

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

In the Matter of)	
)	
Application of SBC Communications, Inc.)	CC Docket No. 00-04
Pursuant to Section 271 of the)	
Telecommunications Act of 1996)	
To Provide In-Region, InterLATA Services)	
In Texas)	

AFFIDAVIT OF GEORGE WONG

1. My name is George Wong. My business address is 12975 Worldgate Drive, Herndon, Virginia 20170.
2. I am employed as Senior Manager – Strategic Planning by e.spire Communications, Inc. (“e.spire”).
3. e.spire is a facilities based ICP, providing small and medium-sized businesses with a full range of voice services, such as dedicated access, local, and long distance, with advanced data services, such as frame relay, asynchronous transfer mode (“ATM”), and Internet services. e.spire is beginning to roll out digital subscriber line (“DSL”) services throughout its service territory. The Company currently offers voice services in 38 U.S. markets where it has state-of-the-art local fiber optic networks and offers data services in 48 U.S. markets where it provides access to 387 data points-of-presence (“POPs”). e.spire has operational Lucent 5ESS switches in Dallas, El Paso, San Antonio, Austin, and Fort Worth.

4. e.spire offers facilities-based services to small and medium size business customers within Texas. e.spire views its market as primarily customers with approximately 2 to 50 lines. e.spire also offers local services to residential customers in Texas, using total service resale and UNEs.

**OVERVIEW AND
PURPOSE OF THE AFFIDAVIT**

5. In this affidavit, I will address e.spire's difficulties in obtaining local interconnection trunks from Southwestern Bell Telephone ("SWBT") on a timely basis. In addition, I will address SWBT's inability to provision unbundled local loops in a reliable manner using SWBT's "frame due time" cutover process.
6. I will explain how the difficulties faced by e.spire in the interconnection trunk planning and provisioning process have led to unreasonable delays in the trunk provisioning process, and accordingly, impeded e.spire's ability to compete with SWBT. It will also explain how SWBT's discrimination against e.spire is preventing us from offering the same level of service that SWBT offers to its own local customers.

**SWBT UNREASONABLY DELAYS THE
PROVISIONING OF LOCAL INTERCONNECTION TRUNKS**

7. e.spire currently provides local service in Austin, El Paso, San Antonio, Dallas, and Fort Worth. I have e.spire's experience that SWBT has consistently delayed provisioning to e.spire the local interconnection trunks we need, despite e.spire's full compliance with our interconnection agreement with SWBT and SWBT's ordering procedures.

8. e.spire's experience with SWBT in ordering trunks in the Dallas/Fort Worth area typifies the delays imposed upon e.spire and which are hindering our ability to serve our customers. Following e.spire's submission of its year-end 1999 trunking requirements to SWBT on September 10, 1999, a planning meeting was scheduled for September 17, 1999 at which time SWBT was to have provided e.spire with a written feasibility study, including delivery schedules, quantities of trunks, ASR dates, and issues associated with the forecasts and dates for those issues to be resolved. e.spire received no such document at the September 17 meeting. Instead, SWBT indicated that it wished to discuss e.spire's requirements for trunks in Dallas/Fort Worth and how it planned to alleviate the congestion problem that existed there.
9. On October 1, 1999, e.spire received a traffic study report from SWBT for Dallas/Fort Worth. In response to SWBT's traffic study, e.spire revised its trunk forecast, and provided SWBT with a revised forecast on October 21, 1999. However, despite having sent the forecast once, e.spire was asked to re-send the Dallas/Fort Worth forecast on November 4, 1999.
10. On November 8, 1999 e.spire received from SWBT an ASR and trunk delivery schedule for Dallas providing for delivery dates ranging from December 4 to December 20, 1999. SWBT stated that it could not expedite or improve the delivery schedule due resource limitations occurring because of the holidays.

11. Fundamentally, it is not SWBT's role to second-guess e.spire's trunking requirements. While it is certainly to SWBT's benefit to control the speed with which competitors' turn up new customers, it is completely inappropriate for SWBT to unilaterally limit e.spire's ability to sign up new customers, and expand capacity for existing customers. As long as SWBT continues to play this role, local competition will not exist in Texas. e.spire has amply demonstrated in Texas and elsewhere that when it forecasts requirements for interconnection trunking, the trunking will soon be filled to capacity.
12. In addition to second-guessing e.spire's requirements, SWBT has not been cooperative in assisting e.spire to work through capacity problems in Dallas/Ft. Worth and elsewhere in Texas. SWBT has not been willing to provide e.spire with regular, comprehensive trunking reports that would assist e.spire in planning its capacity requirements. When e.spire has had blockage on its tandem trunks originating from SWBT, e.spire has requested trunking reports from SWBT to determine from which end offices the capacity overload originates. This would permit SWBT to alleviate the blockage through direct end office trunking from those end offices. SWBT has, with one exception, refused to provide such reports. More importantly, SWBT has refused to take a proactive role in managing the traffic coming off of its network to e.spire, letting tandem trunks become blocked and, even then, only taking initiative upon repeated requests from e.spire.

13. Most of our critical loading/high utilization trunks are the reciprocal/incoming trunks with traffic originating from SWBT and terminating at our switch. We do not see an active role from SWBT in forecasting their reciprocal trunks and sending us ASR requests for additional capacity augments. SWBT is imposing a new limitation to e.spire and that our tandem trunks can not be larger than one (1) DS-3 (or 672 DS-0 members). Any additional tandem trunk requirements are forced to be equally distributed across the Direct End-office Trunks (DEOTs). We should be getting recommendations from SWBT regarding what additional end-offices we should be adding as we do not have visibility into SWBT's network and originating traffic patterns

SWBT LIMITS E.SPIRE'S ABILITY TO AUGMENT TRUNK REQUIREMENTS

14. Besides unreasonably delaying the provisioning of trunks, SWBT imposes unreasonable and discriminatory conditions on e.spire's ability to augment existing trunk groups. Even in instances where e.spire has demonstrated that it is experiencing blockage and an inability to serve new customers, e.spire is given only a fraction of the capacity that it has requested.
15. Further, SWBT restricts e.spire's ability to revise its trunk forecasts once the forecast is provided. Without the ability to update our trunk requirements based upon changes in customer needs and increased sales, e.spire's ability to effectively compete in the Texas market is greatly inhibited.
16. This concludes my affidavit.

Executed this ____ day of January, 2000

George Wong

SWORN TO and subscribed before
me this ____ day of January, 2000

Notary Public

My Commission expires: _____