

2. The fact that other states are violating the Act by requiring an advance notice requirement not contemplated by the Act is irrelevant. The Commission should not add Oklahoma to the list of states that are flouting the federal law by artificially extending the 90-day period for the processing of 271 applications. Moreover, those states have not been necessarily as aggressive as Oklahoma in moving ahead toward full competition with respect to all telecommunications services.

3. The suggestion that the Commission will not have adequate time to review Southwestern Bell's Section 271 filing during the 20-day period<sup>1</sup> allowed by the FCC is a red herring. AT&T refers to the 4,000 page filing made by Ameritech.<sup>2</sup> AT&T misleads the Commission. AT&T knows that any Section 271 filing will largely consist of copies of interconnection agreements, orders approving such agreements, arbitration decisions and/or a copy of a Statement of Generally Available Terms and Conditions, *documents that the state commission will already have reviewed before the Section 271 application is filed*. The actual 271 application and supporting affidavits will comprise a small percentage of the paperwork submitted to the FCC.

4. Just as was the case with the arguments advanced by AT&T and other

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<sup>1</sup> The Commission should remember that the 20-day period for state commission review is not provided for in the federal Act. The Act allows the FCC to review the 271 application over a 90-day period, during which time it is required to consult with the state commission. It was the FCC, not the Congress, which established the arbitrary 20-day period for state commission review. Southwestern Bell respectfully suggests that NARUC should petition the FCC to allow state commissions to have more than 20 days to review 271 applications and not try to lengthen the statutorily prescribed 90-day review period.

<sup>2</sup> Somehow, 2,000 pages are missing. At the January 29 hearing in PUD 97-20, AT&T counsel characterized the Ameritech filing as "6,000 pages."

interexchange companies in opposition to Southwestern Bell's motion for interim order in PUD 97-20, AT&T's motion herein has one purpose and only one purpose—to delay Southwestern Bell's ability to compete with AT&T in the interLATA long distance market. This anti-competition strategy was rejected by the Administrative Law Judge in PUD 97-20. AT&T's motion in this docket is just another attempt to accomplish what failed in PUD 97-20. It should be rejected here as well.

Respectfully submitted,



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ROGER K. TOPPINS, OBA #15410  
800 North Harvey, Room 310  
Oklahoma City, OK 73102  
Telephone: (405) 291-6751  
Fax: (405) 236-6121

ATTORNEY FOR SOUTHWESTERN BELL  
TELEPHONE COMPANY

**CERTIFICATE OF MAILING**

On this 12th day of February, 1997, a true and correct copy of the foregoing was mailed, postage prepaid, to:

John Gray  
Oklahoma Corporation Commission  
Jim Thorpe Building  
Oklahoma City, OK 73105

Mickey Moon  
Office of the Attorney General  
112 State Capitol Building  
Oklahoma City, OK 73105

Jack P. Fite  
Jay M. Galt  
Marjorie McCullough  
WHITE COFFEY GALT & FITE, P.C.  
6520 N. Western, Suite 300  
Oklahoma City, OK 73116

Thomas C. Pelto  
Michelle S. Bourianoff  
919 Congress Avenue  
Suite 1500  
Austin, TX 78701-2444

  
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**FILED**

FEB 12 1997

COURT CLERK'S OFFICE - OKLAHOMA  
CORPORATION COMMISSION  
OF OKLAHOMA

BEFORE THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA

APPLICATION OF ERNEST G. JOHNSON,	)	
DIRECTOR OF THE PUBLIC UTILITY	)	
DIVISION, OKLAHOMA CORPORATION	)	CAUSE NO. PUD 970000064
COMMISSION TO EXPLORE THE	)	
REQUIREMENTS OF SECTION 271 OF	)	
THE TELECOMMUNICATIONS ACT OF 1996	)	

**ATTORNEY GENERAL'S MOTION TO INTERVENE**

COMES NOW the Attorney General of the State of Oklahoma ("Attorney General"), by and through the undersigned Assistant Attorneys General, and alleges and states as follows:

1. Party: The Attorney General is the Chief Law Officer of the State of Oklahoma. His address is: 112 State Capitol Building, 2300 North Lincoln Boulevard, Oklahoma City, OK 73105.

2. Allegations of Fact: The Applicant, Ernest G. Johnson, Director of the Public Utility Division, Oklahoma Corporation Commission has filed an application in this docket requesting that the Commission begin the process of gathering information for the Commission's review in order to assist the Commission in preparing to consult with the Federal Communications Corporation ("FCC") in the event the Respondent, Southwestern Bell Telephone Company, files a §271 application with the FCC. The Attorney General is statutorily mandated to "represent and protect the collective interests of all utility consumers of this state in rate-related proceedings before the Corporation Commission or in any other state or federal judicial or administrative proceeding." Okla. Stat. tit. 74, § 18b(A)(20) (Supp. 1996). Accordingly, the Attorney General is required and empowered by his statutory authority to intervene in this proceeding to insure that the interests of Oklahoma telecommunications customers are adequately represented.

3. Legal Authority: The Attorney General intervenes in this cause pursuant to Okla. Stat. tit. 74, § 18b(A)(20) (Supp. 1996).

4. Relief Sought: The Attorney General seeks to participate in this proceeding as a full party of record in order to fulfill his statutory duties to the State and to represent and protect the interests of Oklahoma telecommunications customers.

WHEREFORE, premises considered, the Attorney General hereby enters his formal appearance in this proceeding and, in addition to those rights and duties accruing to him as expressed or implied by the Constitution and the laws of the State, claims all rights of a party including entering exhibits, calling and cross-examining witnesses, use of docket space for necessary hearings, access to public records held by the Corporation Commission, including all staff exhibits and accounting work papers, proper notice of all hearings and conferences in this matter, and for such other and further relief to which the Attorney General may be entitled, whether or not specifically requested herein.

Respectfully Submitted,

W.A. DREW EDMONDSON,  
ATTORNEY GENERAL OF OKLAHOMA



RICK D. CHAMBERLAIN, OBA #11255  
MICKEY S. MOON, OBA #16468  
ASSISTANT ATTORNEYS GENERAL  
2300 NORTH LINCOLN BOULEVARD  
ROOM 112, STATE CAPITOL  
OKLAHOMA CITY, OK 73105-4894  
(405) 521-3921

**CERTIFICATE OF SERVICE**

On this 12<sup>th</sup> day of February, 1997, a true and correct copy of the foregoing was mailed, telecopied and/or hand-delivered to:

Maribeth Snapp  
Deputy General Counsel  
Oklahoma Corporation Commission  
Jim Thorpe Office Building  
Oklahoma City, OK 73105



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BEFORE THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA

APPLICATION OF ERNEST G. JOHNSON, ) CAUSE PUD NO.  
DIRECTOR OF THE PUBLIC UTILITY ) 970000064  
DIVISION, OKLAHOMA CORPORATION )  
COMMISSION TO EXPLORE THE )  
REQUIREMENTS OF SECTION 271 OF )  
THE TELECOMMUNICATIONS ACT OF 1996. )

**FILED**  
FEB 20 1997

COURT CLERK'S OFFICE - OKC  
CORPORATION COMMISSION  
OF OKLAHOMA

TRANSCRIPT OF PROCEEDINGS

FEBRUARY 13, 1997

OFFICIAL REPORTER:  
LYNETTE H. WRANY, C.S.R.

APPEARANCES

JOHN GRAY, Assistant General Counsel, appeared on behalf of the Commission Staff.

MICKIE MOON, Assistant Attorney General, appeared on behalf of Attorney General Drew Edmondson.

JACK FITE, Attorney at Law, appeared on behalf of AT&T Communications.

J. FRED GIST and ED CADIEUX, Attorneys at Law, appeared on behalf of Brooks Fiber Communications of Tulsa, Inc. and Brooks Fiber Communications of Oklahoma, Inc.

NANCY THOMPSON and MARTHA JENKINS, Attorneys at Law, appeared on behalf of Sprint Communications Company, L.P.

ROGER TOPPINS, Attorney at Law, appeared on behalf of Southwestern Bell Telephone Company.

RONALD E. STAKEM, Attorney at Law, appeared on behalf of MCI Telecommunications Corporation.

KENDALL PARRISH, STEVEN MOORE and THOMAS ROLAND, Attorneys at Law, appeared on behalf of Cox Oklahoma Telecom, Inc.

STATEMENT OF CAUSE

This Cause PUD 970000064 came on for hearing on the 13th day of February, 1997, before Robert Goldfield, Administrative Law Judge for the Corporation Commission of the State of Oklahoma, for the purpose of hearing a motion to Establish Advance Notice Requirement and reporting to the Commission thereon.

The cause was called for hearing and the following proceedings were had:

OFFICIAL REPORTER:

LYNETTE H. WRANY, C.S.R.

2 P R O C E E D I N G S

3 THE COURT: And last, but not least, 97-64,  
4 the application of Ernest Johnson, Motion to Establish  
5 Advance Notice Requirement.

6 Please list your appearances.

7 Mr. Allen, do you want to appear on your  
8 motion?

9 MR. ALLEN: Yes, sir.

10 THE COURT: Okay.

11 MR. FITE: Jack Fite on behalf of AT&T.

12 MR. TOPPINS: Roger Toppins on behalf of  
13 Southwestern Bell.

14 MR. MOON: Mickie Moon on behalf of the  
15 Attorney General.

16 MS. SNAPP: John Gray for the Commission  
17 Staff.

18 THE COURT: Mr. Fite, I take it it's your  
19 motion then?

20 MR. FITE: I was just surprised there weren't  
21 - - I kept around looking and didn't see MCI and Sprint.

22 MS. THOMPSON: Your Honor, we intend to  
23 intervene, but we haven't even filed the papers yet. So I  
24 think you normally like the papers on file before you grant  
25 an oral intervention.

MR. STAKEM: We're in the same position. I

1 lw-4

2 have been thinking about intervening, if you want to advance  
3 that. I would be happy to entertain a prospective order.

4 MS. SNAPP: I think we need about a five  
5 minute recess, and I can find Counsel that is supposed to be  
6 handling this. I might have the file.

7 THE COURT: Let's take a short recess. Go  
8 off the record.

9 (Whereupon, a brief recess was had, after  
10 which the following occurred:)

11 THE COURT: Now let's go back on the record  
12 in 97-64. By agreement of the parties, we will take all  
13 appearances of the parties that might be interested in this  
14 case. You don't need to file paperwork in it. I will argue  
15 that one out with the Court Clerk's Office. Okay?

16 Would you please list your appearances?

17 MR. FITE: Well, I already have once. Jack  
18 Fite for AT&T.

19 MR. TOPPINS: Roger Toppins for Southwestern  
20 Bell Telephone Company.

21 MR. MOON: Mickie Moon for the Attorney  
22 General.

23 MS. THOMPSON: Nancy Thompson and Martha  
24 Jenkins for Sprint Communications Company, L.P.

25 MR. STAKEM: Ronald E. Stakem for MCI  
Telecommunications Corporation.

2 MR. GIST: Fred Gist and Ed Cadieux for  
3 Brooks Fiber Communications of Tulsa, Inc. and Brooks Fiber  
4 Communications of Oklahoma, Inc.

5 MR. PARRISH: Kendall Parrish, and Steven  
6 Moore and Thomas Roland for Cox Oklahoma Telecom, Inc.

7 MR. GRAY: John Gray on behalf of the  
8 Commission Staff.

9 THE COURT: Any others? Okay.

10 Mr. Fite.

11 MR. FITE: Your Honor, have you had an  
12 opportunity to read the motion?

13 THE COURT: Yes, sir. I have.

14 MR. FITE: Okay. Then I will just briefly  
15 reiterate a few items. AT&T is requesting a 90 day  
16 notification period to receive the filing for the 271  
17 filing, the narrative statement, et cetera. The basic  
18 reason for this is the time frame which has been set by the  
19 Federal government. As you are aware, the time frame in all  
20 of these proceedings has been extremely short. The FCC has  
21 adopted procedures which require that the Commission give  
22 written consultation to be provided to the FCC no later than  
23 20 days after the date of public notice of the 271 filing.

24 In response to the responsive pleading which  
25 was filed by Southwestern Bell, we would simply state that  
this is not being done for the purposes of delay. It is

1 lw-6

2 certainly not an unreasonable request. It is a request  
3 which has been recognized and adopted by NARUC. It has been  
4 adopted in the states of Texas, Kansas, Ohio, Illinois and  
5 others. All this is doing is allowing the parties to have a  
6 reasonable time frame in which to participate in very  
7 meaningful proceedings which will be held before this  
8 Commission. In our opinion the Commission has the authority  
9 to issue such an order and the Commission should.

10 As to the point of delay, we would request  
11 also at this particular point in time that in order to avoid  
12 any further delays that a procedural schedule be set in this  
13 particular matter so that all of the parties, now that all  
14 of the parties are in, so that we can get something set down  
15 so people can begin their work on the project.

16 I have nothing, unless you have questions.

17 THE COURT: No, sir. Thank you.

18 Okay. Ms. Thompson.

19 MS. THOMPSON: Your Honor, because we didn't  
20 anticipate being granted intervention this morning, I have  
21 not had a chance to discuss with my client the motion for  
22 the 90 day requirement. I think you will recall, however,  
23 that in 97-20 I pointed out to the Court in that case the  
24 NARUC recommendations which are basically the  
25 recommendations that AT&T is proposing in this case. I  
think it makes good sense and there were reasons why NARUC

1 lw-7

2 made the recommendations that the Commissions be given 90  
3 days advance notice. But even if you don't order 90 days  
4 advance notice, I think it is very important to establish a  
5 procedural schedule in this docket and also order Bell to  
6 immediately file the information in support of its  
7 contention that it satisfies the 271 requirements.

8 As you know, there are lots of requirements  
9 for the competitive check list. One of the things that I  
10 think is outstanding right now are the cost studies that we  
11 were awaiting on from the AT&T arbitration case. I think  
12 there were interim rates established in that case on several  
13 costs or on several prices because cost studies had not been  
14 completed. Since one of the things on the competitive check  
15 list is that you need to determine that the prices are based  
16 on costs, I think we need a determination or some  
17 information from Bell on when those cost studies will be  
18 completed and when we can get this docket under way on an  
19 evidentiary hearing.

20 So I would urge you to move forward. I  
21 think, you know, there has been a lot of talk about delay,  
22 but I think all of the parties need to work together and we  
23 need to have Bell give us, give the other parties, the  
24 information that it contends supports its contention that it  
25 is in compliance with the competitive check list so that we  
can make that determination and move forward.

2 THE COURT: Okay. Thank you.

3 Mr. Stakem.

4 MR. STAKEM: Your Honor, I take it that the  
5 oral interventions have been granted or will be recommended  
6 to be granted?

7 THE COURT: Yes, sir.

8 MR. STAKEM: And for that, I thank you. I  
9 don't have anything to add other than to say I support the  
10 motion.

11 THE COURT: Okay. Mr. Gist or Mr. Cadieux?

12 MR. CADIEUX: Thank you, Your Honor.

13 Your Honor, Brooks is not prepared to make -  
14 - to take a position with respect to the 90 day advance  
15 notice requirement this morning. However, I would join in  
16 the motions of AT&T and Sprint to the extent of recommending  
17 as quickly as possible the establishment of a procedural  
18 schedule and the requirement that Southwestern Bell present  
19 to the Commission at the earliest possible date all such  
20 information that Southwestern Bell believes is - - all the  
21 information actually that's required pursuant to the Federal  
22 Act to show justification for an anticipated 271 filing at  
23 the FCC. And, obviously, the Commission's consultative  
24 role under the Federal Act is very important. Obviously,  
25 everybody seems to understand that a 271 filing is coming  
relatively quickly if permitted. So in any event, I think

1w-9

2 the Commission needs to establish that procedural schedule  
3 as quickly as possible. Thank you.

4 THE COURT: Okay. Thank you, sir.

5 Mr. Moon.

6 MR. MOON: Your Honor, the Attorney General  
7 concurs with AT&T's statement regarding the necessity of  
8 Southwestern Bell to notify the Commission and all the  
9 interested parties, including the Attorney General, of its  
10 intention to file a Section 271 application at least 90  
11 days prior to the actual filing date of such an application.

12 If Southwestern Bell fails to provide  
13 sufficient advance notice of such a filing, the application  
14 filed in this cause which we are arguing then today would be  
15 moot because depending on what occurs this afternoon such a  
16 271 application can be filed - - well, it could be filed  
17 today. There is nothing stopping Southwestern Bell from  
18 filing such an application. And if they do so, this  
19 application by the Staff to explore the requirements of  
20 Section 271, what good is that application going to be?  
21 They're going to do that anyway as soon as that application  
22 is filed.

23 However, I do not know - - I don't  
24 necessarily concur with the position by - - taken by AT&T  
25 that the Commission has the authority to require  
Southwestern Bell to file or to provide advance notice of a

1 lw-10

2 271 application. Nevertheless, I believe the Commission can  
3 issue an order or a policy statement regarding advance  
4 notice. And in that regard, I would like to submit into the  
5 record what has been alluded to by Ms. Thompson. And what  
6 it is is representatives of the FCC, NARUC and the  
7 Department of Justice got together and they drafted this  
8 list of what they recommend the RBOCs provide in the way of  
9 advance notice. I will go ahead and provide this to you.

10 THE COURT: Okay. Thank you, sir.

11 MR. MOON: And to the other parties.

12 THE COURT: We will label this Exhibit 1A for  
13 the purposes of today, please.

14 (Whereupon, Exhibit Number 1A was marked for  
15 identification by the Court Reporter.)

16 MR. MOON: I'm sorry for the illegibility on  
17 some of these. I think - - If you have any questions, if  
18 you can't read something, I can inform the Court.

19 Now it is in Southwestern Bell's best  
20 interest, as well as the best interest of the Commission and  
21 the other parties, that Southwestern Bell provide sufficient  
22 notice of its intent to file under 271.

23 Under the Act, the Federal Act, consultation  
24 with the state commission is a critical element in the FCC's  
25 determination of a 271 application. And because of this and  
because of the short time frame in which to review 271 - -

1 lw-11

2 compliance with 271, the Attorney General believes that the  
3 Act undoubtedly contemplates that the RBOCs cooperate with  
4 the state commissions and their efforts to execute their  
5 responsibilities under the Act. And if Southwestern Bell  
6 fails to cooperate by not providing sufficient notice of  
7 their 271 application, then this Commission will have no  
8 choice but to recommend to the FCC disapproval of their 271  
9 application, because there won't be a sufficient evidentiary  
10 basis upon which this Commission must make a determination  
11 based on substantial evidence.

12 And on that point, I do not believe that the  
13 Federal Act has any bearing on the Oklahoma Constitution's  
14 requirement that all decisions of the Corporation Commission  
15 have to be based on substantial evidence. And no doubt  
16 Southwestern Bell will flood the Commission with documents  
17 and interconnection agreements and say that these constitute  
18 substantial evidence. But as pointed out by NARUC,  
19 interested parties will bring numerous and varied  
20 perspectives to this process. It is not going to just be  
21 Staff alone looking at this, as is evidenced by the  
22 application in this cause. Other parties are going to have  
23 input into this process.

24 And in determining whether there is  
25 substantial evidence and support of the Commission's  
findings and conclusions, the whole of the evidence found in

1 lw-12

2 the record must be taken into account, including such  
3 evidence which fairly detracts from the weight thereof. So  
4 you can't just look at Southwestern Bell's evidence that  
5 they provide and the 20 day period in order to make your - -  
6 for this Commission to make a finding based on substantial  
7 evidence, because they also are going to have to consider,  
8 and the other parties are going to have to be given the  
9 opportunity to provide, additional evidence.

10 So while I do not - - While the Commission  
11 may not have the authority to directly require Southwestern  
12 Bell to provide advanced notice, the Commission can, and the  
13 Attorney General urges that the Commission do so, issue an  
14 order finding that in order to develop the record to support  
15 by substantial evidence a decision on whether Southwestern  
16 Bell meets the requirements of Section 271, the Commission  
17 requires that Southwestern Bell advise the Commission and  
18 the other parties of its plans to file a 271 application as  
19 soon as possible, but not less than 90 days prior to the  
20 application.

21 The order should fully state that such  
22 notification should include what has been listed and what  
23 has been marked in Exhibit 1, the evidence to be relied on  
24 showing that Southwestern Bell has met either the  
25 requirements of Section 271(C)(1)(a) or Section  
271(C)(1)(b), evidence to be relied upon by Southwestern

1 lw-13

2 Bell showing that each requirement of the 271 competitive  
3 check list has been met, evidence to be relied upon by  
4 Southwestern Bell showing the extent to which Southwestern  
5 Bell is providing access and interconnection to its network  
6 facilities, or the network facilities of one or more  
7 unaffiliated competing providers of telephone exchange  
8 service to residential and business subscribers, and also  
9 evidence to be relied upon by Southwestern Bell showing  
10 compliance with the public interest requirement of Section  
11 271 of the Federal Act.

12 So in summary, the Attorney General urges  
13 that if the Commission does not issue an order directly  
14 ordering Southwestern Bell to provide 90 days advance notice  
15 or sufficient advance notice, that it issue an order or a  
16 policy statement finding that the Commission in order to  
17 develop a record on which to base its decision on  
18 substantial evidence, that it adopt the recommendations  
19 submitted by representatives of NARUC, the FCC and the  
20 Department of Justice which is contained in Exhibit 1.  
21 Thank you.

22 THE COURT: Okay. Thank you. Is there any  
23 objection to Exhibit 1A?

24 MR. TOPPINS: No, Your Honor.

25 THE COURT: Okay. Mr. Gray.

MR. PARRISH: Your Honor, Kendall Parrish for

1 lw-14

2 Cox Oklahoma Telecom, Inc. You didn't give me an  
3 opportunity to speak.

4 THE COURT: I'm sorry.

5 MR. PARRISH: That's all right. I appreciate  
6 the ability to intervene today, but I have at this point  
7 have not - - do not take a position in this case. Thank  
8 you.

9 THE COURT: Thank you, sir.

10 Okay. Mr. Gray.

11 I'm sorry, Mr. Parrish. I had your name  
12 down, but I missed it.

13 Mr. Gray.

14 MR. GRAY: Thank you, Your Honor.

15 Your Honor, Staff supports the concept and  
16 the ideal raised by AT&T and their motion regarding the 90  
17 day advance notice. I'm not sure that we do it for the same  
18 reasons, but I think we have the same goal in mind. So we  
19 would support the outcome.

20 As far as the issues raised here, I have a  
21 concern here. Although we are ready to go forward with the  
22 Motion - - I mean ready to go forward and establish a  
23 procedural schedule, I don't think that's properly before  
24 the ALJ this morning. So I don't think that's something  
25 that could be brought up.

And Ms. Thompson made the argument regarding

1 lw-15

2 Bell having to make some information available, and so  
3 forth. I think those are the type of discovery things that  
4 should be addressed once a procedural schedule is ultimately  
5 established. I support those ideas, but I don't think this  
6 is properly before this Court at this time.

7 I agree with the arguments made by Mr. Moon  
8 here that there is nothing in the Act that requires a  
9 notice. However, I think just for the sake of us properly  
10 being able to do our job and for the sake of us being able  
11 to discuss in a coherent fashion with evidence our  
12 consultation with the FCC as is required under the Act, I  
13 think some advance notice should be required.

14 If Your Honor will recall, this is consistent  
15 with our position we made in a previous case, namely the  
16 97-20 case, where we requested advance notice.

17 The only other thing that I have, I think  
18 when the orders came out or the orders came out from NARUC  
19 making the suggestion about the 90 days, I'm not sure, but I  
20 thought Bell was going to file a response. I'm not sure if  
21 Bell ever filed a response to that. I think that would be,  
22 if such response was filed, I think that would be something  
23 that this Court might want to look at in context of what is  
24 before you.

25 THE COURT: Okay. Thank you, sir.

Mr. Toppins.

1 lw-16

2 MR. TOPPINS: Thank you, Your Honor.

3 Southwestern Bell is obviously opposed to a  
4 90 day advance notice requirement. We have filed comments  
5 in opposition and I will summarize those.

6 The Federal Act allows a Bell Operating  
7 Company to file a 271 application at any time. It is  
8 Section 271(D)(1). There is nothing in the Act that  
9 provides or even suggests that a state commission or anyone  
10 else can override the Act by requiring a 90 day advance  
11 notice period, just like there is nothing in the Act that  
12 says the Commission can give itself more than nine months to  
13 complete an arbitration or give itself more than 30 days to  
14 review an agreement that results from an arbitration. You  
15 can imagine the reaction if last year Southwestern Bell had  
16 asked to extend the arbitration period which starts between  
17 day 135 and 160. If we had asked for additional time, I'm  
18 sure it would have been opposed.

19 Besides being contrary to the Federal Act, a  
20 90 day advance notice requirement is anti-competitive  
21 because it slows down the entry of a Bell Operating Company  
22 like Southwestern Bell or like SPC into the interLATA long  
23 distance business. If a Bell Operating Company is entitled  
24 to be in the interLATA business, it should not only be  
25 permitted, it should be encouraged to file a 271 application  
with the FCC as soon as possible and have it ruled on in 90

1w-17

2 days as the law allows. It should not be required to sit on  
3 its hands and wait out an artificial 90 day period before it  
4 can compete with AT&T and the others.

5 AT&T expresses a concern about whether the  
6 Commission can fulfill its review duties in 20 days. It  
7 needs to be remembered that the 20 day period is not set  
8 forth in the Federal Act. This is a requirement that the  
9 FCC came up with, not the Federal Act, not the Congress.  
10 As far as the Federal law is concerned, before the FCC  
11 imposed its 20 day requirement, the state commissions could  
12 have had 89 or 90 days to work on their consultation work  
13 and report back to the FCC.

14 If AT&T and the others were truly concerned  
15 about the Commission's ability to act in 20 days, nothing  
16 stops them from petitioning the FCC to give the state more  
17 time. And Southwestern Bell would be very pleased to join  
18 in a motion with the other parties, with this Commission, at  
19 the FCC to ask for more than 20 days.

20 There is a reference in the AT&T motion to a  
21 4,000 page Ameritech filing. And that is 2,000 pages less  
22 than it was described a few weeks ago when it was a 6,000  
23 page. I don't know what it is, but I do know that most of  
24 it consists of interconnection agreements that have already  
25 been looked at by the Commission. That certainly is going  
to be the case with Southwestern Bell's application to the