

54. With regard to OPX orders, Brooks itself can assess a particular prospective customer's requirements (by reviewing that customer's CSR or contracts), and can obtain the required functionality by purchasing the necessary components as unbundled network elements and/or tariffed services, thus eliminating the need to keep any service with Ameritech. This Brooks has not done. Nonetheless, during the Ameritech/Brooks conference call, Ameritech also offered to Brooks the assistance of Ameritech personnel in reading and understanding CSRs and further investigating which service configuration could be used to provide service for a specific customer's lines. Therefore, Brooks is simply wrong to charge that "Ameritech refuses to unbundle [OPX] lines unless the customer keeps at least one line with Ameritech." (Brooks Br., p. 31.)

55. Discriminatory Placement of Loops. Brooks Fiber also alleges that when constructing new loops to the sites of new Brooks customers, Ameritech "frequently" builds such loops to terminate in a physical location different from the location of the Network Interface Devices ("NIDs") previously used to serve those customers. Brooks further alleges that after placing the loop in that manner, Ameritech will disconnect the customer's side of the NID, thus leaving the new Brooks customer without any service. (Brooks Br., p. 30.) This allegation, too, is erroneous.

56. Ameritech's practice is to make every effort to reuse in-place loop facilities to provide unbundled loops. Thus, the situation described by Brooks - where Ameritech needs to build new loop facilities - arises only when Brooks requests that a new loop, rather than a re-used loop, be provided. On most unbundled loop orders, then, there is no need to install new loop facilities or a corresponding new NID. It is true that where new facilities or a new NID is required, Ameritech generally does not perform inside wire work for the CLEC's end user customer. However, as discussed above, Ameritech has assigned dedicated service managers who support the Brooks account by working directly with Brooks personnel to resolve such problems on a day-to-day basis. These service managers have discussed with Brooks personnel the very issue that Brooks raises here. At those meetings, Ameritech has asked Brooks to provide additional information in the "remarks" field of its order when an unbundled loop request requires new facilities or a new NID. To the extent Brooks has chosen to comply with this request, the problems which Brooks alleges have been avoided.

57. Technician Assignments. Brooks levels a wholly unsubstantiated charge that Ameritech, in the event of a shortage of Ameritech technicians, reassigns technicians from Brooks Fiber's customer service orders to Ameritech's retail customer service orders, thus causing Brooks' orders to be completed late. (Brooks Br., p. 30). This allegation is purely speculative and supported by not a shred of evidence. In addition, the allegation demonstrates a complete lack of understanding

of Ameritech's installation and repair dispatch policies and processes. The bottom line is that Ameritech does not reassign personnel based upon competitive considerations.

58. Mr. Kocher discussed in detail in his previous affidavit how Ameritech assigns its personnel to installation and repair jobs through automatic systems, and how such assignments are based upon nondiscriminatory criteria programmed into those systems. (Kocher Aff., ¶¶ 6-10, 16, 32-34, 40-46.) I will not repeat Mr. Kocher's explanation here, but I do reiterate that Ameritech's automated systems give no practical opportunity – even assuming (contrary to fact) a desire on Ameritech's part – for discrimination in the assignment of installation and repair personnel. Further, assuming that such discrimination could occur, it would be very easy to detect.

59. On rare occasions, Ameritech does reassign technicians from one job to another. However, such occasions are the exception and not the rule. More importantly for purposes of rebutting Brooks' charges, these reassignments are made on a nondiscriminatory basis as necessary to respond to emergencies and situations that endanger public safety and national security. For example, Ameritech will reassign technicians to quickly restore service to a police or fire department, hospital or military base, or to remedy a service interruption from a storm affecting a large number of customers. In such cases, the reassignment is made without regard to the identity of the carrier serving the end users involved.

60. MCI Allegation. MCI, citing allegations made by Brooks, maintains that loop provisioning is "an arduous manual process," and that Ameritech does not automatically coordinate loop provisioning with unbundled loop disconnect and interim number portability ("INP") that typically accompany loop provisioning. (MCI at 27.) This claim is baseless. While it is true that MCI must submit separate orders (one for INP and one for the loop), these orders are automatically coordinated. Moreover, MCI is well aware of the manual steps required to coordinate unbundled loop and INP conversions. I discussed these steps in my earlier affidavit (¶¶ 169-203). This issue was the subject of Ameritech's negotiations and arbitrations with MCI, and MCI's interconnection agreements with Ameritech detail the provisioning steps required to execute these conversions in a manner that minimizes customer down-time. So long as loop unbundling involves moving jumper wires on Ameritech's main distribution frame, a manual process will be required to move that jumper. In addition, so long as MCI requests that its unbundled service conversions be coordinated, manual processes are essential to avoid uninterrupted service disruptions for end users.

III. CHECKLIST ITEM (xiv): RESALE

61. The Communications Workers of Ameritech (CWA) contend that Ameritech discriminates in the prioritizing of repair work. According to the CWA, Ameritech ranks customers on a scale of 0 to 9 in determining priority for repair services, and gives higher priority to its own high-revenue customers than to resale customers

who spend an equivalent amount on telecommunications services. (CWA Comm. at 10.)

62. This allegation is factually incorrect. Although Ameritech in the past considered, among other things, whether a household was "communications intensive" in prioritizing repair work, it no longer does so. Indeed, as the CWA well knows, Ameritech terminated consideration of this factor in September 1995. Ameritech currently processes repairs for all customers on a strictly nondiscriminatory basis. It accords priority in accordance with the National Security Emergency Prioritization guidelines. These types of repair work are prioritized regardless of whether the customer uses Ameritech or a reseller for its local exchange service. All other trouble reports are handled on a first-in, first-out basis.

IV. MISCELLANEOUS MATTERS

63. IntraLATA Toll Dialing Parity. Some carriers allege that Ameritech has refused to implement intraLATA toll dialing parity, and therefore has failed to comply with MPSC and court orders to implement dialing parity. (Brooks Br., p. 33; TCG Br., 22-24.) These allegations are misleading. As TCG acknowledges (Br., p. 24), the June 1996 and October 1996 MPSC Orders to which these carriers refer – which would have required implementation of intraLATA toll dialing parity in 100% of Ameritech's end offices – as well as the Michigan trial court order regarding those MPSC orders, were stayed by the Michigan Court of Appeals on December 4,

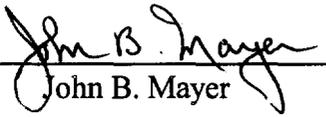
1996. A ruling in Ameritech's favor is likely, since in granting the stay the Michigan Court of Appeals found a likelihood of success with respect to Ameritech's challenge to the MPSC Orders.

64. This pending matter notwithstanding, Ameritech has implemented 1+ dialing parity for over 70% of its Michigan access lines, in compliance with a transition mechanism submitted to the MPSC on November 27, 1996 in MPSC Case No. U-11104. My earlier affidavit (Mayer Aff., ¶¶ 332-39) outlines Ameritech's efforts in this area, and I will not repeat that discussion here. The important fact here is that Ameritech has complied in full with respect to this issue with all MPSC Orders on intraLATA dialing parity currently in effect.
65. I mention one final fact. Both Brooks and TCG maintain that Ameritech's efforts regarding intraLATA dialing parity do not satisfy the dialing parity requirement of the competitive checklist (47 U.S.C. § 271(c)(2)(B)(xii)). The premise of their argument is that the dialing parity requirement of the checklist covers intraLATA dialing parity. Although this is a legal matter, anybody can see they are mistaken. Section 271(c)(2)(B)(xii) is by its terms specifically limited to local dialing parity, and therefore does not cover intraLATA dialing parity. IntraLATA toll dialing parity is governed by Section 271(e)(2), which requires that a BOC "granted authority to provide interLATA services . . . shall provide intraLATA toll dialing parity throughout that State coincident with its exercise of that authority." As I

explained in my earlier affidavit (Mayer Aff., ¶ 336), Ameritech will comply with that provision.

66. This concludes my affidavit.

I hereby swear, under penalty of perjury, that the foregoing is true and correct, to the best of my knowledge and belief.


John B. Mayer

Subscribed and sworn before me this 3rd of July, 1997.

“OFFICIAL SEAL”
Debra A. Busam
Notary Public, State of Illinois
My Commission Exp. 04/24/2001


Notary Public

My Commission expires: _____

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

In the matter of

Application of Ameritech Michigan
Pursuant to Section 271 of the
Telecommunications Act of 1996 to
Provide In-Region, InterLATA Services
in Michigan

CC Docket No. 97-137

**REPLY AFFIDAVIT OF JOSEPH A. ROGERS, WARREN
MICKENS AND JOHN B. MAYER ON BEHALF OF AMERITECH MICHIGAN**

STATE OF ILLINOIS)
) ss.
COUNTY OF COOK)

Joseph A. Rogers, Warren Mickens and John B. Mayer, being first duly sworn upon oath, depose and state as follows:

I. Purpose of Affidavit

1. On June 25, 1997, the Department of Justice ("DOJ") submitted its evaluation of the application filed on May 21, 1997 by Ameritech Michigan ("Ameritech") to provide in-region, interLATA telecommunications services in the State of Michigan. The DOJ included, as Appendix A to its evaluation, a document entitled "Wholesale Support Processes and Performance Measures" ("Appendix A").

2. In Appendix A, the DOJ examines (i) Ameritech's wholesale support processes, (Ameritech's operational support systems, or "OSS") which it describes as the automated and manual processes required to make resale services and unbundled elements, among other items, available to competitors; (ii) performance measurements, as outlined in the DOJ's evaluation of SBC Communications, Inc.'s application to provide in-region, interLATA service in Oklahoma; and (iii) end office integration ("EOI") trunks and trunk blockage.

3. The purpose of our affidavit is to respond to the conclusions the DOJ sets forth in Appendix A regarding OSS, performance measurements and EOI trunk blockage, and also to the DOJ's discussion of trunk blockage at pp. 24-27 of its Comments. Mr. Rogers will discuss OSS. Mr. Mickens will discuss performance measurements and results. Mr. Mayer will discuss trunk blockage.

II. Operations Support Systems

4. For the most part, the DOJ notes (at A4) that Ameritech has made significant progress over the last several months in improving the functionality and operability of its wholesale support processes, both manual and automated. The DOJ also correctly observes (at A4) that Ameritech has been forthcoming about early problems with its processes and has made good faith efforts to implement solutions to these problems. I also agree with the DOJ's statement (at A4) that Ameritech has placed in this and the state 271 checklist compliance records detailed internal test results, carrier-to-carrier testing results, commercial performance statistics (including error rates) and, in most cases, internal retail performance results, all of which allows competitors and regulators to examine and comment on such evidence and compare retail and wholesale performance.

5. The DOJ sets forth its conclusions regarding Ameritech's OSS in five sections corresponding to the five OSS functions, which are preordering, ordering, provisioning, repair and maintenance, and billing. I will respond to the DOJ's comments with respect to each of those OSS functions in turn.

A. Preordering

6. The DOJ (at A4-5) properly credits Ameritech for anticipating and implementing industry standards with respect to the preordering interface. The DOJ also points out (at A5) that there is little or no evidence in the record that would indicate that Ameritech's decision to provide three EDI sub-functions and two file transfer sub-functions is competitively unreasonable. The DOJ also properly notes (at A5) that the EDI preordering interface has undergone significant internal testing and some carrier-to-carrier testing and commercial use. However, the DOJ then concludes (at A8) that the carrier-to-carrier testing and commercial use of the preordering interface is insufficient to demonstrate operational readiness. I disagree with that conclusion.^{1/}

7. As I outlined in my original affidavit in this docket, submitted on May 21, 1997, the CSR sub-function has been in commercial use for several months at substantial volumes by USN, and all of the EDI preordering sub-functions have been tested with MFS. (Rogers Aff., ¶¶ 25-26). The DOJ (at A7-8) acknowledges this evidence, but then discounts the MFS testing based solely on the fact that certain errors occurred during the testing and no "breakout" of the errors was provided. However, as the DOJ recognizes (at A7), detailed information about the

^{1/} The questions raised by the DOJ relating to preordering response time (at A6) are answered by Mr. Mickens at ¶¶ 53-55 of this Joint Reply Affidavit.

cause of all of the errors was not available to Ameritech at the time it filed its application in this docket. We were able to ascertain that MFS's technical personnel generally considered the test to be successful, and that some, if not all, of the errors were due to a "bug" in the software that MFS was using on its side of the interface. (Rogers Aff., ¶ 26). Moreover, as I pointed out in my initial affidavit, the fact that MFS is going ahead and putting the EDI sub-functions into production is a good indication that it considers them to be operational. (Id.)

8. The DOJ simply states (at A8) that "further evidence", particularly with respect to due date and telephone number functions, would provide greater assurance of operability. In contrast to its evaluation filed on June 25, 1997 in this docket, the DOJ previously noted approvingly in its SBC evaluation (at pp. 83-84) that Ameritech had hired outside experts, specifically the Andersen Team and Telesphere Solutions, to test and objectively evaluate its EDI interface and the interface's interaction with internal OSS, thus providing valuable evidence on whether the interface is operational and performing in a nondiscriminatory manner with respect to Ameritech's internal OSS and providing competitors with a meaningful opportunity to compete. The DOJ also noted (at p. 84, n.125) in its SBC evaluation that it was instructive that Ameritech engaged Telesphere Solutions to create a "dummy" CLEC interface to communicate with its EDI interface for purposes of testing. This same evidence, which the DOJ considered highly probative in the context of SBC's application, is now, and with no clear explanation of the reason, disregarded by the DOJ as insufficient. In response to the DOJ's new, heightened standard, we are including supplemental evidence regarding preordering testing, including telephone number reservation and due date negotiation. See Gates/Thomas Reply Aff. ¶¶ 22-23, and Schedule 1.

B. Ordering/Provisioning

1. Ordering and Provisioning of Resale Services

9. As in the case of preordering, the DOJ's analysis of Ameritech's EDI ordering interface begins with certain significant points with which I fully agree. In particular, the DOJ notes (at A9, n.13) that Ameritech is providing the most convincing variety of evidence -- commercial operation -- to support the fact that the EDI interface is functioning properly.^{2/} The DOJ also notes (at A9, n.13) that Ameritech has resolved any question as to the compliance of its EDI interface with industry standards by committing to implement Issue 7.0 of the TCIF customer guidelines within 120 days of their issuance. Nonetheless, the DOJ concludes (at A18) that Ameritech has failed to demonstrate its ability to provision resale services in a nondiscriminatory manner.

10. In reaching this conclusion, the DOJ relies heavily on findings made in early April by the Public Service Commission of Wisconsin ("PSCW") based on data from January and February of 1997. The DOJ gives comparatively little weight to the more recent findings of the Michigan Public Service Commission ("MPSC"), which are based on a record that closed in late May of 1997, and the June 20, 1997 Hearing Examiner's Second Revised Proposed Order ("HEPO") in the Illinois checklist compliance proceedings. Both of these more recent state regulatory findings reach the conclusion that Ameritech's interfaces are fully operational and comply with the checklist. The MPSC's conclusions are qualified with respect to issues involving performance measurements, which are discussed below by Mr. Mickens. Nonetheless,

^{2/} The EDI ordering volumes and results for May and June clearly reinforce the fact that Ameritech's EDI interface is operational. See Gates/Thomas Reply Aff. ¶ 25, Schedule 3.

the MPSC unambiguously concluded based on the extensive evidence before it that Ameritech's interfaces are fully operational and provide CLECs with access to OSS functions.

11. The MPSC found as follows:

- Ameritech currently provides CLECs with access to its OSS functions; all of the interfaces are available to CLECs upon request, and comply with existing industry guidelines. (pp. 14-20, 33).
- Ameritech's commitment to migrate to an EDI format for ordering/provisioning unbundled loops no later than January 1, 1998 is reasonable in light of the FCC's determination that access to OSS functions had to be provided by January 1, 1997 without waiting for national standards to emerge, and the fact that Ameritech developed its ASR specifications prior to the issuance of industry guidelines specifying EDI for loops. (pp. 15-16, 20).

12. The Illinois HEPO's conclusions can be summarized as follows:

- The CLECs mischaracterize every OSS problem as an unmitigated disaster, a prime example being performance issues arising in late April when AT&T suddenly and without notice increased its order volume by 1000%. AT&T's complaints on this score notwithstanding, the record shows that Ameritech can handle reasonable fluctuations in demand. (pp. 50-51).
- Cutting through the posturing of the various parties, the concrete data regarding testing and actual use of Ameritech's OSS interfaces demonstrates that each of the interfaces is available and operational and will allow CLECs to provide service to their customers on a commercial basis. All systems necessary for Ameritech to provide immediate access to OSS are in place; where a particular interface has been ordered or requested it is actually being furnished. Thorough internal testing and, where possible, carrier-to-carrier testing of all interfaces has been performed. (pp. 51-54).
- Carrier-to-carrier testing is not necessary to show that an interface is operational. Otherwise, Ameritech could be held hostage by its competitors if they simply declined to request a particular functionality. Consistent with this approach, Ameritech's internal testing and the review of the Andersen Team indicate that the repair and maintenance interface will function as planned. The actual use of this interface by Ameritech Payphone Services (APPS) is also relevant, regardless of whether the

relationship between Ameritech and APPS is at arm's length; the record shows that APPS uses the interface in exactly the same manner that a CLEC would use it. (pp. 52-54).

- A high percentage of manual intervention is not necessarily an indication that OSS is not operationally ready. Although manual processing is slower, to some extent, than electronic processing, the record does not indicate, as AT&T alleges, that manual processing is unreliable. There is no evidence that manual intervention affects quality, other than the unsubstantiated conclusions made by the parties. Moreover, there is merit to Ameritech's claim that for the time being it is more economical to handle some transactions manually instead of mechanizing them. Also persuasive is the testimony of Mr. Meixner and Ms. Foerster that some manual processing is common in other industries. (p. 52).
- Industry standards will remedy MCI's complaint that there are too many interfaces. In any event, MCI has not shown that the number of interfaces will affect the quality of service that a CLEC receives. The present system is not perfect, but it works. (p. 53).
- The most serious problem identified relative to Ameritech's OSS is double billing. The record shows that Ameritech has recognized this problem and taken steps to prevent it from occurring in the future. (p. 53).
- The requirement that access to OSS be non-discriminatory contemplates reasonable -- not exact -- parity. The record shows that Ameritech's OSS is provided to competitors at a quality level that is within reasonable parity of the quality level that Ameritech provides to itself. Although Ameritech respectfully believes that the order rejection rate itself is not related to operational readiness, the HEPO finds that Ameritech has made significant progress in lowering this rate so that it currently is within reasonable limits. (p. 54).

13. Unfortunately the DOJ appears to significantly discount the Illinois 620 HEPO.

The DOJ selects a very small number of statements made by the Hearing Examiner which, according to the DOJ (at A10, n.14), undermine all the rest of his factual findings. It is unreasonable to suggest that these statements undermine the decisive, comprehensive findings outlined above.

14. In discounting the HEPO, the DOJ relies (at A10, n.16) on the Hearing Examiner's statement that manual intervention prevents Ameritech from providing services at a quality level that is at parity with the quality level at which it provides these services to itself at least for an "interim period between now and the time that industry standard interfaces are available." This sentence comes in the middle of a paragraph that generally concludes that manual intervention is not problematic, does not affect quality, is actually in some cases the most efficient approach to processing orders and is common in other industries. (HEPO, p. 52) In my opinion, this sentence, given its reference to an interim period before industry standards are available, likely refers to the situation with unbundled loop ordering, which will soon migrate from a process utilizing the ASR interface to a process utilizing the EDI interface. The level of manual intervention involved in the ASR process has been criticized. While I disagree with those criticisms, I believe that this is what the Hearing Examiner was referring to in his discussion of a parity issue that will exist during an interim period. Interpreted this way, the sentence is consistent with the HEPO's other conclusions regarding manual intervention, and with a finding of operational readiness. The DOJ gives no indication of how it interprets this sentence and simply seems to use it as a means of calling into question the comprehensive findings of the HEPO.

15. The other quote on which the DOJ relies (at A16, n.26) in disregarding the totality of the HEPO's conclusions is similarly unavailing. This statement appears in the Hearing Examiner's discussion of parity. The Hearing Examiner clearly states that when discussing parity he means reasonable parity and not exact parity. (HEPO, p. 54) He then also states that the record indicates that Ameritech's OSS is provided to competitors at a quality level

that is within reasonable parity to the quality level that it provides to itself. (Id.) However, in the next paragraph he makes the statement that the ICC is committed to seeing "exact parity" in service quality in the very near future. (Id.)

16. The only other ground on which the DOJ discounts the findings in the Illinois HEPO relative to OSS is the Hearing Examiner's statement that Ameritech, as the DOJ paraphrases (at A11, n.17), "appears committed to solving the [double-billing] problem [but] has presented no statistics to support its contention that the problem is resolved." In fact, the Hearing Examiner put this somewhat differently; he stated (at p. 53) that "[a] review of the record indicates that Ameritech has recognized the [double-billing] problem and taken steps to prevent this problem from occurring in the future." (Emphasis added). He also noted that Ameritech had not presented statistics to support this contention, but he obviously did not consider this of controlling significance with respect to his overall conclusion that Ameritech's OSS meets the competitive checklist. In any event, Ameritech has taken a number of steps that have vastly reduced or eliminated the potential for double billing. These results are discussed in detail in the Gates/Thomas Reply Aff., ¶¶ 70-75, Schedule 12.

17. This is illustrative of the problem with the DOJ's approach. Double-billing is not the only problem that has been, or ever will be, identified in connection with Ameritech's OSS. There are always going to be some problems and "bugs" in any major information systems, whether new or existing. The approach taken by the Hearing Examiner in the Illinois proceedings was to look to the totality of the evidence, in particular the facts that Ameritech has put in place all of the necessary interfaces, that these interfaces have been subjected to extensive testing and commercial use, and that where problems have arisen Ameritech has taken the

necessary steps to resolve them. I urge this Commission to take the same approach, rather than one that requires a delay in every instance where an issue is identified, and that gives the CLECs an incentive to magnify the significance of every conceivable issue, as the nature of their submissions in this docket reveals they will.

18. The only other substantive criticism of the EDI ordering interface that the DOJ offers has to do with an order backlog and related performance problems that arose as a result of an extreme "spike" in AT&T orders at the end of April 1997. This issue was also addressed by the Illinois Hearing Examiner (at pp. 50-51), who identified this, out of all of the complaints leveled against Ameritech's OSS, as the "prime example" of the CLECs' attempt to mischaracterize every problem as an "unmitigated disaster." As the Hearing Examiner found (at p. 51), it is unreasonable to expect that a sudden 1000% increase in orders will not cause problems. He observed (at p. 51) that Ameritech must be able to handle reasonable fluctuations in demand, which the record indicates Ameritech can do. I would add to this that the most recent data shows that Ameritech has handled order volumes greatly in excess of those occurring during April, while improving its order processing performance. These performance results are discussed in detail by Messrs. Gates and Thomas in their joint reply affidavit. Ameritech's performance with respect to due dates, manual capacity and processing of FOC's is further discussed by Mr. Mickens below, at ¶¶ 56-64.

19. In sum, as with the preordering interface, the DOJ has chosen to focus on a limited number of discrete issues raised by the CLECs in opposition to Ameritech's application. The DOJ overlooks the overwhelming evidence of testing and commercial use of the EDI ordering interface, which demonstrates that the interface is fully operational and providing a

level of service that has enabled CLECs to enter the market and effectively compete. As I stated above, if such overwhelming evidence is to be disregarded every time a "bug" or "problem" arises, Ameritech will be precluded indefinitely from meeting the checklist. The MPSC and the Illinois Hearing Examiner rejected that approach and this Commission should do so as well.

2. Ordering of Unbundled Network Elements

20. Taking into account the more than 39,000 unbundled loops provisioned in Michigan and Illinois since 1995, 10,000 of which were processed in 1997, including 8,000 over the ASR electronic interface, the DOJ concludes (at A19) that Ameritech's performance with respect to unbundled loops is satisfactory.^{3/} The DOJ identifies (at A19) one exception involving due dates, which is discussed below by Mr. Mickens. The DOJ also notes (at A20) that Ameritech has committed to implement loop ordering via the EDI interface within 120 days, assuming the cooperation from other carriers that is always necessary in establishing an interface. The DOJ states (at A20-21) that it will monitor this migration process over the coming months. I would note that the process is going smoothly. A meeting of the Ameritech EDI Service Ordering User Group was held on June 23, 1997, with AT&T, MCI, Sprint, and WorldCom participating, at which an implementation schedule was set. At this time, Ameritech does not anticipate encountering any problems that would prevent it from fulfilling its commitment to implement Issue 7.0 within 120 days. Given that the DOJ does not raise any

^{3/} To clarify, the vast majority of the more than 39,000 unbundled loops provisioned since 1995, have been processed over the ASR interface, rather than only 8,000.

other issues with respect to the ASR interface, I conclude that the DOJ views this portion of Ameritech's OSS offering as compliant with the 271 checklist.^{4/}

C. Repair and Maintenance

21. I have several objections to the DOJ's analysis of Ameritech's repair and maintenance interface. First, the DOJ incorrectly states (at A21) that Ameritech provides two electronic interfaces for performing repair and maintenance transactions. In fact, Ameritech provides just one interface -- the industry standard T1M1 interface, which has been used in connection with access services for two years. However, in response to concerns expressed by smaller carriers about the expense associated with implementing T1M1, Ameritech has developed and has now installed on CCT's premises a graphical user interface (GUI), which is not a separate interface, but merely a tool which facilitates use of the repair and maintenance interface, as I explained in my initial affidavit. The GUI is less expensive, but it does have some reduced capabilities in terms of its ability to be integrated with the CLECs' other systems. In effect, by providing this tool Ameritech is building both sides of the interface, which I believe goes substantially beyond the requirements that this Commission envisioned with respect to OSS as outlined in the First Report and Order and the Second Order on Reconsideration. In my opinion, Ameritech was in compliance with respect to repair and maintenance simply by providing the T1M1 interface and has gone above and beyond its obligations by providing the GUI. In any event, both the T1M1 interface and the GUI are fully operational and available to CLECs.

^{4/} The DOJ also mentions (at A21) unbundled switching and combinations of network elements. The ordering and provisioning processes for these items are discussed in Mr. Kocher's reply affidavit.

22. Second, the DOJ incorrectly states (at A21-22) that MCI partially refutes the evidence that it reported POTS troubles across the T1M1 interface. MCI does point out that it did not use all the functionalities of the interface, but I never claimed otherwise. The point I made in my original affidavit was that the T1M1 interface is adaptable to the local service context. MCI's use of the interface was direct evidence of adaptability, which, outside of the litigation context, is generally accepted as a noncontroversial fact. Indeed, this Commission, in concluding that nondiscriminatory access to OSS is technically feasible, provided the example that trouble interfaces used in the access service context could be adapted for use between local service providers. (First Report and Order ¶ 520).

23. Finally, although the DOJ notes (at A22) that Ameritech presented robust capacity figures for its T1M1 interface, that CCT has tested the GUI, and that Ameritech's payphone subsidiary has processed thousands of trouble reports through the interface in the same manner that a CLEC would, the DOJ goes on to conclude that there is insufficient evidence of internal testing, carrier-to-carrier testing and commercial use of these "interfaces." Frankly, I cannot square the DOJ's conclusion with the evidence it recognizes. I think the proper conclusion here is the one that was reached by the Illinois Hearing Examiner (at p. 53), which is that Ameritech's internal testing, the Andersen Team's review and the actual use by Ameritech's payphone affiliate all demonstrate that this interface functions as planned. In any event, in response to the DOJ's concern, additional testing and use of GUI is discussed in Gates/Thomas Reply Aff., ¶¶ 64-68, and Schedule 11.

D. Billing

24. With respect to billing, the DOJ notes (at A23) that Ameritech is providing industry standard format usage files in a timely manner, but has experienced some difficulties in providing wholesale bills in a timely manner. I note that the timeliness of wholesale bills has improved dramatically, as described by Mr. Mickens in his individual reply affidavit. (Mickens Reply Aff. ¶ 84 & Schedule 7). The only other issue the DOJ points to (at A23-24) with respect to Ameritech's billing systems is the potential for double billing. The DOJ concludes (at A24) that it is too soon to tell whether the fixes implemented by Ameritech have eliminated this problem. As I discuss in my individual reply affidavit, the evidence indicates that this problem has been eradicated. More fundamentally, I do not believe that this is an appropriate ground on which to find that Ameritech is not in compliance with the checklist relative to OSS. See also Gates/Thomas Reply Aff. ¶¶ 70-75, and Schedule 12.

III. Performance Measurements

25. The DOJ suggests (at 40) that, while Ameritech's performance measurements are generally adequate, they do contain certain "gaps" — "namely, (1) a lack of sufficient clarity in certain of the definitions presented, and (2) a failure to measure and report actual installation intervals for resale, installation intervals for unbundled loops, comparative performance information for unbundled loops, and repeat reports for the maintenance and repair of unbundled elements." These concerns are detailed in the DOJ's Appendix A in the section entitled "Missing Performance Measures." I address these asserted shortcomings in turn. I should first note, however, I have appended as Schedule 1 to this affidavit four charts — one for interconnection, one for unbundled elements, one for resale, and one for OSS — that detail the

consistency of Ameritech's measurements with the DOJ's stated views regarding performance measurements.

A. The Definitions in Ameritech's Performance Reports

26. The DOJ develops its position that some of the definitions in Ameritech's performance measurements need clarification in Appendix A (A29-31). Specifically, the DOJ suggests that, while Ameritech has worked with requesting carriers to refine and clarify certain definitions, others — namely, those that pertain to loop provisioning and due date performance — need clarification.

27. Before addressing these two items specifically, I would note that Ameritech's reporting definitions — like its performance measurements generally — are based on Ameritech's actual experience and are intended to permit a meaningful comparison of Ameritech's performance for its retail customers with its performance for requesting carriers. This is true not only for the terms defined in Ameritech's performance reports, but for procedures that are not delineated in those reports — such as how Ameritech calculates outage and installation times and how it assigns due dates. Indeed, Ameritech has provided the information requested by the DOJ, just not in the glossaries of its monthly performance reports. See Gates/Thomas Reply Aff. ¶¶ 52-54, Schedule 8.

28. With respect to "due dates," for example, Ameritech's practice of counting orders received after 3:00 p.m. as being received at the start of the next business day corresponds to Ameritech's internal standard provisioning cutoff time of 3:00 p.m. for retail customers, and the same is true of Ameritech's practice of excluding weekends and holidays from its due date calculations. Measuring wholesale performance against the same baseline simply ensures parity

between Ameritech's wholesale and retail performance. Indeed, Ameritech has provided the information requested by the DOJ. It has not been Ameritech's practice to include detailed explanations of these items in the glossaries of its reports, but since the DOJ has raised this as an issue, the Company will incorporate such explanations into its reports in the coming weeks and months.

29. Regarding the DOJ's position that Ameritech's definition of "Service Due Dates" — "The agreed-upon date when service order is due" — does not explain when Ameritech assigns due dates other than those requested, I would note that Ameritech reassigns due dates in very limited circumstances, as discussed in my individual reply affidavit (¶¶ 62-67). While Ameritech has been forthright and thorough in explaining the basis for its position on these issues to CLECs, Ameritech is nonetheless committed to clarifying its definitions to reflect the various factors that render due dates valid. These clarifications, together with those discussed in the previous paragraph, should address the DOJ's concerns (at A30) with respect to the manner in which Ameritech defines its ordering and provisioning measurements.

30. In response to the DOJ's position (at A30-31) that Ameritech's due dates reports are inadequate because they exclude orders that are pending past the due date, I would first note that Ameritech does not provide such information for its retail operations, either. Thus, requesting carriers are receiving parity of treatment in this regard. Second, each order is reported when it is completed. Thus, CLECs can monitor those results and obtain similar information. In addition, however, while Ameritech does not report pending order information on a monthly basis, the Company is willing to provide it as a special analysis upon request,