. Id. ¶ 79. It uses plain-English displays, and is based on the same design that is used for Internet web browsers. Id. This interface is thus suited for carriers (typically, smaller or newer CLECs) that do not have or wish to develop their own electronic systems and applications for pre-ordering. Id. At the same time, it gives CLECs access to the same information that is available through EDI/CORBA. Id. ¶ 75. Over 50 CLECs have already made commercial use of this interface. Id. ¶ 80.

Both pre-order interfaces allow requesting carriers access to the same information and functions available to Ameritech Ohio's retail representatives (id. ¶ 73-75), and to the same functions identified by the FCC in prior orders under section 271. A requesting carrier can thus verify the customer's address, look up the customer's service record and directory listings, find out what features and services are available to the customer, pick and reserve a telephone number, determine the need for a field dispatch to install service, obtain a due date for installation, and obtain information (such as the Network Channel Interface) for ordering unbundled access. Id. ¶ 71. What's more, requesting carriers enjoy a feature that is not available to Ameritech Ohio's retail operations: the ability to determine on-line whether the end user's loop will support DSL service (i.e. to obtain information on the loop's characteristics and "qualifications"). Id. ¶ 75.

Integration. As part of its assessment of OSS, the FCC considers whether a BOC allows requesting carriers to successfully integrate pre-ordering information into the ordering process and into the requesting carrier's systems. Texas 271 Order, ¶ 152. "[A] BOC has enabled 'successful integration' if competing carriers may, or have been able to, automatically populate information supplied by the BOC's pre-ordering systems onto an order form . . . that will not be rejected by the BOC's OSS systems." Id. Ameritech Ohio's EDI/CORBA pre-order interface is designed to be integrated with the EDI order gateway described below to form a seamless pre-order/order system, and it can also be integrated with CLEC systems that use either one of the two industry standard formats, EDI and CORBA. Cottrell Aff. ¶ 76. Moreover, at the request of MCI/WorldCom, Ameritech Ohio modified EDI/CORBA so that it now provides customer address information in a "parsed" format (divided into individual data fields) that corresponds to

(and can thus be used to fill out) the order form. Id. ¶ 99. In addition, Ameritech Ohio has modified its pre-ordering and ordering systems and formats to synchronize data characteristics of fields common to both interfaces. Id. ¶ 102. These features go above and beyond the Southwestern Bell systems the FCC found compliant in its Texas 271 Order (¶ 153).

Interface Response Times. Among the numerous performance measures reviewed in the Ohio collaborative and approved by the PUCO, Ameritech Ohio has implemented a series of performance measures and standards to monitor and ensure the timeliness and quality of pre-order access. Fioretti Aff. ¶¶ 77-82. Two measures compare the time required to respond to each of the various types of pre-order inquiries to fixed “benchmark” intervals: for example, 4.7 seconds for address verification, and 6.6 seconds for customer service records. Id. ¶ 78. The benchmarks are the same as those reviewed by the FCC in its Texas 271 Order (¶ 162), which concluded “that performance satisfying these benchmarks would provide competing carriers a meaningful opportunity to compete.” Fioretti Aff. ¶ 78.

Interface Availability. As is the case with almost all electronic systems, Ameritech Ohio’s OSS interfaces require regular downtime so that Ameritech Ohio can perform routine maintenance and upkeep on them. Cottrell Aff. ¶ 107. These maintenance activities are performed overnight and on weekends to minimize the impact on customer service. The scheduled hours for CLECs to access Ameritech Ohio’s pre-order interfaces are equal to the hours offered to Ameritech Ohio’s own retail operations. Id. ¶ 108. Ameritech Ohio’s performance measures ensure the interfaces are available as advertised, assessing the time each interface is actually available for use (as compared to scheduled hours of availability), and the advance notice provided of any interface outages. Fioretti Aff. ¶¶ 154-155.

b. Ordering

As with pre-ordering, Ameritech Ohio offers requesting carriers two alternative interfaces to submit local service requests. The first is an application-to-application interface based on Electronic Data Interchange (“EDI”), which can be used either on a standalone basis or coupled with the EDI/CORBA pre-order interface described above. Cottrell Aff. ¶ 115. In March 2001, Ameritech Ohio updated the EDI interface in accordance with version 4 of the Local Service Ordering Guidelines (“LSOG 4”), which are promulgated by the industry’s Ordering and Billing Forum. Id. ¶¶ 115-116. The second order interface is Enhanced Local Exchange (Enhanced LEX), a Graphical User Interface modeled on Southwestern Bell’s LEX system but enhanced so that requesting carriers can access it using a commercial Internet Web browser program. Id. ¶¶ 12 n.5, 121-22. Some carriers submit orders manually (*e.g.* by facsimile) through the Local Service Center. Id. ¶ 113; Brown Aff. ¶ 29.

Upon receiving a local service request, Ameritech Ohio’s order interface and systems check it for format and content. Cottrell Aff. ¶¶ 132-33. Requests that are improperly formatted, or that do not contain necessary data, are returned to the requesting carrier electronically with a rejection notice. Id. ¶ 133. Once a properly formatted request passes the edit checks in the ordering interface, Ameritech Ohio provides the requesting carrier a notice confirming the receipt of a firm order. Id. ¶¶ 147-148. This notice is commonly referred to as a “Firm Order Confirmation” or “FOC.” Id. ¶ 146. The request is then translated from its industry standard format to the internal language used and understood by Ameritech Ohio’s provisioning systems, which coordinate the activities involved in filling the order. Id. ¶¶ 135-36, 141. When provisioning is complete, Ameritech Ohio sends a notice of completion to the requesting carrier.

Id. ¶¶ 146, 157. All of these status notices are unique to the wholesale environment. Id. ¶ 146. They reflect the fact that requesting carriers, unlike retail personnel, access Ameritech Ohio’s systems through standard interfaces. Id.; Fioretti Aff. ¶ 87. Thus, the performance standards for these notices are not based on a direct “parity” test (because there is no direct retail analog) but are designed to afford efficient competitors a meaningful opportunity to compete. Id.

This section describes the steps involved in submitting and processing orders and the related status notices. The activities involved in provisioning are addressed in the next section.

Rejections. Ameritech Ohio reviews carrier orders, whether placed electronically or manually, for completeness, proper content, and format. Cottrell Aff. ¶¶ 133, 135, 150. Orders that are incomplete, inaccurate or improperly formatted are returned to the requesting carrier electronically, along with a notice of rejection that identifies the reasons for rejection so the carrier can correct and resubmit its request. Id. ¶¶ 135, 150. To ensure that CLECs receive prompt notice, Ameritech Ohio has implemented several performance measures that assess the speed at which it issues such notices against fixed benchmarks identical to those approved by the FCC in its Texas 271 Order (¶¶ 174-175). Fioretti Aff. ¶¶ 89-92. One such benchmark, for example, requires Ameritech Ohio to return 97 percent of electronically submitted, electronically rejected orders within 1 hour of receiving the order. Id. ¶ 90.

While the FCC has properly recognized that “we will not hold a BOC accountable for rejects that occur for reasons within a competing LEC’s control,” (New York 271 Order, ¶ 176)<sup>13</sup>, Ameritech Ohio offers extensive training and assistance (coupling live instruction with

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<sup>13</sup> In re Application by Bell Atlantic New York for Authorization Under Section 271 of the Communications Act to Provide In-Region, Interlata Service in the State of New York, 15 F.C.C. Rcd. 75 (Dec. 27, 1999) (“New York 271 Order”).

convenient on-line reference and “help” guides) to help competing LECs submit accurate requests and thus avoid rejection in the first place. See Section II.B.5(e) infra. Further, to help requesting carriers avoid errors due to their submission of an order with an invalid end user address, Ameritech Ohio changed its ordering systems in March 2001 so that carriers can now submit most orders without an address, using alternative means to identify the location at which Ameritech Ohio is to install service. Cottrell Aff. ¶ 152.

Firm Order Confirmations. Once a valid, firm order is accepted for processing, Ameritech Ohio issues a Firm Order Confirmation (“FOC”) to the requesting carrier. Id. ¶¶ 136, 146-148. As with order rejections, Ameritech Ohio has several performance measures and standards designed to ensure that FOCs are returned on a timely basis that affords requesting carriers a meaningful opportunity to compete. Fioretti Aff. ¶¶ 93-99. Among other things, these standards require Ameritech Ohio to issue 95 percent of FOCs on electronically submitted orders within 2 hours of receipt if the order is processed without need for manual intervention. Id. ¶ 94.

Jeopardy Notices. Ameritech Ohio takes the affirmative step of issuing electronic “jeopardy” notices to competing carriers if a condition in scheduling might cause Ameritech Ohio to miss the due date for installation. Cottrell Aff. ¶ 156. Ameritech Ohio’s performance measures report the percentage of jeopardy notices issued within 24 hours of the due date, and the overall percentage of orders receiving jeopardy notices. Fioretti Aff. ¶ 104. Note, however, that a jeopardy does not mean that the due date will be missed, only that it might be missed; Ameritech Ohio may still resolve the condition that caused the jeopardy without any delay in installation. Id. ¶ 101. Thus, the FCC finds the rate of actual missed due dates (which we

discuss under provisioning, below) more probative in assessing checklist compliance. Texas 271 Order, ¶ 185.<sup>14</sup>

Completion Notices. Ameritech Ohio issues electronic notices of order completion to the requesting carrier once the physical work of installing service is complete and the order is registered as complete in Ameritech Ohio's ordering and provisioning systems. Cottrell Aff. ¶¶ 146, 157. In the event the CLEC's order results in the loss of a customer by a different CLEC, Ameritech Ohio also issues a "loss notification" to the losing carrier. Id. ¶ 159. Ameritech Ohio's performance standards require it to issue 97 percent of completion notices within 1 hour of the time the order is registered as complete in Ameritech Ohio's OSS, and the same percentage within 1 day of the completion of physical work. Fioretti Aff. ¶¶ 108-109. The FCC approved identical standards in its Texas 271 Order (¶ 188) and its SBC/Ameritech Merger Order (Attach. A-2a, measure no. 4d).<sup>15</sup>

Status inquiries. In addition to the automatic notices described above, Ameritech Ohio offers CLECs several ways to check on the status of an order at any point in time. Requesting carriers may obtain information either as to Order Status (which depicts the processing of the order, *e.g.* whether it has been confirmed and whether it has flowed into the downstream systems) and as to Provisioning Order Status (which depicts the activities involved in filling the

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<sup>14</sup> In re Application by SBC Communications Inc. et al. Pursuant to Section 271 of the Telecommunications Act of 1996 to Provide In-Region, InterLATA Services in Texas, 15 F.C.C. Rcd. 18,354 (June 30, 2000) ("Texas 271 Order").

<sup>15</sup> Memorandum Opinion and Order, Applications of Ameritech Corp., Transferor, and SBC Communications Inc., Transferee, For Consent to Transfer Control, 14 F.C.C. Rcd. 14712 (1999), vacated in part on other grounds sub nom. Association of Communications Enters. v. FCC, 235 F.3d 662 (D.C. Cir. 2001) ("ASCENT").

order, *e.g.* whether field work is necessary, whether a technician has been assigned, or whether field work is complete). Cottrell Aff. ¶¶ 160-166. Status information is available on-line to CLECs using either pre-order interface. *Id.* ¶¶ 160, 165. It is available on a region-wide basis; thus, a CLEC can obtain status information for orders in more than one Ameritech state at a time. *Id.* ¶ 163. (By contrast, retail representatives can only obtain status information for a single state at one sitting. *Id.*)

Flow-through. As described above, CLECs may access Ameritech Ohio's OSS electronically via interfaces that use standard formats. Once a properly formatted request passes the edit checks described above, the next step is to translate it from the standardized format to the internal service order format used by Ameritech Ohio's downstream systems. Cottrell Aff. ¶ 136. For some order types, the interface is designed to translate the entire request electronically and send it downstream for processing; these orders are said to "flow through." *Id.* ¶ 134. For other order types, a complete electronic translation has not yet been developed (due to the complexity of the order or to the recent introduction or modification of the related product, among other reasons). *Id.* In those cases, the carrier's request is sent to the Local Service Center, where an Ameritech Ohio representative types it directly into the downstream systems. *Id.*; Brown Aff. ¶ 29. (This is the same method Ameritech Ohio uses to enter its own retail orders.)

Given that flow through refers to only one step in the overall ordering process (the translation of orders from the format in which CLECs submit them to the format in which Ameritech Ohio processes them), the FCC has recognized that flow-through data "are not so much an end in themselves, but rather are a tool used to indicate a wide range of possible

deficiencies in a BOC's OSS." New York 271 Order, ¶ 162. Thus, a BOC's "overall ability to return timely order confirmation and rejection notices, accurately process manually handled orders, and scale its systems is more relevant and probative for analyzing [its] ability to provide access to its ordering functions than a simple flow-through analysis." Id. ¶ 163.

Ameritech Ohio has undertaken a series of steps to improve flow-through while keeping it in perspective as a means to an end (improved overall performance) rather than an end in itself. In December 2000, for example, Ameritech Ohio implemented system enhancements designed to improve flow-through for DSL and Line Sharing orders. Cottrell Aff. ¶ 142. To facilitate and prioritize continued enhancements, Ameritech Ohio (working with CLEC participants in the various collaborative proceedings throughout the region) has instituted a cooperative process for identifying future flow-through needs. Id. ¶ 144. Pursuant to that procedure, which is embodied in the Third Joint Progress Report to the PUCO in Case No. 00-942-TP-COI, Ameritech Ohio has provided CLECs an updated list of orders that are not currently designed to flow through. Id. The CLECs will then give Ameritech Ohio a prioritized list of order types that they prefer to have flowed through, which will form the basis of a detailed project plan outlining the nature and timetable for future enhancements. Id. Ameritech Ohio has agreed to furnish quarterly progress reports to the PUCO on these priority items. Id.

Ameritech Ohio has also taken steps to ensure the timely and accurate processing of orders that do not flow through. These orders are input at the regional level, by service representatives in Local Service Centers in Southfield and Grand Rapids, Michigan; Milwaukee, Wisconsin; and Indianapolis, Indiana. Brown Aff. ¶ 30. Orders are assigned to specialized work groups that focus on particular order types (*e.g.* unbundled loop orders). Id. ¶¶ 16, 30. In all, the

Local Service Centers have over 900 service representatives. Id. ¶ 15. Each CLEC has its own point of contact at the LSC, and can escalate concerns all the way up to the Vice President of Interconnection Services. Id. ¶ 17. The assignment function for order input is coordinated by a single electronic system, known as Mechanized Order Receipt/Telemangement (“MOR/Tel”), which is designed to assign orders on a first-come first-served basis. Id. ¶ 30.

c. Provisioning

Ameritech Ohio is subject to a panoply of performance standards designed to ensure its continued timely and accurate provisioning of carrier orders. First, in accordance with the Michigan 271 Order (¶¶ 166, 212), Ameritech Ohio measures the average installation intervals for resale, unbundled loops and other unbundled network events, and interconnection. Fioretti Aff. ¶¶ 62, 122, 185, 207, 212, 258-260. Consistent with the FCC’s view that “Ameritech can and should disaggregate its data to account for the impact different types of services may have on the average installation interval” (Michigan 271 Order, ¶ 170), Ameritech Ohio reports intervals separately based on product type, customer (business or residential), geographic area, and by whether completing the order requires dispatch of a field technician. Fioretti Aff. ¶ 259. Ameritech Ohio also measures the percentage of installations completed within benchmark intervals (the same as those approved in the Texas 271 Order), the percentage completed by the due date, and the average delay for orders not completed by the due date (the “held order” measurement that the FCC directed section 271 applicants to report in its Michigan 271 Order, ¶ 212). Fioretti Aff. ¶¶ 27, 126-133. To address provisioning accuracy (Michigan 271 Order, ¶ 212), Ameritech Ohio measures the rate of installations for which “trouble” is reported within 30

days of installation, and it also compares the features on mechanized orders to the features installed and recorded in the customer database. Fioretti Aff. ¶¶ 28-29, 136-138.

d. Repair and Maintenance

As with the other OSS functions, Ameritech Ohio offers two alternative methods by which a requesting carrier may report trouble and request maintenance: (1) Electronic Bonding & Trouble Administration (“EBTA”), an industry standard application-to-application interface method, and (2) a Graphical User Interface known as EBTA GUI. Cottrell Aff. ¶¶ 184, 187, 192. CLECs may also contact Ameritech Ohio’s Local Operations Center (which is responsible for maintenance issues). *Id.* ¶ 184. The service representative will then access Ameritech Ohio’s electronic systems. Brown Aff. ¶ 88.

EBTA GUI allows carriers to perform the same functions that Ameritech Ohio’s retail operations perform. Cottrell Aff. ¶¶ 185-186. Among other things, requesting carriers can (1) issue trouble reports, (2) conduct a mechanized loop test, (3) determine the status of a previous trouble report, (4) view a list of open trouble reports, and (5) view a list of reports closed within the last 30 days. *Id.* ¶ 185. The alternative interface, EBTA, enables carriers to perform all but the last two functions (*id.*); however, as the FCC found in the Texas 271 Order (¶ 203 n.565), “a BOC is not required, for the purpose of satisfying checklist item 2, to implement an application-to-application interface for maintenance and repair functions – provided it demonstrates that it provides equivalent access . . . in another manner” as Ameritech Ohio does via EBTA GUI.

e. Billing

Ameritech Ohio uses a single, integrated regional system to process usage data for retail, resale, and UNE-P customers. Kagan Aff. ¶ 17. That system provides Daily Usage Files, extracted from the usage processing system, to CLECs for use in billing their end users and other carriers. Id. ¶ 20. CLECs can choose to receive the file via magnetic tape or electronically over data lines in industry-standard format. Id. ¶ 21. Ameritech Ohio's PUCO-approved performance standards (PM 19) require it to issue 95 percent of usage files within 6 days (Fioretti Aff. ¶¶ 148-149), a standard that is identical to the one the FCC has previously approved as an "appropriate measure of SWBT's [Southwestern Bell's] ability to provide competing carriers with usage data in substantially the same time and manner that SWBT provides such information to itself." Texas 271 Order, ¶ 211. Ameritech Ohio's performance standards (PM 16) also require that 95 percent of usage files be transmitted correctly, that is, in a complete and correctly formatted file. Fioretti Aff. ¶ 150 & Attachment A.

Ameritech Ohio also issues monthly bills to carriers. Its performance standards (PM 18) require it to issue 95 percent of wholesale bills within the sixth business day after the bill cutoff date. Fioretti Aff. ¶ 151. Monthly bills are subject to the quality control and testing procedures that go beyond those used for retail bills. Kagan Aff. ¶ 41. On each billing date (there are ten billing cycles each month) Ameritech Ohio representatives review bills for completeness and format. Id. Monthly, Ameritech Ohio tests a sample of items to ensure that the rates for each product or service have been properly applied. Id. Ameritech Ohio's performance measurement plan sets a standard of nondiscrimination between monthly test results for wholesale and retail

bills. Fioretti Aff. ¶ 152. These performance measurements meet the FCC's request, in its Michigan 271 Order (¶ 212), for measures of bill quality and accuracy.

Ameritech Ohio's electronic systems also subject retail and wholesale orders to a number of edit checks at the billing stage, to help ensure bill accuracy. Kagan Aff. ¶¶ 37-39. The Local Service Centers have devoted a special Error Corrections team to resolve errors identified in the billing process, so that orders are posted before the billing cut-off (thus preventing double-billing, the concern expressed in the Michigan 271 Order, ¶¶ 200-203). Brown Aff. ¶¶ 41-42. Team members review summaries of pending orders daily to identify priorities and ensure timely resolution. *Id.* Ameritech Ohio backs these commitments with its performance measurement plan, which requires nondiscrimination between wholesale and retail, both in the average time to clear service orders in the billing process, and in the percentage of service orders that post within the billing cycle. Fioretti Aff. ¶¶ 111, 152.

f. Training, Carrier Assistance, and Help Desk Support

At the same time that it has increased the quantity and quality of electronic methods to access OSS, Ameritech Ohio has given equal attention to the human side of OSS access, all the way from the CLEC's initial start-up to its mature operation. Ameritech Ohio dedicates a separate Account Manager to each CLEC to serve as its principal contact with Ameritech Ohio and as a guide to the various services and options available to that CLEC. Ameritech Ohio offers a wide selection of training courses, totaling 30 days in education, that cover a variety of business and technical subjects associated with OSS use. These courses are supplemented by an interactive CLEC website, along with specialized groups that offer technical assistance. Region-wide service centers staffed by hundreds of trained specialists handle manual provisioning and

maintenance activities for individual orders or trouble reports, while expert support teams handle global questions about OSS access as they arise. For all areas of OSS, Ameritech Ohio has instituted a CLEC User Forum that enables CLECs to meet as a group to exchange ideas with each other and provide input to Ameritech Ohio.

Account Management. Every CLEC is assigned an Account Manager who is responsible for all activities pertaining to that CLEC's working relationship with Ameritech Ohio for local service. Regan Aff. ¶ 8. The Account Manager's work begins at the very inception of that relationship, with start-up activities related to carrying out the parties' interconnection agreement that involve gathering information about the CLEC's business needs and forecast demand while giving the CLEC information about Ameritech Ohio services and practical nuts-and-bolts information like OSS passwords. Id. ¶¶ 14-16. After the start-up period, the Account Manager serves both as a liaison and advocate on the CLEC's behalf, to (1) receive CLEC questions, concerns and problems, (2) forward them to the appropriate persons within Ameritech Ohio, (3) keep the CLEC apprised of status, and (4) provide the response to the CLEC. Id. ¶¶ 17-22. The Account Manager also serves as a guide and reference to coordinate the CLEC's use of other support resources described below.

The training, guidelines, and responsibilities for Account Managers have been revised (effective in the fourth quarter of 2000) to reflect CLEC input and Ameritech commitments during the course of collaborative proceedings in Wisconsin, which were incorporated and made binding in Ohio via the Joint Status Report. Id. ¶ 5. Among other things, the enhanced guidelines state that the Account Manager is to return pages within 1 hour of receipt (if paged during business hours), and to return CLEC telephone calls and correspondence within 8

business hours. Id. ¶ 18. Further, at the request of CLECs, Ameritech Ohio has given Account Managers additional authority within the organization (id. ¶ 5), and has provided CLECs with information and procedures to escalate issues to higher levels if necessary (id. ¶ 23).

Training. Ameritech Ohio offers CLECs extensive training in using OSS, with 19 workshops (totaling 25 days of in-class time) that cover the basics of local service, each of the three entry methods (resale, unbundled access, and interconnection), and specific products and services (including the UNE platform, EELs, dark fiber, and broadband service). Regan Aff. ¶¶ 35-57. In addition, Ameritech Ohio offers five one-day classes on OSS, each covering a different one of the interfaces described above. Cottrell Aff. ¶¶ 235-237. These workshops and classes feature small class sizes (with a maximum of ten students per class) to assure hands-on instruction, along with in-class exercises. Regan Aff. ¶ 37. CLEC representatives attending these classes receive complimentary take-home materials, including paper and electronic copies of the instructor and student guides, to help them pass their knowledge on to others within their company. Id. ¶ 57; Cottrell Aff. ¶ 231.

Technical Assistance. Technical assistance is available to CLECs at every stage of their development and deployment of access to Ameritech Ohio's OSS. An OSS Customer Support team, consisting of experts in software applications and information services, conducts regular demonstrations of OSS, and helps the CLEC set up OSS access through technical one-on-one meetings to discuss hardware and software requirements, training needs, and implementation strategies. Cottrell Aff. ¶¶ 35-39. This team is available throughout the set-up process to answer questions and address any problems that might arise. Id. ¶¶ 37-39.

Once a CLEC is up and running, Ameritech Ohio makes a wealth of resources available to provide OSS assistance in the CLEC's day-to-day operations. The Local Service Center ("LSC") and Local Operations Center ("LOC") address questions related to individual orders or maintenance requests. The LSC, staffed by over 900 service representatives organized by the product or service type in which they specialize, provides pre-ordering, ordering and billing services weekdays, from 7:00 a.m. to 5:00 p.m. Central time. Brown Aff. ¶¶ 15-17, 23. The LOC, with over 500 trained technicians on staff, is available 24 hours a day, seven days a week to address provisioning and maintenance issues. Id. ¶¶ 20-23. These centers represent an annual investment of over \$70 million. Id. ¶ 16.

At a more global level, the Information Services ("IS") Call Center is available 24 hours a day, 7 days a week for technical issues associated with hardware and software. Cottrell Aff. ¶ 60. It maintains an electronic record of calls to track their resolution and identify any trends. Id. ¶ 64. Meanwhile, the Mechanized Customer Production Support Center ("MCP Support Center"), available Monday through Friday from 7:00 a.m. until 7:00 p.m. Central, handles practical questions associated with ordering, such as formats and product codes, and assists CLECs in analyzing (and thus preventing) order errors. Id. ¶¶ 58-59.

Interactive CLEC Website. Ameritech Ohio's previous CLEC web site, TCNet, was integrated with the existing SBC CLEC web site in September 2000 to create an enhanced, interactive web site (located at <<https://clec.sbc.com>>), which supports CLECs in all SBC operating regions. Cottrell Aff. ¶ 40. It includes the following resources, all coordinated by an online menu (Id.; see also Regan Aff. ¶ 25):

- A CLEC Handbook and reference guide, which describes procedures and business rules and includes ordering codes such as Uniform Service Ordering Codes (“USOCs”) and Field Identifiers (“FIDs”);
- Descriptions and availability of training programs;
- An IS Call Center site, which provides information on system status (*i.e.*, if any systems are unavailable for any reason) and troubleshooting advice for common OSS questions;
- Copies of Accessible Letters, which are used to notify CLECs of upcoming OSS changes; and
- Monthly performance reports showing CLEC-specific results in each of the performance measurements and categories covered by Ameritech Ohio’s PUCO-approved performance plan.

These online resources provide an electronic complement to the support groups described above.

CLEC User Forum. As discussed above, many of the resources available to CLECs have been enhanced to reflect CLEC input in PUCO-supervised collaboratives. To ensure continued CLEC participation in these efforts, Ameritech Ohio and its affiliates throughout the Ameritech region have instituted a CLEC User Forum, with representatives from CLECs and Ameritech Ohio, which meets once a month to discuss issues that participants deem critical to their business needs. Regan Aff. ¶ 31. An executive steering committee meets by conference call twice each month. *Id.* Notice of Forum meetings and conference calls is distributed via Accessible Letter to CLECs in Ameritech’s five-state area. *Id.* ¶ 29.

g. Change Management Plan

“Change management” refers to “the methods and procedures that the BOC employs to communicate with competing carriers regarding the performance of and changes in the BOC’s

OSS system.” New York 271 Order, ¶ 110. Periodic changes to OSS “may include operations updates to existing functions that impact competing carrier interface(s) upon a BOC’s release of new interface software; technology changes that require competing carriers to meet new technical requirements upon a BOC’s software release date; additional functionality changes that may be used at the competing carrier’s option, on or after a BOC’s release date for new interface software; and changes that may be mandated by regulatory authorities.” Id. The FCC has identified the following elements of a change management plan that give an efficient competitor a meaningful opportunity to compete (id. ¶ 111):

- (1) evidence of competing carrier input in the design and continued operation of the change management process;
- (2) the memorialization of the change management process in a basic document;
- (3) the availability of a separate forum for change management disputes; and
- (4) the availability of a stable testing environment that mirrors production.

Ameritech Ohio’s change management plan is modeled on plans approved by the FCC for Texas, Kansas and Oklahoma, and reflects further input from CLECs and state commissions throughout the Southwestern Bell and Ameritech regions. As we show below it comprises all four of the elements of a successful plan. Moreover, Ameritech Ohio’s plan gives requesting carriers an extra layer of protection by means of “versioning,” which allows carriers to continue using previous OSS software while making the transition to the latest version.

Competing Carrier Input. Ameritech Ohio’s change management plan (“CMP”) reflects 13 months of negotiations with CLECs throughout the 13-State SBC/Ameritech service area, conducted pursuant to the FCC’s merger conditions. Cottrell Aff. ¶ 200. It was submitted to the

FCC at the conclusion of the Uniform and Enhanced OSS collaborative. Id. No CLEC disputed or sought to arbitrate any provision of the CMP at the federal level.

The 13-state CMP provides milestones and a timeline for the change or “release” process for both application-to-application interfaces and GUIs. Id. ¶ 203. It includes multiple avenues for CLEC input on an ongoing basis throughout the change process, starting with periodic Change Management Meetings between CLEC and Ameritech Ohio personnel (id.), where CLECs can suggest and discuss improvements to OSS they deem useful. CLECs can also submit suggested changes outside the meeting. Id. ¶ 208. CLEC participation continues during the development and implementation of an OSS change, which typically includes the following procedures (id. ¶ 203):

- A “12-month view” that summarizes OSS changes for the coming year, and is updated each quarter;
- Release Announcements, in which Ameritech Ohio describes each individual proposed change at a high level;
- Initial Requirements, describing the proposed change in detail;
- Walk-through discussions between the parties’ technical experts to discuss the Initial Requirements, followed by a CLEC comment period,
- Final Requirements, describing changes (if any) that result from the walk-through and comment phases;
- CLEC joint testing (described in more detail below); and
- Implementation.

Memorialization in Written Document. The 13-state CMP has been codified in a comprehensive document that was filed in the FCC Uniform and Enhanced OSS collaborative and is posted on the CLEC web site. Cottrell Aff. ¶ 200. It contains detailed timelines and

procedures for changes, tailored to the type of interface involved (for example, application-to-application interfaces require CLECs to build and update their own systems to mesh with the interface, so the timeframe for changes to such interfaces is longer than for GUIs). *Id.* ¶¶ 202-203. Ameritech Ohio’s compliance with those timelines is enforced by Performance Measure MI-15. *Fioretti Aff.* ¶¶ 160-161.

Dispute Resolution Procedures. As described above, Ameritech Ohio’s change management plan itself reflects CLEC input, and it provides for continuing CLEC input and testing on future OSS changes. This gives CLECs the means to both discover and voice any legitimate concerns with a proposed OSS change. To the extent such concerns are not resolved in the walk-through, comment, and testing phases, the CMP contains its own mechanism for dispute resolution. *Cottrell Aff.* ¶¶ 209-213. This Outstanding Issue Solution procedure allows a CLEC or CLECs to call for a discussion and vote – by CLECs alone (Ameritech Ohio does not have a vote) – of the issue raised. *Id.* ¶¶ 212-213. If a quorum (at most 8 CLECs) is present, and if a majority of that quorum votes against the proposed OSS release, they can delay, modify or even block the release.<sup>16</sup> This “go-no go” vote is substantially identical to the procedure the FCC endorsed in its Texas 271 Order (¶¶ 11, 116).

Testing Environment. Joint testing describes the process by which Ameritech Ohio and CLECs test proposed OSS changes before they go into “production” – that is, before they are implemented for commercial use. In January 2001, Ameritech Ohio implemented a new test

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<sup>16</sup> The quorum requirement is designed to ensure meaningful participation and discussion by a cross-section of CLECs before a vote is taken, and to prevent a single CLEC from arbitrarily blocking a change that benefits CLECs as a whole. CLECs agreed to a quorum (which has been relaxed from the quorum rule contained in the FCC-approved plans for Texas, Kansas and Oklahoma) at the 13-state level.

environment (a set of programs designed to process transactions, such as orders, the same way the real-world OSS will process them when the proposed change is implemented) for testing the March 2001 OSS enhancements and future OSS changes. Cottrell Aff. ¶ 57. The test environment is also available between OSS changes, to help CLECs that are just starting out on an interface or that wish to conduct testing for any other purpose. Id. ¶¶ 214-217.

The test environment is modeled on the one approved by the FCC in its Texas (¶ 134) and Kansas & Oklahoma (¶ 168) orders. Cottrell Aff. ¶ 57. Ameritech Ohio's test environment adequately mirrors the production OSS, and it is stable: in other words, Ameritech Ohio cannot change it after the testing period commences, except in certain limited circumstances necessary to facilitate testing. Id. Ameritech Ohio is willing to work with CLECs to develop and evaluate the results of test plans, and it monitors test transactions so that it can more quickly resolve any questions or concerns that arise from them – a feature the FCC found “benefits competing carriers” (Texas 271 Order, ¶ 138). Cottrell Aff. ¶¶ 214-217. Further, Ameritech Ohio offers “the extended testing periods that competing carriers need for EDI implementation and new release testing.” Kansas & Oklahoma 271 Order, ¶ 168. Competing carriers receive 60 days to test OSS releases described in the Uniform and Enhanced Plan of Record, and 30 days for other (typically less significant) changes.

Versioning. Versioning is a feature that allows requesting carriers to continue using an existing version of OSS software even after Ameritech Ohio issues a new version. Cottrell Aff. ¶ 219. The FCC has found “that versioning enhances [a BOC's] change management plan by providing significant additional assurance that changes will not disrupt competing carriers' use of [the BOC's] OSS.” Kansas & Oklahoma 271 Order, ¶ 167. Ameritech Ohio implemented

versioning for ordering and pre-ordering in March 2001. Ameritech Ohio will allow requesting carriers to use the *two* preceding versions after a new version is implemented, not just the immediately preceding version. Id. ¶ 220.

**C. Checklist Item 3: Poles, Ducts, Conduits, and Rights-of-Way**

Ameritech Ohio satisfies Checklist Item 3, which requires a BOC to provide “[n]ondiscriminatory access to the poles, ducts, conduits, and rights-of-way owned or controlled by the [BOC] at just and reasonable rates in accordance with the requirements of section 224.” 47 U.S.C. § 271(c)(2)(B)(iii). Ameritech Ohio has a long history of providing access to its poles, ducts and rights-of-way. Ameritech Ohio has been providing such access at least since the adoption of the Pole Attachment Act (47 U.S.C. § 224) in 1978. Stanek Aff. ¶ 5.

1. Agreements

Ameritech Ohio’s Appendix ROW, which has been incorporated into interconnection agreements approved by the PUCO, establishes detailed rates, terms, and conditions for access to poles, ducts, conduits, and rights-of-way. Stanek Aff. ¶ 4. The Appendix ROW reflects the input of numerous telecommunications carriers and is the product of interconnection negotiations and arbitrations with CLECs pursuant to sections 251 and 252 of the Act. Id. ¶¶ 7, 8. The Appendix ROW is consistent with Section 224 of the Act and the FCC’s First Report and Order. Id. ¶¶ 4, 7.

The Appendix ROW is available to any CLEC. Stanek Aff. ¶ 7. CLECs that have recently included the Appendix ROW in their interconnection agreements with Ameritech Ohio include American Fiber Network and Nation Net Communications Corporation. Id. ¶ 4. In addition, Ameritech Ohio will negotiate modifications or additions to the Appendix ROW, upon

request. Id. ¶ 7. Detailed operational information is further defined in “Guidelines for Access to Ameritech Structure.” Id.

## 2. Rates

Currently, Ameritech Ohio’s attachment rates for use by telecommunications carriers are \$2.52 per pole attachment per year and \$0.37 per foot of innerduct per year. Stanek Aff. ¶ 27. In his affidavit, Dr. Kent A. Currie addresses the cost study methodology used by Ameritech Ohio when establishing these rates. The First Report and Order does not address charges for access to rights-of-way. Moreover, in its Pole Attachment Telecommunications Rate Order,<sup>17</sup> the FCC declined to adopt detailed standards that would govern all rights-of-way situations. Instead, the FCC stated that it would address complaints about rates for attachments on a case-by-case basis. Ameritech Ohio does not charge for access to rights-of-way owned or controlled by Ameritech Ohio when access to such rights-of-way is provided in connection with access to an Ameritech Ohio structure, such as a pole or conduit. Stanek Aff. ¶ 28. Charges for access to other Ameritech Ohio rights-of-way are determined on a case-by-case basis, taking into account the size of the area to be used by the CLEC and the number of existing users of Ameritech Ohio’s easement and other relevant factors. Id.

## 3. Nondiscriminatory Treatment

Ameritech Ohio affords nondiscriminatory treatment to all CLECs requesting to attach to Ameritech Ohio’s structure. This concept of nondiscrimination is present throughout the structure access process:

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<sup>17</sup> Implementation of Section 703(e) of the Telecommunications Act of 1996, Amendment of the Commission’s Rules and Policies Governing Pole Attachments, Report and Order, 13 F.C.C. Rcd. 6777, 6832, ¶ 121(1998).

- Ameritech Ohio provides for access to records, which includes maps and engineering records relating to Ameritech Ohio's poles, ducts, conduits, and rights-of-way. Stanek ¶ 11. The records provided are the same working records, at the same locations, that Ameritech Ohio engineering personnel use to design their own construction projects, and access is available weeks or months in advance of an application for structure space. Id.
- Ameritech Ohio evaluates CLECs' requests for access to poles, ducts, conduits, and rights-of-way by using the same capacity, safety, reliability, and engineering standards that apply to Ameritech Ohio's own use of those facilities. Stanek Aff. ¶ 13. Consistent with both the FCC's First Report and Order and its Pole Attachment Complaint Procedures, the Appendix ROW permits Ameritech Ohio to deny access only on these grounds and requires Ameritech Ohio, in the event of an access denial, to provide the party seeking access a written denial statement which meets the FCC's requirements. Id.; 47 C.F.R. 1.1403(b); First Report and Order, ¶ 1224.
- The First Report and Order, ¶ 1170, does not permit an incumbent LEC to favor its future business needs over a competitor's current needs by reserving space on or in its own facilities. Therefore, to ensure that all available space is fairly allocated among all users, the Appendix ROW incorporates a nondiscriminatory means by which cable operators and telecommunications carriers, including Ameritech Ohio, may be assigned pole attachment or conduit occupancy space. Stanek Aff. ¶ 14.
- In general, Ameritech Ohio is responsible for make-ready work and the requesting carrier pays for that work. Stanek Aff. ¶ 17. Make-ready work will be performed within the same time intervals which would apply if Ameritech Ohio were performing the work for itself. Id. The requesting carrier, as a qualified contractor, or a mutually approved qualified contractor, will be permitted to perform make-ready work when Ameritech Ohio cannot perform the work quickly enough to meet the requesting carrier's needs. Id. In addition, the requesting carrier may offer to perform make-ready work proposed by Ameritech Ohio in accordance with Ameritech Ohio's specifications, and Ameritech Ohio will not, without due cause and justification, refuse to accept the requesting carrier's offer to perform the work. Id. ¶¶ 17, 19.
- At the requesting carrier's request and expense, Ameritech Ohio will modify its poles or conduit system to accommodate the requesting carrier's facilities consistent with the same capacity, safety, reliability, and engineering considerations that Ameritech Ohio would apply to itself if the work were performed for Ameritech Ohio's own benefit. Stanek Aff. ¶ 16. In addition, capacity expansions will be performed within the same time intervals which would apply if Ameritech Ohio were performing the work for itself. Id.

4. Modifications to Structure

The Pole Attachments Act and the FCC’s Pole Attachment Complaint Procedures require utilities to provide advance written notice to attaching cable system operators and telecommunications carriers before modifying or altering poles, ducts, conduits, and rights-of-way. 47 U.S.C. § 224(h); 47 C.F.R. 1.1403(c). The First Report and Order, ¶ 1209, states that absent a private agreement establishing different notification procedures, written notification of a modification must be provided to attaching parties at least 60 days before commencement of the modification. This notice requirement is incorporated in the Appendix ROW in Section 2.5. Stanek Aff. ¶ 24.

The Pole Attachments Act also establishes a statutory “cost-causer pays” principle with respect to the rearrangement or replacement of attachments required as the result of an additional attachment or the modification of an existing attachment sought by any other entity, including the owner of the pole, duct, conduit, or right-of-way. 47 U.S.C. § 224(i); Stanek Aff. ¶ 25. The First Report and Order similarly requires that the parties benefiting from the modification assume the costs of the modification and that if more than one party benefits, each such party must bear its proportionate share of the costs. In general, the party initiating the request will be the party benefiting. First Report and Order, ¶ 1211. The Appendix ROW incorporates both these principles in Section 2.7. Stanek Aff. ¶ 25.

The First Report and Order also provides that parties who pay for modifications may be entitled to obtain reimbursement from other parties (including the owner of the pole or conduit facility in question) who later use additional capacity created by the modification. First Report

and Order, ¶ 1214. This reimbursement provision is incorporated in Section 2.7 of the Appendix ROW. Stanek Aff. ¶ 26.

5. Performance

Two performance measurements – Percent of Requests Processed Within 35 Days (PM #105) and Average Days Required To Process a Request (PM #106) – are designed to help enforce Ameritech Ohio’s commitment to timely responses to applications for access. Stanek Aff. ¶ 3.

**D. Checklist Item 4: Unbundled Local Loops**

1. Nondiscriminatory Access to Stand-Alone Loops

a. Unbundled Loops

Ameritech Ohio’s loop offerings include 2-wire analog loops with no more than 8 dB loss, 4-wire analog loops, 2-wire and 4-wire ISDN digital-grade lines, and various 2- and 4-wire loops capable of offering xDSL services. Deere Aff. ¶ 91. The local loop includes, but is not limited to DS1, DS3, fiber, and other high capacity loops to the extent required by applicable law. 47 C.F.R. § 51.319(a); Deere Aff. ¶ 90. There are separate performance standards tailored to each loop product. Fioretti Aff. ¶ 169 & Attach. A. For the small percentage of customers served by integrated digital loop carrier (“IDLC”) equipment, Ameritech Ohio provides unbundled loops through alternative facilities. Deere Aff. ¶¶ 115-117. By agreement during the collaborative process, Ameritech Ohio has committed to notify the requesting carrier of the IDLC issue within 24 hours of order confirmation. Id. ¶ 116.

b. The NID and Subloop Unbundling

Ameritech Ohio provides the ability to obtain and use the NID under terms and conditions established in Ameritech Ohio's interconnection agreements. Deere Aff. ¶¶ 76-82. CLECs may connect to the customer's inside wire at Ameritech Ohio's NID at no charge, or they may pay Ameritech Ohio to perform any NID repairs, upgrades, disconnects, or rearrangements they desire. Id. ¶ 78. Ameritech Ohio also provides and connects the NID at no additional charge when CLECs order an unbundled loop. Id. ¶¶ 79, 81. CLECs can provide their own NID when serving multiple dwelling units ("MDUs"), and connect directly with the end user's premises wire, or the CLEC can connect to the end user's premises wire via Ameritech Ohio's NID when necessary. Id. ¶ 80.

CLECs also can order sub-elements of the local loop from Ameritech Ohio on an unbundled basis and access these sub-elements at technically feasible accessible points. Deere Aff. ¶¶ 95-98. Available sub-elements include 2-wire and 4-wire analog subloops (for voice or DSL service), 4-wire DS1 and DS-3 subloops, and a 2-wire ISDN subloop, id. ¶ 97, as well as loop distribution facilities (the segment of a loop between a remote terminal and an end user's NID or other point of demarcation), id. ¶ 98; a high-capacity segment between a Central Office and Remote Terminal, id. ¶ 105; dark fiber, id. ¶¶ 107-112; and the digital loop carrier, id. ¶¶ 115-117. These offerings satisfy the FCC's subloop unbundling requirements. See UNE Remand Order, 15 F.C.C. Rcd. at 3789-900, ¶¶ 206-229.

c. Facilities Modification.

To give requesting carriers fast confirmation of order receipt, and to conform to industry guidelines for electronic ordering, Ameritech Ohio's FOCs include an estimated installation date

based on standard provisioning intervals and workloads. In some cases, Ameritech Ohio may subsequently find that the facilities needed to fill the order are unavailable and that more time will be needed. Ameritech Ohio has developed a Facilities Modification Policy that is designed both to reduce the number and length of any delays in provisioning, to keep the requesting carrier apprised of the status of its order, and to ensure nondiscriminatory treatment of wholesale and retail customers. Deere Aff. ¶¶ 138-141. The general terms of the Policy are set forth in the Third Joint Progress Report in PUCO Case No. 00-942-TP-COI, and are also posted on Ameritech Ohio's CLEC website. Brown Aff. ¶ 52. Pursuant to the Policy, orders that entail routine modifications to existing facilities are generally processed without delay and without any additional charge for the work performed. Deere Aff. ¶¶ 139-140. For orders that require more complex work, Ameritech Ohio notifies the requesting carrier of the work, time, and additional cost, if any, that would be involved. Id. ¶¶ 141-146. The carrier may accept the quote or choose an alternative method (such as resale or the UNE platform) to serve the end user. See Deere Aff. ¶¶ 137-146. The Local Service Center has dedicated a special team to coordinate and oversee this process and to serve as a contact point for CLECs. Brown Aff. ¶ 53.

Procedurally, Ameritech Ohio's performance standards require it to give the requesting carrier notice of facilities delays within 24 hours of the initial FOC. Deere Aff. ¶ 140; Fioretti Aff. ¶ 182. Ameritech Ohio has also implemented a series of performance standards that govern the time for detailed quotes of complex modifications, depending on the type of modifications involved. Id.

d. Coordinated and Frame Due Time Conversions (“Hot Cuts”)

As in Texas, Kansas, and Oklahoma, Ameritech Ohio offers CLECs a choice between different methods of coordinated conversions – the fully coordinated hot cut (“CHC”) process, non-coordinated hot cuts, and the frame due time (“FDT”) hot cut process – allowing CLECs to select the process that best fits their resources and priorities. Brown Aff. ¶¶ 60-75. These processes were developed with CLEC input in Ameritech regional collaboratives, and include automatic testing and validations of Dial Tone/Automatic Number Identifications. *Id.* ¶¶ 60-66, 69-70. The processes are subject to the same performance standards used in Texas, Kansas, and Oklahoma, including PUCO-approved performance standards that limit late or premature coordinated cutovers. Fioretti Aff. ¶¶ 189-192.

e. Performance

Ameritech Ohio has implemented, pursuant to PUCO order and with PUCO approval, a full complement of performance standards to ensure timely and reliable loop provisioning. Fioretti Aff. ¶¶ 173-200. These include the intervals for loop installation (expressed as an overall average, as the percentage meeting benchmark intervals, and as compared to due dates), for order status notices (such as order confirmation and completion notices), and for loop repairs. *Id.* ¶¶ 173-177, 185-188, 199-200. Further, Ameritech Ohio measures the rate of reported troubles on loops, both in general (to assess the quality of facilities) and within 30 days of installation (to help determine whether loops are provided in conformance with the order). *Id.* ¶¶ 196, 200.

2. Nondiscriminatory Access to xDSL-Capable Loops Used for Advanced Services
  - a. Pre-Ordering Loop Make-Up Information

Loop qualification refers to the process of obtaining information about a loop's characteristics (such as its length) to evaluate whether the loop can support advanced services. The FCC requires BOCs "to provide access to loop qualification information as part of the pre-ordering functionality of OSS." Kansas & Oklahoma 271 Order, ¶ 121. Specifically, the BOC must "provide competitors with access to all of the same detailed information about the loop that is available to themselves, and in the same time frame, so that a requesting carrier could make an independent judgment at the pre-ordering stage about whether a requested end user loop is capable of supporting the advanced services equipment the requesting carrier intends to install." Id.

As with the systems the FCC reviewed and found sufficient in its Kansas & Oklahoma 271 Order, Ameritech Ohio offers various methods for requesting carriers to obtain loop qualification information. First, where such information already resides in Ameritech Ohio's loop qualification database, requesting carriers can access it using either one of Ameritech Ohio's two pre-order interfaces, and will obtain automatically the same information that is available to Ameritech Ohio personnel from the same electronic systems. Ameritech Ohio alternatively will provide "archived actual" loop information if it is available for the CLEC's request. The requesting carrier can either proceed on the basis of the actual or archived actual information or ask Ameritech Ohio to search its manual records. Manual search requests can be submitted via the pre-order interfaces, and are processed by Outside Plant ("OSP") Engineering, the same group that handles Ameritech Ohio requests. OSP typically responds within three to

five business days, by updating the information in the loop qualification database (where it is available for viewing by the CLEC) and, upon request, by returning the results of the look-ups directly by e-mail. Cottrell Aff. ¶ 96.

As in the Kansas & Oklahoma 271 Order (¶ 124), requesting carriers can use these methods to obtain useful qualification information about: (1) the composition of the loop (i.e. fiber or copper); (2) the existence, location and type of any electronic or other equipment on the loop, (3) the loop's length, (4) its wire gauge, and (5) its electrical parameters. Further, the carrier can learn about the presence of other technologies in the same or adjacent loop binder groups that might disturb advanced services. Cottrell Aff. ¶ 90.

CLECs have real-time access to the actual loop make-up information in Ameritech Ohio's electronic systems. CLECs who use Enhanced Verigate and EDI/CORBA may access Ameritech Ohio's Loop Qualification database to retrieve archived actual loop makeup data. Cottrell Aff. ¶¶ 94-95; Silver Aff. ¶¶ 30-31. CLECs also can order a manual look-up of any actual loop make-up information not stored in Ameritech Ohio's electronic databases. Cottrell Aff. ¶¶ 94, 96. This provides all relevant information possessed by Ameritech Ohio about the status of a particular loop, and permits the data CLEC to determine whether it can provide DSL service to a particular end user via either the HFPL UNE or a stand-alone loop. Id. ¶ 89; Silver Aff. ¶¶ 29, 37.

Ameritech Ohio provides loop qualification information at two levels, allowing CLECs to choose the degree of detail that best suits their needs. Pre-qualification is an optional screening tool that provides general information about Ameritech Ohio's facilities, allowing the requesting carrier immediately to draw some preliminary conclusions about whether advanced service may

be appropriate for a given geographic area or for a particular customer and about the type of xDSL service that could be used. Cottrell Aff. ¶ 83. Qualification, meanwhile, involves information about the loop that serves a specific address or working telephone number. Id. ¶¶ 90-97; Silver Aff. ¶ 29.

Ameritech Ohio has implemented performance measures to assess the speed and accuracy with which it provides loop qualification information. As described above, Ameritech Ohio measures the speed of each type of pre-order response; those measures include separate categories dedicated solely to loop qualification inquiries. Fioretti Aff. ¶ 171. Further, Ameritech Ohio measures and reports the accuracy of actual loop make-up information provided in response to DSL inquiries. Id.

b. Stand-alone xDSL-Capable Loops

To obtain loops for their advanced services, Ohio CLECs use ordering and provisioning systems and processes that are largely the same as those used to provision ordinary, stand-alone (uncombined) unbundled loops, and that are identical to those used by Ameritech Ohio's data affiliate. Silver Aff. ¶¶ 6, 10, 48, 57. Ameritech Ohio engineering personnel process and fill orders without regard to their source.

CLECs can select the precise conditioning they desire and can even pre-order whatever conditioning turns out to be necessary to provision their desired service over a given loop. In accordance with the SBC/Ameritech Merger Order, all necessary conditioning for loops of 12,000 feet or less is performed automatically and without charge. Silver Aff. ¶ 14. Ameritech Ohio has developed rates for conditioning consistent with least-cost principles and has presented them to the PUCO for approval in Case No. 96-922-TP-UNC. Currie Aff. ¶ 22.

c. Line Sharing

Ameritech Ohio has implemented line sharing in Ohio in accordance with the requirements set forth in the Line Sharing Order, allowing data CLECs nondiscriminatory access to the high-frequency portion of the loop unbundled network element (“HFPL UNE”) for carrying data traffic. Silver Aff. ¶¶10, 48, 58. After release of the Line Sharing Order, Ameritech Ohio, in conjunction with other SBC operating companies, conducted a collaborative line sharing trial to identify key aspects of operating in a line-sharing environment. Id. ¶ 17-19. Ameritech Ohio continues to work collaboratively with the CLECs to address additional issues that may arise. Id. ¶ 18. Ameritech Ohio makes line sharing available via amendments to its interconnection agreements with CLECs. Silver Aff. ¶¶ 21-22.

CLECs desiring loop make-up information use the exact same processes and interfaces as for xDSL capable loops. Silver Aff. ¶ 26.<sup>18</sup> Orders for the HFPL UNE also are submitted in the manner and through the same interfaces as orders for xDSL-capable loops. Id. ¶ 49. Indeed, a request for the HFPL UNE is basically the same as for a stand-alone xDSL capable loop. Id. ¶ 52. The minor differences in the fields utilized when ordering the HFPL UNE are due to the unique aspects of line sharing. Id. Unlike a stand-alone xDSL capable loop that does not have an associated telephone number, when a CLEC purchases the HFPL UNE, the CLEC must provide the telephone number of Ameritech Ohio’s voice service that occupies the low frequency portion of the loop to be shared. Id. The CLEC also must provide their desired assignment information

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<sup>18</sup> Ameritech Ohio is in compliance with the UNE Remand Order. That order clarified the definition of OSS to include access to loop qualification information. Prior to the effective date of the UNE Remand Order’s loop qualification requirements, Ameritech Ohio already provided non-discriminatory access to loop make-up information. Silver Aff. ¶ 77-78.

related to the provision of the splitter. Id. Just as with the stand-alone xDSL capable loop, when requesting the HFPL UNE, the CLEC simply submits a request either manually or electronically through Enhanced LEX or EDI. Id. ¶ 48.

Ameritech Ohio provisions the HFPL UNE to CLECs under terms and conditions negotiated in interconnection agreements. Id. ¶ 60. Just as with xDSL-capable loops, Ameritech Ohio offers CLECs HFPL provisioning intervals that are at parity with, or better than, the provisioning intervals available to Ameritech Ohio's advanced services affiliate, regardless of whether conditioning is required. Id. ¶¶ 60-62. Parity is the legal standard set forth in the Line Sharing Order (¶¶ 107, 174), and the Texas 271 Order (¶¶ 44-45), as well as the Eighth Circuit's decision in Iowa Utils. Bd. v. FCC, 219 F.3d 744, 758 (8<sup>th</sup> Cir. 2000).

In short, Ameritech Ohio has the necessary pre-ordering, ordering and provisioning processes in place to provide the HFPL UNE to CLECs in a nondiscriminatory manner. The similarities between ordering and provisioning xDSL-capable loops and the HFPL UNE, coupled with the progress made during the cooperative line sharing trial, assures that Ameritech Ohio is in full compliance with the Line Sharing Order and provides the HFPL UNE in a nondiscriminatory manner. These nondiscriminatory processes ensure a level playing field among unaffiliated and affiliated advanced services providers. Silver Aff. ¶¶ 10 57-58, 60.

d. Line Splitting

Line "splitting" refers to a situation in which a carrier that provides voice service using the UNE-Platform shares a loop with a data carrier that uses the HFPL. Ameritech Ohio permits CLECs to engage in line splitting in full compliance with the FCC's rules. Silver Aff. ¶¶ 72-79.

CLECs have the same options available for line splitting in Ohio as they have in Texas, Kansas and Oklahoma, which the FCC has found to be 271 compliant. Id. ¶ 79.

In accordance with the FCC’s rules and orders, including the Line Sharing Reconsideration Order,<sup>19</sup> Ameritech Ohio supports line splitting where a CLEC obtains separate UNEs (including unbundled loops, unbundled switching, and cross-connects) and combines them with its own splitter (or the splitter of the CLEC’s data partner) in a collocation arrangement.<sup>20</sup> Silver Aff. ¶¶ 72-74. Specifically, a CLEC may obtain an xDSL-capable loop from Ameritech Ohio and then provide both voice and data service over the loop. Id. ¶ 74. Alternatively, a CLEC may provide voice service while a data partner provides data services. Id. By accommodating line splitting in this manner, Ameritech Ohio’s current offering meets all the FCC’s requirements. See Texas 271 Order (¶¶ 323-329); Line Sharing Order (¶ 72); Line Sharing Reconsideration Order (¶ 19).

e. Ameritech Ohio’s Wholesale Broadband Service Offering

Project Pronto is a network enhancement initiative whereby SBC plans to invest six billion dollars in its network. This massive investment will bring fiber to neighborhoods across most of SBC’s 13-state region and dramatically increase the availability of xDSL services to customers who could not be served under the existing network architecture. Specifically, as the FCC has explained, SBC’s operating companies (including Ameritech Ohio) will offer

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<sup>19</sup> Third Report and Order On Reconsideration in CC Docket No. 98-147 and Fourth Report and Order on Reconsideration in CC Docket No. 96-98 (Jan. 19, 2001) (“Line Sharing Reconsideration Order”).

<sup>20</sup> The FCC requires incumbent LECs to accommodate line splitting only where a CLEC purchases an entire loop and provides its own splitter. Texas 271 Order, ¶ 325; Line Sharing Reconsideration Order, ¶ 19.

Broadband Services on a wholesale basis to affiliated and unaffiliated advanced services providers where Project Pronto DSL equipment is deployed.<sup>21</sup> All carriers, including Ameritech Ohio's affiliate, can purchase these wholesale services on the same nondiscriminatory terms, and through use of the same pre-ordering and ordering systems. These new offerings are *in addition* to all of the competitive options already available to CLECs under the law.

**E. Checklist Item 5: Unbundled Local Transport**

Section 271(c)(2)(B)(v) requires Ameritech Ohio to offer “[l]ocal transport from the trunk side of a wireline local exchange carrier switch unbundled from switching or other services.” See also 47 C.F.R. § 51.319(d). Ameritech Ohio provides access to both dedicated interoffice transport and shared interoffice transport consistent with these unbundling requirements. Deere Aff. ¶¶ 6, 155-166; Alexander Aff. ¶¶ 92-98. In addition to these standard offerings, a CLEC may seek new or additional unbundled transport elements through the Bona Fide Request process. See Deere Aff. ¶ 8. Performance measures, similar to those described under unbundled local loops, help ensure the timelines and reliability of provisioning this checklist item. Fioretti Aff. ¶¶ 205-209.

Dedicated Transport. Dedicated transport is available at standard transmission speeds of up to OC-48 between all points required by law, including wire centers or switches owned by Ameritech Ohio, a CLEC, or third parties acting on behalf of a CLEC. Deere Aff. ¶ 164; Alexander Aff. ¶ 94. Higher speeds will be provided as they become technically feasible. Deere

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<sup>21</sup> Second Memorandum Opinion and Order, Application of Ameritech Corp., Transferor, and SBC Communications Inc., Transferee, For Consent to Transfer Control, 15 F.C.C. Rcd. 17521, 17537, ¶ 30 (2000) (“We take no position on whether SBC’s Broadband Offering is subject to section 251-252 or any other provisions of the Act.”).

Aff. ¶ 164; Alexander Aff. ¶ 94. Ameritech Ohio also permits CLECs to use dark fiber for dedicated transport, in conformance with the UNE Remand Order. Deere Aff. ¶¶ 167-169; Alexander Aff. ¶ 95. In addition, Ameritech Ohio allows CLECs to use its Digital Cross-Connect System to exchange signals between high-speed digital circuits without returning the circuits to analog electrical signals, with the same functionality that Ameritech Ohio provides its IXC customers. Deere Aff. ¶¶ 170-171.

Shared Transport. In accordance with the UNE Remand Order, Ameritech Ohio makes available shared transport between Ameritech Ohio central office switches, between Ameritech Ohio tandem switches, and between Ameritech Ohio tandem switches and Ameritech Ohio central office switches. Deere Aff. ¶¶ 157-159. Ameritech Ohio's shared transport offering also includes a transiting function to route a CLEC's local traffic to a non-Ameritech Ohio switch. Id. ¶ 159. This shared transport offering enables CLECs to have their local traffic carried on the same transport facilities and use the same routing tables that Ameritech Ohio uses for its own local traffic. Id. ¶ 160; Alexander Aff. ¶ 97. These CLECs may use shared transport to carry originating interexchange access traffic from, and terminating interexchange access traffic to, customers to whom the CLEC is providing local exchange service, while collecting the associated access charges. Alexander Aff. ¶ 97. Ameritech Ohio also enables CLECs to use shared transport to provide intraLATA toll service under the Oh2A, consistent with SWBT's commitments in Texas, Kansas, and Oklahoma. Deere Aff. ¶ 159; Alexander Aff. ¶ 70.

#### **F. Checklist Item 6: Unbundled Local Switching**

Ameritech Ohio also satisfies section 271(c)(2)(B)(vi), which requires that a BOC provide local switching unbundled from transport, local loop transmission, or other services.

Ameritech Ohio provides CLECs unbundled local switching capability with the same features and functionality available to Ameritech Ohio's own retail operations, in a nondiscriminatory manner. Deere Aff. ¶ 178; Alexander Aff. ¶¶ 99-101. Ameritech Ohio will also provide tandem switching and packet switching in accordance with the UNE Remand Order and FCC rules.<sup>22</sup> Deere Aff. ¶¶ 174-175, 201-208. Performance measures, similar to those described under unbundled local loops, help ensure the timelines and reliability of provisioning this checklist item. Fioretti Aff. ¶¶ 210-214.

Available Facilities and Functions. Ameritech Ohio provides requesting carriers access to line-side and trunk-side switching facilities, plus the features, functions, and capabilities of the switch. Deere Aff. ¶¶ 178, 197-199; Alexander Aff. ¶¶ 99-101; see also Texas 271 Order, 15 F.C.C. Rcd. at 18520-21, ¶¶ 336-338. Ameritech Ohio's offerings include, among other things, the connection between a loop termination and a switch line card, Deere Aff. ¶ 176; the connection between a trunk termination and the trunk card, id. ¶ 177; all vertical features the switch is capable of providing, id. ¶ 178; and any technically feasible routing features, id. The various unbundled switch port types are listed in Mr. Deere's affidavit (¶ 195) and CLECs can request additional port types through the BFR process, id. ¶ 196. Ameritech Ohio also provides CLECs with the necessary cross-connects for local switching. Id. ¶¶ 207-222. Ameritech Ohio

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<sup>22</sup> The UNE Remand Order also established a limited obligation to unbundle packet switching for advanced services. Ameritech Ohio currently has no packet switching for advanced services within its existing network that meet the unbundling criteria. However, if Ameritech Ohio were to deploy any packet switching for advanced services meeting the unbundling requirements, Ameritech Ohio's interconnection agreements contain a binding legal commitment to provide CLECs with unbundled access to such packet switching.

provides CLECs access to all call origination and completion capabilities of the switch, including capabilities for intraLATA and interLATA calls. Id. ¶ 180.

Billing. Ameritech Ohio also furnishes CLECs with usage records that enable them to collect from their customers all exchange access toll, and reciprocal compensation charges associated with these capabilities. Id.; Alexander Aff. ¶¶ 105-106. Ameritech Ohio gives any CLEC using Unbundled Local Switching a Daily Usage Feed showing per-call billing detail for each line-side ULS port. Alexander Aff. ¶ 107.

Customized Routing. Ameritech Ohio provides two methods by which CLECs using unbundled local switching may have OS/DA calls custom routed according to their own specifications: Advanced Intelligent Network (“AIN”) and line class codes. Deere Aff. ¶¶ 183-186. AIN is the standard method (id. ¶ 184), which has been used in SWBT states for some time and which was introduced in the Ameritech region in the Fall of 2000. AIN is a vendor-independent network architecture that allows the creation of customized telecommunications services. In a few low-volume applications where AIN is not technically feasible (such as for hotel/motel services, certain coin services, and ports using voice-activated dialing), Ameritech Ohio employs line class codes to custom-route CLEC calls. Id. ¶ 184. CLECs also may request non-AIN custom routing for OS/DA through the BFR process. Id. ¶ 185.

**G. Checklist Item 7: Nondiscriminatory Access to 911, E911, Directory Assistance, and Operator Call Completion Services**

1. 911 and E911

Checklist item (vii)(I) requires Ameritech Ohio to provide nondiscriminatory access to 911 and E911 services. Ameritech Ohio satisfies this requirement by providing CLECs with access to 911 and E911 services at parity with the manner in which Ameritech Ohio itself obtains

such access. The obligation to do so is reflected in Ameritech Ohio's interconnection agreement Appendix 911. Harrison Aff. ¶ 5; Alexander Aff. Attach. A.

Ameritech Ohio provides CLEC customers access to the 911 services selected by the municipality in a manner identical to the 911 service supplied to Ameritech Ohio's own customers. Id. ¶ 15. CLECs can provide 911 service directly to municipalities or may interconnect with Ameritech Ohio's existing services arrangement at the request of the governmental body. Id.

Facilities-based CLECs obtain nondiscriminatory access to 911 and E911 service through dedicated trunks from their facilities to the 911 control office, which Ameritech Ohio provides at parity with what it provides to itself. See id. ¶¶ 17-18. Ameritech Ohio also provides CLECs with a wide variety of tools to submit, update, and correct customer information in the 911 database in the same manner as Ameritech Ohio. Among other things, Ameritech Ohio provides CLECs with all necessary street address information for the areas where the CLEC operates in order to allow the CLEC to create the necessary customer files for Automatic Location Identification ("ALI"). Id. ¶ 21. This makes administration of the Master Street Address Guide ("MSAG," which contains the criteria for routing 911 calls and identifies the responding agencies) more efficient for the 911 customer and the CLEC. It also reduces the potential for error by maintaining a single mechanized MSAG that is under the control of the 911 customer (the municipality) and utilized by all service providers who interconnect with the 911 systems provided by Ameritech Ohio. Id. ¶ 22. A CLEC can view a copy of the MSAG electronically, including individual end-user records, and can periodically obtain its own mechanized copy of the MSAG. Id.

Ameritech Ohio and its 911 Database Services Provider, Intrado (formerly SCC Communications Corporation), detect and correct data errors for CLEC customers in the 911 databases in the same manner and by the same employees that detect and correct errors for Ameritech Ohio's customers. Id. ¶ 26. Each switch-based service provider is responsible for electronically uploading and maintaining the 911 database information for its customers. Id. ¶ 27. When files containing a CLEC's customer records are uploaded, the Transaction Services System ("TSS") in the MSAG processes the file and the CLEC receives a statistical report confirming the number of records processed and an error file with any records that failed the system edits. The error file provides codes explaining the reason each record failed to pass the edits, and the CLEC is then responsible for correcting the record and resubmitting it to the TSS. Id. Ameritech Ohio also provides CLECs with an electronic comparison file containing the 911 database information for the CLEC's customers served through UNE switch ports. Id. ¶ 30. The CLEC can use that file to check accuracy and submit any necessary corrections to Ameritech Ohio. Id. This comparison process was recently updated in Ohio and, subject to CLEC feedback, will be finalized and then posted on the SBC.CLEC.Online website. Id.

Resellers are able to provide 911 service to their customers in the same manner Ameritech Ohio does for its customers. End-user records for resale customers are included in the files that Ameritech Ohio uploads to TSS for its own customers. Id. ¶ 35. If Ameritech Ohio's error file shows error for a resale customer record, Ameritech Ohio employees in the appropriate business unit correct common errors that can be resolved by issuing a service order. Id. ¶ 36.

Ameritech Ohio has taken numerous steps to maintain the accuracy of the 911 database and to address the concerns noted in the Michigan 271 Order, including by giving CLECs a wide

variety of new tools to ensure the accuracy of the end-user information they submit for 911 purposes. These include both dedicated 911 managers to facilitate CLEC 911 service and different electronic tools for inputting, reviewing, and correcting end-user data. Id. ¶ 6. To monitor these processes on an ongoing basis, Ameritech Ohio reports performance data on the average time to update the 911 database (PM 104), the rate of errors in 911 database update files (PM 103), and the average time to clear errors once they are detected (PM 102). Fioretti Aff. ¶¶ 217-220.

## 2. Directory Assistance/Operator Services

Ameritech Ohio meets its obligations under Section 251 of the Act and Checklist Item No. (vii) (II) and (III) by providing CLECs with nondiscriminatory access to the following services (Rogers Aff. ¶ 3):<sup>23</sup>

- Operator Services (“OS”), including adjunct Operator Call Completion Services;
- Directory Assistance (“DA”) Services, including Information Call Completion/Directory Assistance Call Completion;
- Directory Assistance Listings (“DAL”) in bulk format; and
- Direct Access to the DA database on a query-by-query basis.

Ameritech Ohio has made numerous improvements and enhancements to OS/DA that specifically address issues raised by the FCC in the Michigan 271 Order. Ameritech Ohio upgraded its OS/DA switches to make branding capability available to CLECs in Ohio utilizing

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<sup>23</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”).

shared trunking. Rogers Aff. ¶ 23. This branding option is available to resale CLECs and facilities-based carriers that use Ameritech Ohio's unbundled local switching. Id.

In its UNE Remand Order,<sup>24</sup> the FCC ruled that incumbent LECs are no longer required to make OS/DA services and directory assistance listings available as unbundled network elements where the incumbent LEC provides custom routing for OS/DA traffic. Custom routing allows a CLEC to route OS/DA traffic from its end user customers to an OS/DA platform of its own or another company that provides OS/DA services on behalf of the CLEC. Rogers Aff. ¶ 9. Custom routing is available to CLECs throughout Ohio and is included in Ohio interconnection agreements. Id. ¶ 19; Deere Aff. ¶¶ 183-192. This custom routing uses the same technology used by Ameritech Ohio to route OS/DA traffic from its end offices to Ameritech Ohio's operator switches; thus, Ameritech Ohio provides nondiscriminatory custom routing capabilities. Deere Aff. ¶¶ 186-193. Competing carriers in Ohio, therefore, can route their OS/DA traffic to a platform of their own or another provider of OS/DA services, or choose Ameritech Ohio as provider of OS/DA services on the CLEC's behalf. Id. ¶ 184. Ameritech Ohio's custom routing option meets the FCC's requirements, as recently affirmed in the Kansas & Oklahoma 271 Order. Deere Aff. ¶¶ 186-191. As a result, the PUCO has held that Ameritech Ohio need not make OS/DA services available as UNEs. June 21, 2001 Arbitration Award, Case No. 00-1188-TP-ARB, at 14.

Incumbent LECs are still bound by their obligations under Section 251(b)(3) to provide nondiscriminatory access to operator services, directory assistance services and directory

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<sup>24</sup> In re Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Third Report and Order and Fourth Further Notice of Proposed Rulemaking, ¶¶ 438 – 464, (November 5, 1999).

assistance listings to competing providers. Ameritech Ohio provides nondiscriminatory access to operator services, directory assistance, and directory assistance listings pursuant to Section 251(b)(3) of the Act. Rogers Aff. ¶¶ 6-7, 34, 36.

Ameritech Ohio has implemented OS and DA Service arrangements for 17 facilities-based CLECs and 14 resale CLECs in Ohio. Rogers Aff. ¶ 14. Operator Services provided by Ameritech Ohio include automated call assistance and manual call assistance (including operator assistance, busy line verification, busy line verification interrupt, and operator transfer service) and are identical to the services available to Ameritech Ohio itself. *Id.* ¶ 24. Likewise, Ameritech Ohio's DA Services offering complies with the terms of the 1996 Act and 47 C.F.R. § 51.217(c)(3). *Id.* ¶¶ 22-23. Services provided by Ameritech Ohio to CLECs are identical to services provided by Ameritech Ohio's own retail operation and include provision of subscriber listing information, address and published phone numbers, and call completion. *Id.* ¶ 22.

Ameritech Ohio further ensures nondiscriminatory access to OS and DA by processing all calls in the order they are received from all end users accessing OS or DA (i.e. first in, first served).<sup>25</sup> Rogers Aff. ¶ 36. Since the operator switch and the calls waiting queue cannot discern any difference among callers – handling every call on a first in, first served basis – end user customers of other carriers inherently receive exactly the same answer performance that Ameritech Ohio end-users receive. *Id.*

### 3. Directory Assistance Listings and Direct Access to DA Database

Ameritech Ohio also has obligations under the Act, FCC rules and current interconnection agreements to provide directory assistance listing (“DAL”) information. Rogers

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<sup>25</sup> 47 C.F.R. §51.217 (a)(2)

Aff. ¶ 27. Ameritech Ohio will provide DAL information in bulk format to a CLEC that chooses to provide its own DA services. Id. ¶ 29. Daily updates are provided by Ameritech Ohio in compliance with 47 C.F.R. § 51.217 (c)(3)(ii). Id. ¶ 32. In addition, Ameritech Ohio offers nondiscriminatory access to directory assistance listing information. Id. Consistent with the FCC's rule that any telephone customer should be able to access any listed number of any carrier on a nondiscriminatory basis,<sup>26</sup> Ameritech Ohio offers an agreement whereby a CLEC receives Ameritech Ohio's DA bulk listing information on a statewide, geographic area or class of service basis. Rogers Aff. ¶ 30. In compliance with FCC rules,<sup>27</sup> Ameritech Ohio provides all the listings in Ameritech Ohio's DA database to such carriers regardless of the identity of the end user's underlying local exchange provider. Rogers Aff. ¶ 33.

In addition, Ameritech Ohio offers CLECs physical interconnection with and direct access, on a query-by-query basis, to the same DA database that is accessed by Ameritech Ohio operators for DA purposes. Rogers Aff. ¶ 34. Ameritech Ohio provides CLEC end users nondiscriminatory access to OS and DA services through the same dialing arrangements Ameritech Ohio uses for its own customers.<sup>28</sup> Id. ¶ 36. As a result, there is no unreasonable dialing delay, consistent with the FCC's rules issued in CC Docket 96-98.<sup>29</sup> Rogers Aff. ¶ 36.

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<sup>26</sup> 47 C.F.R. §51.217(c)(3)(i).

<sup>27</sup> 47 C.F.R. §51.217(c)(3)(ii); Local Competition Second Report and Order, 11 F.C.C. Rcd. at 19460; and FCC 98-271, paragraphs 248-251 in Bell South's application for 271 relief in Louisiana.

<sup>28</sup> 47 C.F.R. §51.217(c)(2)

<sup>29</sup> 47 C.F.R. §51.217(b)

#### **H. Checklist Item 8: White Pages Directory Listings**

In accordance with § 271(c)(2)(B)(viii) of the Act, Ameritech Ohio provides “[w]hite pages directory listings for customers of the other carrier’s telephone exchange service,” by ensuring that its directory publishing affiliate publishes and integrates the primary listings of a CLEC’s customers located within the geographic scope of White Page (“WP”) directories serving Ameritech Ohio’s customers, in the same manner (and integrated into the same directory) as the listings of Ameritech Ohio’s customers. *Kniffen-Rusu Aff.* ¶ 3. CLEC, Ameritech Ohio and independent telephone company listings in Ameritech Ohio’s WP directories all include the subscriber’s name, address and telephone number. *Id.* Ameritech Ohio takes reasonable and appropriate steps to ensure that CLEC customer listings are maintained with the same accuracy and reliability as Ameritech Ohio customer listings. *Id.*

A primary WP listing for each end user is furnished to a CLEC providing services via resale and UNE-P in the same manner (including size, font, and typeface) as Ameritech Ohio provides for its own retail customers. *Kniffen-Rusu Aff.* ¶ 4. In addition, carriers who provide local exchange service through unbundled local switching, or some combination of unbundled network elements and their facilities, or solely through their own facilities, can also include their customers’ primary listings in Ameritech Ohio’s WP directory in the same manner as Ameritech Ohio provides for its own retail customers. *Id.* As of May 2, 2001, directories serving Ameritech Ohio customers contain over 93,200 listings of CLEC end user customers. *Id.*

Ameritech Ohio provides resellers and CLECs that use UNE-P with instructions for proper submission of WP listings by offering instructions on its CLEC Handbook website (<https://clec.sbc.com>) and by offering a variety of training workshops. *Kniffen-Rusu Aff.* ¶ 9.

Other information regarding Ameritech Ohio's WP listings and WP directories, including directory close dates, are available to CLECs in the Forms & Exhibits and User Guide & Tech Pubs portions of the CLEC Handbook. Id. ¶ 12. As a result of extensive negotiations in the Wisconsin collaborative, made binding in Ohio pursuant to the Third Joint Progress Report filed January 16, 2001, Ameritech Ohio has committed to implement an enhancement that will allow CLECs to request WP listings from Ameritech Ohio's publishing affiliate at the same time (and via the same interface) they submit an order for local service. Id. ¶ 13.

Ameritech Ohio treats all CLEC end user WP listings in the same manner it treats its own retail listings. Kniffen-Rusu Aff. ¶ 14. The same WP database contains names, addresses, telephone numbers, directory listing format, and directory delivery information for Ameritech Ohio and CLEC end users alike. Id. Ameritech Ohio's WP database updates the directory assistance ("DA") database each night and treats all updates in the same manner, regardless of the underlying carrier. Id. ¶ 15. White Page directory listings for CLEC end users reach Ameritech Ohio's WP database in the same manner and within the same time frame as White Page directory listings for Ameritech Ohio's retail end users. Id.

Ameritech Ohio offers CLECs the option of receiving two verification review reports. Kniffen-Rusu Aff. ¶ 16. Ameritech Ohio's performance standards require it to correct 95% of the corrections by the second review or otherwise waive the charge for the second verification report. Id. ¶ 17. Ameritech Ohio must correct 99% of corrections requested in the second review in time for the final published directory. Id.; Fioretti Aff. ¶ 228.

Each subscriber of CLEC resale and UNE-P services will receive delivery of the Ameritech Ohio white pages directory in the same manner and at the same time that copies are

delivered to Ameritech Ohio's retail subscribers during the annual delivery of newly published directories. Kniffen-Rusu Aff. ¶ 7. In addition, Ameritech Ohio has agreed to provide secondary delivery (i.e. between annual delivery dates) of White Pages directories to customers of CLEC resellers and UNE-P users on the same basis as its own retail customers. Id.

Ameritech Ohio has arranged with its directory publishing affiliate so that a CLEC may include customer-contact information (for example, the CLEC's, business office, residence office, and repair bureau telephone numbers) in Ameritech Ohio's WP directory on the same "index-type" informational page that lists Ameritech Ohio contact information. Kniffen-Rusu Aff. ¶ 8.

**I. Checklist Item 9: Nondiscriminatory Access to Telephone Numbers**

Checklist Item (ix) requires that Ameritech Ohio provide, "[u]ntil the date by which telecommunications numbering administration guidelines, plans, or rules are established, nondiscriminatory access to telephone numbers for assignment to the other carrier's telephone exchange service customers."<sup>30</sup> The FCC's rules, in turn, require that an ILEC permit competing providers to have access to telephone numbers that is identical to the access the ILEC provides itself.<sup>31</sup> Ameritech Ohio is in full compliance with this checklist item.

Prior to March 29, 1999, Ameritech Ohio's parent Ameritech served as Central Office ("CO") Code Administrator in its region. In that capacity, Ameritech satisfied the requirement of 47 U.S.C. § 271(c)(2)(B)(ix) by providing non-discriminatory access to telephone numbers for all carriers in accordance with the Central Office Code Assignment Guidelines ("Assignment Guidelines") and the NPA Code Relief Planning Guidelines ("NPA Relief Guidelines").

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<sup>30</sup> 47 U.S.C. § 271(c)(2)(B)(ix)

<sup>31</sup> 47 C.F.R. § 51.217(e)(i)

Mondon Aff. ¶ 10. Pursuant to those industry-standard procedures, Ameritech assigned 335 NXX central office codes (representing 3.35 million telephone numbers) to 15 different CLECs in Ohio. Id. ¶ 12.

On March 29, 1999, NeuStar (formerly Lockheed Martin) assumed CO code administration responsibilities in Ohio, and Ameritech has had no responsibility for number administration since that time. Id. ¶ 16. Although it is no longer a CO code administrator, and no longer performs any functions with regard to number administration or assignment, Ameritech (as a service provider) continues to adhere to numbering administration rules and industry guidelines. Id.

**J. Checklist Item 10: Nondiscriminatory Access to Databases and Associated Signaling Necessary for Call Routing and Completion**

Checklist Item 10 requires a BOC to provide “[n]ondiscriminatory access to databases and associated signaling necessary for call routing and completion.” 47 U.S.C.

§ 271(c)(2)(B)(x). Ameritech Ohio provides for nondiscriminatory access to all its signaling networks and call-related databases used for call routing and completion and therefore is in full compliance with this checklist item.

Interoffice Signaling Systems. Ameritech Ohio provides nondiscriminatory access to its signaling links and signal transfer points (“STPs”) on an unbundled basis. Deere Aff. ¶ 229; 47 C.F.R. § 51.319(e). SS7 Interconnection Service is provided to CLECs for their use in furnishing SS7-based services to their end users or the end users of other CLECs subtending the service switching point (“SSP”) or STP of the interconnecting CLEC. Deere Aff. ¶ 229. This arrangement, which is identical to the one used by Ameritech Ohio itself, permits CLECs to use Ameritech Ohio’s SS7 signaling network for signaling between CLEC switches, between CLEC

switches and Ameritech Ohio's switches, and between CLEC switches and the networks of other parties connected to the Ameritech Ohio SS7 network. Id.; 47 C.F.R. § 51.319(e)(1).

When a CLEC purchases unbundled switching capability from Ameritech Ohio, Ameritech Ohio provides access to its signaling network in the same manner that it provides such access to itself. Deere Aff. ¶ 230. Because all unbundled switching elements are provided on switches that Ameritech Ohio uses to provide service to its own customers, all signaling functions are identical. Id.; 47 C.F.R. § 51.319 (e)(1)(A).

Ameritech Ohio's Signaling Access Service provides access to the Ameritech Ohio SS7 network. Deere Aff. ¶ 231. Access to the network is provided by subscribing to a Dedicated Network Access Link as described in Ameritech Operating Companies Tariff F.C.C. No. 2, Section No. 8, and a dedicated STP port for telecommunications carriers with their own STPs and/or SSPs. Id. Access is also provided for the carrier subscribing to the Unbundled Local Switching Service. Id.

#### Call-Related Databases

The FCC's rules interpret Section 271(c)(2)(B)(x) of the Act to require nondiscriminatory access to call-related databases. 47 C.F.R. § 52.319(e). As described more fully in the affidavits of Messrs. Deere and Alexander, Ameritech Ohio meets the requirements of the Act by providing CLECs nondiscriminatory unbundled access to Ameritech Ohio's Advanced Intelligent Network ("AIN") database, the Toll Free Calling/800 database, nondiscriminatory unbundled access to the same Line Information Database ("LIDB") and Calling Name ("CNAM") delivery used by Ameritech Ohio, and Ameritech Ohio's LIDB Service Management System, known as the Operator Services Marketing Order Processor ("OSMOP"). Deere Aff.

¶¶ 237-271; Alexander Aff. ¶¶ 108-115. All data in each of these databases is maintained in accordance with the confidentiality requirements of the Act. Deere Aff. ¶ 272.

**K. Checklist Item 11: Number Portability**

Number portability refers to the ability of end users to retain, at the same location, their existing telephone numbers without impairment of quality, reliability, or convenience when they switch from one telecommunications carrier to another. Mondon Aff. ¶ 4. Checklist item (xi) requires the provision of number portability in full compliance with FCC regulations. Ameritech Ohio has not only met its obligations under the Act and implementing regulations through its deployment of long-term number portability (“LNP”) throughout Ohio, but has done so in a collaborative manner through its participation and leadership in state and federal sponsored industry groups. Mondon Aff. ¶ 4; Deere Aff. ¶¶ 275-277.

Ameritech Ohio has deployed LNP not only in the top Metropolitan Statistical Areas (“MSAs”) specified within the FCC’s requirements, but also in all of the other exchanges it serves. As a result, as of February 2001, Ameritech Ohio has equipped all 292 switches within its operating territory with LNP capabilities, representing 100 percent of its access lines. In so doing, Ameritech Ohio has adhered to the FCC’s technical, operational, architectural and administrative requirements. Ameritech Ohio’s full compliance with the Act and federal regulations has allowed competing carriers to port over 219,000 telephone numbers from Ameritech Ohio through April 2001. Mondon Aff. ¶¶ 5, 26.

Ameritech Ohio’s most recent interconnection agreements with facilities-based providers include provisions stating that both parties will provide LNP in conformance with the Act and

FCC rules. Mondon Aff. ¶ 22. Further, Ameritech Ohio has implemented a series of performance standards to ensure the timely provisioning of LNP. Fioretti Aff. ¶¶ 233-243.

In addition, Ameritech Ohio continues to be an active participant in numerous industry groups to resolve issues and to develop and improve processes on a going-forward basis. Mondon Aff. ¶ 6. For example, Ameritech Ohio has agreed to use an unconditional 10-digit trigger (“UCT”) feature for LNP orders, and UCT became available on most such orders beginning April 1, 2000. *Id.* ¶ 20. For the limited instances where UCT will not be available, and for the conversion of certain large, complex services, Ameritech Ohio works with the CLEC to arrange a coordinated cutover. *Id.* ¶ 21.

The FCC has ordered “an exclusively federal recovery mechanism” for the costs associated with LNP implementation of “long-term number portability.”<sup>32</sup> In adopting such a mechanism, the FCC allowed incumbent local exchange carriers to recover their directly related, carrier-specific costs by establishing tariffs with the FCC for a monthly number-portability charge starting no sooner than February 1, 1999, and a number portability query-service charge. Mondon Aff. ¶ 27. Ameritech Ohio’s tariffs for monthly and query charges comply with the FCC’s Memorandum Opinion and Order in CC Docket 95-116 (rel. Dec. 14, 1998, as amended Jan. 8, 1999), and with the FCC’s July 1, 1999 order directed specifically to Ameritech Ohio tariffs (FCC Tariff No. 2, Transmittal Nos. 1186 & 1187). Mondon Aff. ¶¶ 7, 28, 30.

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<sup>32</sup> Third Report and Order, Telephone Number Portability, 13 F.C.C. Rcd. 11,701, ¶ 29 (1998) (“Third Report and Order”).

**L. Checklist Item 12: Local Dialing Parity**

Checklist item (xii) requires Ameritech Ohio to provide: “Nondiscriminatory access to such services or information as are necessary to allow the requesting carrier to implement local dialing parity in accordance with the requirements of section 251(b)(3).” 47 U.S.C.

§ 271(c)(2)(B)(xii). In turn, section 251(b)(3) of the Act provides the following requirements:

**Dialing Parity** – The duty to provide dialing parity to competing providers of telephone exchange service and telephone toll service, and the duty to permit all such providers to have nondiscriminatory access to telephone numbers, operator services, directory assistance, and directory listing, with no unreasonable dialing delays.

Ameritech Ohio is in compliance with this checklist item. Deere Aff. ¶ 280-282. The FCC Rules ( 47 C.F.R. § 51.207) specify that local dialing parity means that telephone exchange service customers within a local calling area may dial the same number of digits to make a local telephone call, regardless of the identity of the customer’s or the called party’s carrier. Ameritech Ohio’s interconnection arrangements fully meet this requirement. Deere Aff. ¶ 281. The FCC’s Second Report and Order, ¶ 71, stated that local dialing parity is achieved through the implementation of the interconnection, number portability and nondiscriminatory access to telephone number requirements of Section 251 of the Act. Ameritech Ohio has implemented each of these in accordance with the Act and FCC rules. Deere Aff. ¶ 281.

Ameritech Ohio’s interconnection arrangements do not require any CLEC to use access codes or additional digits to complete local calls to Ameritech Ohio customers. Deere Aff. ¶ 282. Nor are Ameritech Ohio customers required to dial any access codes or additional digits to complete local calls to the customers of any CLEC. Id. The interconnection of Ameritech Ohio networks and the network of CLECs are seamless from a customer perspective. Id. Since the CLEC central office switches are connected to the trunk side of the Ameritech Ohio tandem

or central office switches in the same manner as Ameritech Ohio and other local exchange companies, there are no differences in dialing requirements or built-in delays for CLEC customers. Id.

**M. Checklist Item 13: Reciprocal Compensation**

Checklist item 13 requires Ameritech Ohio to provide reciprocal compensation arrangements in accordance with section 252(d)(2) of the 1996 Act, which governs charges for transport and termination of traffic subject to the reciprocal compensation requirements of section 251(b)(5). Ameritech Ohio is subject to numerous interconnection agreements that provide for reciprocal compensation in accordance with PUCO orders and the FCC's rules (subject to negotiation or a regulatory or judicial determination as to the effect of the FCC's April 27, 2001 order on remand regarding Intercarrier Compensation for ISP-bound Traffic).<sup>33</sup> Alexander Aff. ¶ 116. Ameritech Ohio pays all undisputed amounts due for reciprocal compensation in a timely fashion. Id.

The PUCO has reviewed and approved Ameritech Ohio's rates for reciprocal compensation, finding them consistent with least-cost principles. Alexander Aff. ¶ 119. There are separate rates for tandem and end office switching, tandem transport and termination, which reflect the costs of the interconnection facilities used. Id. ¶¶ 121-123.

The FCC has found that a BOC's payment of inter-carrier compensation on traffic delivered to Internet Service Providers ("ISPs") is "irrelevant to checklist item 13." Kansas & Oklahoma 271 Order, ¶ 251. The PUCO has ordered Ameritech Ohio to pay such compensation

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<sup>33</sup> Order on Remand and Report & Order, In re Intercarrier Compensation for ISP-Bound Traffic, CC Docket Nos. 96-98 & 99-68 (rel. April 27, 2001).

under certain interconnection agreements. Alexander Aff. ¶ 117. Ameritech Ohio is in compliance with all such PUCO orders, pending judicial review. Id.

**N. Checklist Item 14: Resale**

Section 271(c)(2)(B) (xiv) requires a BOC to make “telecommunications services . . . available for resale in accordance with the requirements of sections 251(c)(4) and 252(d)(3).” Ameritech Ohio’s resale offerings meet this requirement and allow CLECs to enter the local market in Ohio with virtually no capital investment or delay.

The telecommunications services that Ameritech Ohio provides CLECs for resale are identical to the services that Ameritech Ohio furnishes its own retail customers. Alexander Aff. ¶ 129. CLECs are able to resell these services to the same customer groups and in the same manner as Ameritech Ohio. Ameritech Ohio offers wholesale discounts on promotional offerings lasting more than 90 days. Id. ¶ 132. For retail services that Ameritech Ohio offers to a limited group of customers (such as grandfathered services), Ameritech Ohio allows resale to the same customers to which it sells the services, in accordance with 47 C.F.R. § 51.615. Id.

¶ 133. Customer-specific contracts are available for resale to similarly situated customers without triggering termination liability charges or transfer fees to the end user. Id. ¶ 135. Ameritech Ohio is subject to numerous performance standards designed to ensure that resellers can access pre-ordering, ordering and provisioning, maintenance and repair, and billing functions for resold services in an efficient and nondiscriminatory manner. Fioretti Aff. ¶¶ 244-273.

The PUCO has established wholesale discount rates of 20.29% and 21.45% for resold service based on whether or not the CLEC uses Ameritech Ohio’s OS/DA. Alexander Aff.

¶¶ 133, 157-158. Those discounts have been incorporated into interconnection agreements, and are available to all CLECs. Id. ¶¶ 133, 135-136, 157-158.

On January 9, 2001, the U.S. Court of Appeals for the D.C. Circuit issued its ASCENT decision, in which it concluded that an advanced services affiliate of SBC was obligated, under section 251(c)(4), to sell to competing carriers at a wholesale discount the telecommunications services it provides at retail. ASCENT, 235 F.3d at 668. Although this obligation would not necessarily apply to the advanced services affiliate of Ameritech Ohio—Ameritech Advanced Data Services of Ohio, Inc. ("AADS")—because AADS is not a successor and assign of Ameritech Ohio, AADS has voluntarily made available a model interconnection agreement. A CLEC seeking an interconnection agreement with AADS can review that agreement and either adopt it as is or pursue negotiations with AADS. Habeeb Aff. ¶¶ 29-65. As the FCC urged in the Kansas & Oklahoma 271 Order, Ameritech Ohio has thus “act[ed] promptly to come into compliance with section 251(c)(4) in accordance with the terms of the court’s decision.” Kansas & Oklahoma 271 Order ¶ 252 n.768.<sup>34</sup>

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<sup>34</sup> The model agreement, to the extent appropriate and applicable, also will provide for interconnection, unbundled network elements, and collocation pursuant to the requirements of section 251(c). See Habeeb Aff. ¶¶ 43-65.

### **III. AMERITECH OHIO'S ENTRY INTO THE INTERLATA SERVICES MARKET IN OHIO WILL PROMOTE COMPETITION AND FURTHER THE PUBLIC INTEREST**

#### **A. Consumers Are Clearly Benefiting from Bell Company Entry into the In-Region, InterLATA Market**

Real-world experience has conclusively demonstrated the benefits of BOC interLATA entry, not only for the long-distance market but also for the local market as well. On the long-distance side, it is no coincidence that New York and Texas – the first two states for which a BOC received interLATA approval – are the only states in which AT&T offers its Local One Rate ® promotional plan, which bundles local and long distance into one package offering. Heritage Aff. ¶ 39. Shortly after Ameritech Ohio's affiliate, Southwestern Bell, received approval under section 271 for Texas, AT&T instituted and vigorously promoted the One Rate plan through direct mail and telemarketing in Austin, Dallas, Houston, San Antonio and south Texas, offering consumers 60 minutes of free long distance – and slashing long-distance rates in half – to sweeten the pot. *Id.* ¶¶ 39, 41. Following suit, WorldCom responded to Southwestern Bell's entry with the introduction of three new rate plans (MCI WorldCom 7¢ Anytime, 9¢ Anytime, and WorldCom Weekends) along with options for bundling local, local toll and long distance calling, as well as discounts on calling features. *Id.* ¶ 42.

Full competition in the long-distance market has proven to be an effective stimulus to local competition as well. Between January 2000 (six months before Southwestern Bell received approval under Section 271) and June 2001 (eleven months after), the key indicators of local competition all skyrocketed. *Id.* ¶ 36 & Table 7. The number of lines captured by facilities-based CLECs, unbundled loops and overall lines captured more than doubled. *Id.* And the number of unbundled loop and port combinations increased sevenfold. *Id.* Thus, allowing the

BOC to enter and compete in the long-distance market has spurred the long-distance carriers to meaningfully enter and compete with the BOC in the local market.

We can expect that the consistent track record of full competition in all markets that follows section 271 approval will be repeated in Ohio. That track record has demonstrated that approval of Ameritech Ohio's application will bring concrete benefits to Ohio consumers – and to their family pocketbooks.

**B. Ameritech Ohio Is Subject to Comprehensive Performance Reporting and Monitoring Requirements**

One factor the FCC may consider in its public interest analysis is whether the BOC will continue to satisfy checklist requirements after it has received approval to enter the long-distance market. “[T]he fact that a BOC will be subject to performance monitoring and enforcement mechanisms would constitute probative evidence that the BOC will continue to meet its section 271 obligations and that its entry would be consistent with the public interest.” Texas 271 Order, ¶ 420.

As a condition of its approval of the SBC/Ameritech merger, the PUCO approved and ordered Ameritech Ohio to implement a system of automatic remedies to help enforce Ameritech Ohio's wholesale performance standards. Fioretti Aff. ¶ 274. The remedy plan is based on similar plans developed in collaborative proceedings in Texas and approved by the FCC in its Texas and Kansas & Oklahoma 271 orders. Id. Like those plans, Ameritech Ohio's plan provides for two classes or “tiers” of performance remedies. Id. ¶ 278. The first tier applies to customer-affecting measurements (such as how long it takes to install or restore service) and are paid to the affected CLEC. Id. The second tier applies to competition-affecting measurements (such as interface availability), and are paid to the Ohio State Treasury. Id. Most remedies for

both tiers accrue “per occurrence,” which means that a remedy base is multiplied by the number of transactions affected. Id. Statistical analysis is used to address the impact of random variation in performance. Id. ¶ 280.

The FCC has identified the following as the important characteristics of an effective performance assurance plan (New York 271 Order, ¶ 433):

- “potential liability that provides a meaningful and significant incentive to comply with the designated performance standards;
- clearly-articulated, pre-determined measures and standards, which encompass a comprehensive range of carrier-to-carrier performance;
- a reasonable structure that is designed to detect and sanction poor performance when it occurs;
- a self-executing mechanism that does not leave the door open unreasonably to litigation and appeal;
- and reasonable assurances that the reported data is accurate.”

As we show below, Ameritech Ohio’s remedy plan satisfies each of the FCC’s criteria.

1. Potential Liability Provides Meaningful Incentive to Comply

The amount of potential remedies at stake is easily sufficient to provide a meaningful incentive for Ameritech Ohio to meet its performance obligations. The method of computing remedies is virtually identical to that used in Texas, Kansas, and Oklahoma, which the FCC has already found “discourage[s] anti-competitive behavior by setting the damages and penalties at a level above the simple cost of doing business” and “represents a meaningful incentive . . . to maintain a high level of performance.” Texas 271 Order, ¶¶ 423-24. Like the Texas, Kansas and Oklahoma plans, Ameritech Ohio’s plan sets a “cap” on remedies under the plan. Fioretti Aff. ¶ 278. The cap amount is set at 36 percent of Ameritech Ohio’s net return, like the amount of the

cap described in the Texas 271 Order; it is estimated at over \$ 181 million for the current year, which exceeds the \$ 45 million found sufficient and meaningful in the Kansas & Oklahoma 271 Order, ¶ 274. Fioretti Aff. ¶ 278. Moreover, as the FCC has recognized, remedies under the plan are not the only means to ensure compliance, as Ameritech Ohio remains subject to additional penalties, most notably the suspension or termination of interLATA relief. Texas 271 Order, ¶ 424.

## 2. Clearly-Articulated Performance Measures

Throughout this brief, Ameritech Ohio has described the numerous performance measures and standards that are designed to assure compliance with various checklist items. As that discussion shows, Ameritech Ohio's performance measures are comprehensive in scope, rigorous in application, and exhaustive in detail. There are over 160 performance measurements, covering all three competitive entry methods (unbundled access, resale, and interconnection) and all five OSS functions (pre-ordering, ordering, provisioning, repair and maintenance, and billing). Fioretti Aff. ¶¶ 42-43, 76. They are further disaggregated into categories (such as product or service type and geographic area) and supported by clearly articulated definitions and business rules, which are all set forth in a detailed User Guide. Id. ¶ 45 & Attach. A. Ameritech Ohio's performance measures and standards reflect substantial input from CLECs (in fact, they were presented to the PUCO for approval by a joint motion and progress report of all participants in the collaborative) and from the PUCO and the FCC. See id. ¶¶ 20-41. They are also similar to the measures and standards approved by the FCC in its Texas and Kansas & Oklahoma orders. Fioretti Aff. ¶¶ 42, 47-49.

In addition, Ameritech Ohio’s performance measurements and standards are designed to keep up with industry and legal developments. As is the case in Texas, Kansas and Oklahoma, Ameritech Ohio’s performance plan provides for comprehensive reviews, every six months, that include all interested CLECs. Fioretti Aff. ¶¶ 50-51. As the FCC has recognized, this “continuing ability of the measurements to evolve is an important feature because it allows the Plan to reflect changes in the telecommunications industry and in the . . . market.” Texas 271 Order, ¶ 425.

3. Reasonable Structure to Detect and Sanction Poor Performance

As described above, the structural elements of Ameritech Ohio’s remedy plan are virtually identical to those in Texas, Kansas and Oklahoma, which the Commission has found “appear reasonably designed to detect and sanction poor performance when it occurs.” Texas 271 Order, ¶ 426; Kansas & Oklahoma 271 Order, ¶ 276.

4. Self-Executing Mechanism

Ameritech Ohio’s remedy plan provides for self-executing enforcement mechanisms that are swift and sure. It requires Ameritech Ohio to submit performance reports for each month by the 20<sup>th</sup> day of the following month. Fioretti Aff. ¶ 279. Any applicable remedy amounts would be due thirty days afterwards. Id. ¶ 282. The remedy payment is automatic and cannot be withheld except in certain limited circumstances (e.g., where the performance failure was the fault of the CLEC) defined in the plan. Id. Even in those circumstances, the plan provides for an expedited dispute resolution process, and Ameritech Ohio is required to invoke that process before the payment due date. Id. The FCC has found these mechanisms to be “reasonably self-

executing” and “generally comparable to the mechanisms [it] found satisfactory in the Bell Atlantic New York Order.” Texas 271 Order, ¶ 427.

5. Accuracy of Reported Data

Third-party audits provide reasonable assurance that the performance data used in the remedy plan are reliable. The initial audit, performed by KPMG, is underway. Fioretti Aff. ¶ 279. In addition, Ameritech Ohio’s proposed plan sets forth a procedure under which a CLEC can request a “mini-audit” to address specific concerns. Id.

**IV. AMERITECH OHIO WILL PROVIDE INTERLATA SERVICES IN COMPLIANCE WITH THE REQUIREMENTS OF SECTION 272**

This section will be added and filed at the FCC.

**CONCLUSION**

For the reasons set forth above, Ameritech Ohio respectfully requests that it be granted authority to provide in-region InterLATA services in Ohio.

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