

CONCLUSION

For the foregoing reasons, the Commission should reject SBC's application for authority under Section 271 until such time as SBC demonstrates that it has met its public interest and checklist obligations to all competitive carriers, including data CLECs using DSL technologies to provide advanced services.

Respectfully Submitted

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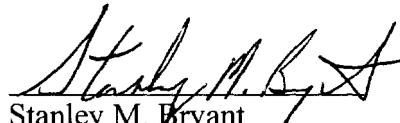


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Dated: January 31, 2000

CERTIFICATE OF SERVICE

I, Stanley M. Bryant, do hereby certify that on this 31st day of January, 2000, I have served a copy of the foregoing document via * messenger, and U.S. Mail, post pre-paid to the following:


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**BEFORE THE FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)
)
Application by SBC Communications, Inc.,)
Southwestern Bell Telephone Company,) CC Docket No. 00-4
And Southwestern Bell Communications)
Services, Inc. d/b/a Southwestern Bell Long)
Distance for Provision of In-Region)
InterLATA Services in Texas)

**AFFIDAVIT OF ANN M. LOPEZ AND FRED BAROS
IN SUPPORT OF COMMENTS FILED BY RHYTHMS LINKS INC.**

I, Ann M. Lopez, being of lawful age declare as follows:

I, Fred Baros, being of lawful age declare as follows:

1. My name is Ann M. Lopez. I am a program manager for Rhythms Links Inc. (“Rhythms”). My business address is 2680 Bishop Drive, Suite 124, San Ramon, California 94583. I have responsibility for the operational aspects of providing Rhythms’ DSL service offerings in the area served by Southwestern Bell Telephone Company (“SWBT”), including Texas, and Pacific Bell. I took my position at Rhythms in 1999. Prior to that time, I was employed by Pacific Bell for 24 years, where I worked in a number of areas, including operator services, construction, outside plant engineering, and as a Product Manager and Account Manager for the local provider account team. In addition, I was the manager of several teams implementing the local competition provisions in the Telecommunications Act of 1996, including rights of way, collocation and unbundling requirements.
2. My name is Fred Baros. I am a program manager for Rhythms Links, Inc. (“Rhythms”). My business address is 6933 So. Revere Parkway, Englewood, CO

80112. I earned a Bachelor of Science Degree in Business Administration with a minor in Computer Science, from Regis University, in Denver Colorado, in 1989. I have been employed with Rhythms since January 1999. Prior to this employment I worked at MCIWorldcom for one and a half years as a senior specialist of OSS integration. My tenure in the telecommunications industry includes over twenty years with a Regional Bell Operating Company (RBOC) in various capacities including management and technical disciplines. I am experienced in management of Information Technologies, Legal and Public Policy, Contract Negotiation, Program Management, and Capital & Expense Budget Management. I currently have responsibility for coordinating, managing, and developing electronic OSS interfaces for pre-order, ordering/provisioning, maintenance, and billing between Rhythms and ILECs nationally. In 1997 I received formal SWBT training or practical experience on the following SWBT OSS systems:

- Verigate – Proprietary Pre-order application which is accessible through dial-up or through dedicated circuits
- Toolbar – Graphical User Interface (GUI) for CLEC access to numerous OSS applications
- Consumer Easy Access Sales Environment (CEASE) – Proprietary Pre-order/Ordering system for Residential customers
- Business Easy Access Sales Environment (BEASE) – Proprietary Pre-order/Ordering system for Business customers
- LEX – Proprietary ordering system for processing UNE orders
- Order Status – Proprietary application for viewing status of orders
- EDI Gateway – Electronic Data Interchange ordering system I have

I. Introduction

3. The purpose of this affidavit is to discuss some of the problems that Rhythms has encountered in providing digital subscriber line (“xDSL”) services in Texas related to SWBT’s OSS interfaces and unbundled loop provisioning systems for pre-ordering, ordering, and provisioning unbundled loops to competitive local exchange carriers (“CLECs”). In particular, the affidavit focuses on the OSS interfaces and manual processes that CLECs are actually using in Texas to provision xDSL services and attempt to clear up some of the misconceptions that may have been created by SWBT’s application.
4. Rhythms is a CLEC that provides high speed data communications, including high speed Internet access, through the deployment of DSL services, which are provisioned predominantly over the existing copper loop network of the incumbent local exchange carriers (“ILECs”), including SWBT. Rhythms currently provides DSL services in 38 markets, covering 69 MSAs. Rhythms depends upon SWBT for the provision of unbundled DSL capable loops, interconnection and collocation of network facilities, and transport necessary to provide Rhythms’ high-speed data telecommunications to Texas businesses and consumers.
5. Rhythms sought to enter the telecommunications services market in Texas over 20 months ago, but only recently was able to do so. In June 1998, Rhythms submitted a request to negotiate an interconnection agreement with SWBT in Texas. Rhythms filed an application to obtain a Service Provider Certificate of Authority (“SPCOA”) on July 20, 1998. Throughout the country, Rhythms has placed a premium on getting to market as quickly as possible, and therefore has tried to avoid the delay, as well as

the expense, of arbitration. In every other state in which it operates, Rhythms was able to negotiate an interconnection agreement that enabled Rhythms to begin providing service. Unfortunately, in Texas, Rhythms was not able to obtain a satisfactory interconnection agreement through negotiation. As a result, on December 11, 1999, Rhythms requested arbitration by the Public Utility Commission of Texas ("Texas PUC"). This arbitration was subsequently consolidated with an arbitration between SWBT and Covad Communications Company. On November 30, 1999, the arbitrators issued an arbitration award that found in favor of Rhythms and Covad on nearly every issue in dispute.

6. Through most of the arbitration, Rhythms was unable to provide service in Texas, because SWBT delayed Rhythms' collocation in SWBT's central offices. Initially, SWBT was unwilling to accept any collocation orders until Rhythms had an interconnection agreement formally approved by the Texas PUC. However, on April 26, 1999, the Texas Commission ordered SWBT to enter into an interim interconnection agreement with Rhythms. SWBT appealed the Texas Commission's order, but ultimately entered into an interim agreement on June 2, 1999. In August 1999, Rhythms ordered its first unbundled loops from SWBT in Texas. As of January 1, 2000, Rhythms was providing DSL services over approximately BEGIN CONFIDENTIAL*** ***END CONFIDENTIAL unbundled loops in Texas. Rhythms currently has BEGIN CONFIDENTIAL*** ***END CONFIDENTIAL pending loop orders. These numbers do not reflect the numerous orders that have been cancelled by end user customers because of delays in provisioning xDSL services caused by repeated order rejections by SWBT. These

order rejections were primarily attributable to SWBT's internal processes. Thus, SWBT's suggestion that CLECs did not request DSL-capable loops in any significant quantity until September 1999 is especially misleading since it was SWBT's own anticompetitive actions that stymied CLECs in their efforts to enter the xDSL market in Texas.

7. Rhythms provides DSL services to both business and residential customers in Texas. These services are offered in competition with ADSL, the single DSL service provided by SWBT. As a result, Rhythms is at a competitive disadvantage if it is unable to get access to the same OSS systems, loop makeup data, and unbundled xDSL-capable loops as SWBT's internal personnel. As I explain below, the OSS interfaces and manual processes currently in place in Texas do not support Rhythms' needs or meet SWBT's parity obligations.
8. SWBT's DSL offering generally is limited to asynchronous digital service line ("ADSL") service, which SWBT provides only where the customer is located within approximately 17,000 feet of the central office. In contrast, Rhythms offers additional "flavors" of xDSL that can be used to provide service to customers further from the central office and therefore offers xDSL services to many customers that are unable to obtain ADSL service from SWBT.

II. OSS Interfaces and Manual Processes for Ordering DSL-Capable Loops

9. In its application and supporting affidavits, SWBT focuses on the performance of and testing done on its DataGate and Electronic Data Interchange ("EDI") interfaces. In order to use DataGate or EDI, a carrier must develop comparable software applications on its side – an endeavor that is time consuming and expensive. Only the

largest CLECs currently use EDI because of these implementation burdens. Rhythms is working on developing an EDI system for ordering xDSL capable loops, but it is not yet operational. SBC currently offers two GUIs for use by CLECs – Verigate for pre-ordering and LEX for ordering. Rhythms uses Verigate for certain pre-order functions and is developing an EDI ordering application that is scheduled to be operational later this year. When complete it is intended to be used to replace manual processes used today. Rhythms is also planning a comparable EDI pre-ordering interface, but it will not be available for some time, to replace usage of Verigate. If SBC elects to discontinue support and enhancement of its GUI interfaces this action will pre-empt CLECs from competing with SBC. This is true because most CLECs do not possess the resources to develop EDI alternatives and those (including Rhythms) that are in the process of this development simply do not have it complete. As a component of the merger conditions SBC must be required to support and enhance its GUI interfaces.

10. On January 19, 2000 SBC held a collaborative meeting with CLECs to discuss its Plan of Record (“POR”), which outlines enhancements SBC is willing to make to DataGate and EDI, as required by the FCC’s SBC/Ameritech merger conditions order. Those enhancements would provide CLECs with the ability to do pre-ordering and ordering on a mechanized basis through DataGate and EDI. At the meeting, CLECs, including Rhythms, requested SBC to make a firm commitment that it would not discontinue support for either Verigate or LEX, and that SBC would enhance Verigate and LEX in the same manner as DataGate and EDI. SBC representatives made no firm promises that it would do either, and declined to discuss the issue in

depth, stating that the topic was outside the scope of the POR. However, the POR was supposed to cover pre-ordering and ordering of xDSL and other advanced services, so SBC's support for GUIs necessary to carry out such activities should have been included in the scope of the POR. SBC announced at the POR meeting that it intends to issue a total of 13 PORs, each covering a different topic. However, SBC was unable to provide a list of the PORs, dates for their release, or their content. Without this information, it is almost impossible for CLECs to ensure that all of their needs will be addressed because SBC gives CLECs a limited period in which to file comments on each POR.

11. SBC's 271 application relies on the performance of SWBT's OSS interfaces in processing all types of requests for unbundled network elements as a whole, rather than focusing on SWBT's performance with regard to xDSL-capable loops. As a result, the application glosses over issues and problems faced particularly by xDSL providers in Texas. Rhythms currently submits most of its orders for DSL-capable loops in Texas via facsimile. Rhythms has also used SWBT's Local Service Request Exchange ("LEX") interface for placing orders, but has found that LEX currently offers few advantages over SWBT's manual processes. While local service requests ("LSRs") are submitted electronically in LEX, LSRs for DSL-capable loops immediately fall out for manual processing by the same organization at SWBT that handles orders sent by facsimile. Thus, contrary to SWBT's representation that "the vast majority of CLEC orders entered via electronic OSS interfaces 'flow through' SWBT's systems without manual intervention, on a nondiscriminatory basis,"¹ all of the orders submitted by Rhythms via SWBT's electronic interfaces have required

manual intervention.² In my experience, orders submitted via LEX are not processed appreciably faster than orders submitted by facsimile.

12. Rhythms began using LEX soon after it became available for ordering DSL-capable loops in late fall of 1999. Rhythms immediately encountered difficulties in using the interface, however, because of the lack of established protocols for ordering DSL-capable loops. In several cases, even the customer service representatives at SWBT were unable to keep up with the constantly evolving codes that are necessary to order DSL-capable loops. This confusion was compounded by the lack of adequate training and documentation. Rhythms sent its employees to the SWBT “train the trainer” classes and workshops. Rhythms personnel found that training for DSL loops was not covered adequately in these classes. SWBT first offered a pilot class on the ordering of DSL-capable loops on January 13, 2000. This pilot class addressed ordering of loops on a manual basis but not via LEX. In addition, the Local Service Order Requirements (“LSOR”) fails to provide all of the necessary information for ordering such loops. Thus, after training was completed, Rhythms found that its trainers were still having many problems ordering xDSL loops via LEX. As a result, Rhythms was forced to order loops through trial and error and based on information received incrementally in repeated meetings with SWBT personnel. Not surprisingly, errors in the ordering process, whether manual or via LEX, are very common. To date, approximately 80 percent of the order submitted by Rhythms for DSL-capable loops have been rejected by SWBT. In many cases Rhythms found that an order that

¹ SBC Application at 88.

² In the Chapman Affidavit, SWBT suggests that “flow through” does not indicate that the order is processed entirely with mechanical systems, but rather that it is processed without any further CLEC involvement. Chapman Affidavit at 25 n.16.

was accepted by one SWBT service representative was identical to an order that was rejected by another service representative. In most cases the issue had to be escalated to have the orders processed with some consistency.

13. As I noted, when Rhythms submits an order for a DSL-capable loop via LEX, the order immediately falls out for manual processing. The order then proceeds through a series of systems for editing. If the order successfully travels through each of these systems, a Firm Order Confirmation (“FOC”) is posted in the toolbar on LEX. However, the order can be rejected at any point in this process, for a variety of reasons and at varied intervals.
14. SBC asserts that mechanized rejection notifications are provided to CLECs via LEX within one hour 100 percent of the time.³ However, Rhythms’ experience using LEX differs markedly from SBC’s asserted perfect record. On average, Rhythms has received rejection notifications for orders submitted manually (i.e., by facsimile) in approximately two days, and rejection notifications for orders submitted via LEX is generally five to seven days. Only in a limited -- if LEX finds a data entry error (e.g., wrong number of characters in a particular field) – does LEX provide an immediate instantaneous rejection notification in the toolbar. Any rejection that occurs after this initial point in the ordering process is not instantaneous and may or may not be mechanized. For example, rejection notifications in the manual processing phase sometimes are received within a few hours and sometimes several days after the order is submitted. Because these notifications are so unreliable, Rhythms has instituted a standing internal policy of contacting SWBT’s Local Service Center (“LSC”) by telephone three days after submitting an order Rhythms has not yet received a

rejection notification or FOC from SWBT. Absent this policy, SWBT's rejection notifications would likely be much longer.

15. The means that SWBT uses to provide rejection notifications also varies. When Rhythms submits an order via facsimile, the rejection notification is sent to Rhythms by facsimile. If Rhythms submits an order via LEX, the rejection notification is supposed to be posted in the LEX toolbar, but this does not always occur. In particular, if an error is discovered in manual processing, SWBT frequently sends the rejection notification via facsimile. While notification by facsimile violates the protocol established by SWBT for LEX orders, it at least has the advantage of providing active notification. In contrast, a LEX user must constantly log into the LEX system to determine whether a particular order has been accepted or rejected. Nevertheless, notification by facsimile has its own problems. Before Rhythms adopted one centralized telephone number for facsimile notifications, SWBT repeatedly sent rejection notifications to the wrong telephone number. In addition, on a number of occasions Rhythms received errant rejection notifications or FOCs that were intended for other CLECs and has even received rejection notifications after first receiving a FOC for the order.
16. When Rhythms receives a rejection notification, it must correct the error and supplement the order. Obviously, such rejections delay the provision of service to Rhythms' customers. This delay is compounded by the fact that SWBT frequently rejects the same order more than once, because the order is not completely reviewed and SWBT will identify additional errors that were not previously identified, each time requiring Rhythms to supplement the order delaying the end user's installation

³ SBC Application at 89.

date. It is not uncommon for Rhythms to have to supplement an order three or four times before it is successfully processed.

17. In addition to data entry errors, SWBT has also rejected Rhythms loop orders because they do not meet the technical parameters for which SWBT screens loops in order to provision ADSL. For instance, SWBT will reject an order for an ADSL-capable loop if the loop falls outside the maximum loop length SWBT has set for ADSL.

Specifically, if the requested loop is longer than 17,500 feet, SWBT will reject the order and Rhythms must supplement the order as a request for an ADSL loop, or unqualified ADSL loop. Similarly, SWBT will reject an order for an SDSL-capable loop if the loop is greater than 7,000 feet, which is significantly shorter than the maximum length loop on which Rhythms provides SDSL services. Again, Rhythms must supplement the order for an unqualified loop. SWBT will also reject an order if it believes that line conditioning is required to provision DSL services on the loop. Rhythms must then supplement the order and specify that the conditioning be completed. Until recently, such orders would be cancelled, and Rhythms would be required to submit a new order. To date, approximately 10 percent of Rhythms' orders in Texas have been rejected by SWBT because they did not meet SWBT's loop parameters.

18. If an order successfully travels through the SORD system, Rhythms receives a FOC. For orders submitted for ADSL loops through, LEX, the FOC is posted on the LEX toolbar. In its section 271 application, SWBT claims that its EDI and LEX interfaces process and return FOCs on a real-time basis.⁴ That has not been Rhythms'

⁴ SWBT Application at 88.

experience. While SWBT has returned FOCs to Rhythms as quickly as the next day for an IDSL loop, which does not go through the pre-qualification process, it takes much longer for ADSL loop orders. In numerous cases, Rhythms has submitted complete and accurate LSRs, but has not received a FOC for several days. Moreover, as acknowledged by SWBT,⁵ it measures the performance of its interfaces only for those orders that it deems to be fully complete and accurate. If SWBT rejects an order, it restarts the clock for the intervals for providing a FOC and the loop itself, no matter the cause of the rejection. As a result, SWBT's performance statistics dramatically understate the interval between the first submission of an order and the return of a FOC and the provisioning of the requested loop, which is critical to a CLEC's ability to compete.

19. Rhythms has asked SWBT for direct access to databases such as LFACS, LEAD and TIRKS through a mediated gateway. SWBT has not agreed to give Rhythms such access to those databases. There is no indication in SWBT's planned enhancements for its EDI interface addressing how or when, CLECs could have direct access (in conjunction with EDI) to the pre-order data sources in SWBT's backend systems. The technical design of EDI (as specified by ATIS) is a vehicle for exchanging information between companies, and is not currently structured to be used as a gateway for accessing Legacy systems. Therefore, SWBT should provide the type of direct electronic access to the legacy systems used by its own retail employees. SWBT's personnel have direct access to numerous databases, such as LFACS, that allow them quickly to determine whether xDSL can be provided over a particular

⁵ *Id.*

loop. If it cannot, the representative is able to determine whether there is another loop available (a spare or a line eligible for a line and station transfer) that can be switched out to avoid the need for and cost of loop conditioning. In addition, SWBT's internal personnel have access to records indicating the number of lines currently serving a particular home. Use of multiple lines is a good indicator that a customer may be a candidate for xDSL service.

III. Access to Loops Used for Advanced Services

20. In the application, SWBT claims that its installation intervals for CLECs are "generally comparable" to installation for its own retail DSL customers. SWBT's performance measures do not allow Rhythms to verify this claim. In any case, SWBT provides CLECs little ability to accommodate its customers' requests for installation by a particular due date. Currently, Rhythms cannot request a customer due date sooner than 10 days after the order is submitted. Until recently, the minimum due date was 12 days. However, it has taken SWBT as long as 69 days to provision a loop to Rhythms that was provided over a DISC*S unit.
21. SWBT also claims in the application that it imposes no limits on a CLECs' DSL offerings.⁶ Again, this has not been Rhythms' experience in Texas. As noted above, if a loop requested for ADSL does not fall within the parameters of ADSL, as specified by SWBT, the order will be rejected and must be supplemented by the CLEC. In the past, SWBT has based such rejections on unfounded spectrum management concerns. As recently as last month, Rhythms received rejection notifications based on such concerns, despite prohibitions from this Commission and the Texas Commission on this point. Rhythms has also had difficulty providing IDSL

services on SWBT loops with digital loop carrier (“DLC”) equipment that employs DISC*S equipment. Rhythms has orders pending for loops on the DISC*S system, but SWBT Local Operations Center (LOC) representatives have refused to work on these orders. Rhythms has been told by SWBT representatives that they cannot discuss the DISC*S issues.

22. In the Chapman affidavit, SWBT suggests that it has agreed to offer cooperative testing on a per-loop basis to any interested CLEC. Until very recently, SWBT has refused Rhythms’ repeated requests to engage in such testing, because such testing was not in our interim interconnection agreement. SWBT also claimed that it had already tested the loops, though they refused to provide the parameters used for such testing. Moreover, on a number of occasions, Rhythms has discovered a problem with a loop after it has been turned over by SWBT, which then requires the submission of a trouble ticket. Since the promises to engage in acceptance testing were made shortly before SWBT filed its application, it is difficult to judge SWBT’s compliance.

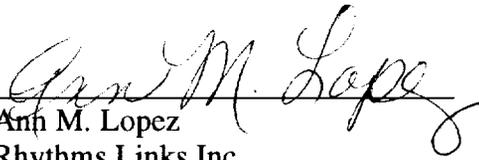
IV. Conclusion

23. The OSS interfaces and other ordering processes offered by SWBT in Texas do not provide competing DSL providers a meaningful opportunity to compete.
24. This concludes the affidavit.

⁶ Chapman Affidavit at 4.

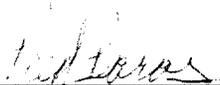
AFFIDAVIT OF ANN M. LOPEZ

I, Ann M. Lopez, being of lawful age, declare under penalty of perjury that I am authorized to provide the foregoing statement of behalf of Rhythms Links Inc.; that I have read the foregoing statement and the information contained in the foregoing is true and correct to the best of my knowledge and belief.


Ann M. Lopez
Rhythms Links Inc.
Program Manager

AFFIDAVIT OF FRED BAROS

I, Fred Baros, being of lawful age, declare under penalty of perjury that I am authorized to provide the foregoing statement of behalf of Rhythms Links Inc.; that I have read the foregoing statement and the information contained in the foregoing is true and correct to the best of my knowledge and belief.



Fred Baros
Rhythms Links Inc.
Program Manager

PETITION OF ACCELERATED CONNECTIONS, INC., D/B/A ACI CORP. FOR ARBITRATION TO ESTABLISH AN INTERCONNECTION AGREEMENT WITH SOUTHWESTERN BELL TELEPHONE COMPANY

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PETITION OF DIECA COMMUNICATIONS, INC., d/b/a COVAD COMMUNICATIONS COMPANY FOR ARBITRATION OF INTERCONNECTION RATES, TERMS, CONDITIONS AND RELATED ARRANGEMENTS WITH SOUTHWESTERN BELL TELEPHONE COMPANY

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PUBLIC UTILITY COMMISSION OF TEXAS

ORDER NO. 5 INTERIM ORDER

This Order establishes the procedure for Southwestern Bell Telephone Company (SWBT) to begin processing Accelerated Connections, Inc.'s (ACI) and Covad Communications Company's (Covad) collocation orders immediately. This Order also requires SWBT, to the extent possible, to begin processing ACI's and Covad's orders for circuits and transport arrangements. However, this Order sets only interim rates, terms and conditions, and any applicable charges will be subject to true-up and refund based on the ultimate resolution of these issues in this proceeding.

I. Unnecessary Delays in Processing Collocation Orders

On March 31, 1999, the Federal Communications Commission (FCC) released the First Report and Order and Further Notice of Proposed Rulemaking in the Advanced Services Docket (Advanced Services First Report and Order and NPRM).¹ Paragraph 53 of the Order reads:

We conclude that an incumbent LEC may not impose unreasonable restrictions on the time period within which it will consider applications for collocation space. **Specifically, we conclude that an incumbent LEC may not refuse to consider an application for collocation space submitted by a competitor while that competitor's state certification is pending, or before the competitor and the incumbent LEC have entered into a final interconnection agreement. We agree with commenters who**

¹ *Deployment of Wireline Services Offering Advanced Telecommunications Capability*, CC Docket No. 98-147, First Report and Order and Further Notice of Proposed Rulemaking, FCC 99-48 (rel. March 31, 1999) (*Advanced Services First Report and Order and NPRM*).

contend that there is no legitimate reason for an incumbent LEC to refuse to begin processing a collocation application, especially given that competitors pay an application fee to the incumbent to cover the costs associated with consideration of the application. (*emphasis added.*)

The Arbitrators find that the FCC's opinion is binding upon SWBT and must be followed here. Moreover, the Arbitrators are concerned about any unnecessary delays in these proceedings causing harm to ACI and Covad. SWBT's position during the initial portion of the hearing on the merits in these proceedings has heightened the Arbitrators' concerns over unnecessary delays. SWBT stated during the hearing that it is currently holding applications for collocation and not processing them based on its position that the FCC Advanced Services First Report and Order and NPRM is not yet effective, the interconnection agreements are not yet approved, and that SWBT's methods and procedures for cageless collocation will not be completed until June 15, 1999.²

Further, the current discovery dispute and motions for sanctions have necessitated that the schedule be extended, and that additional time be required to complete these proceedings. The resumption of the hearing on the merits is now scheduled for June 2, 1999, thereby delaying the effective date of the interconnection agreements until possibly some time in August 1999. Due to these delays, ACI and Covad have requested that the Arbitrators issue an interim order to allow them to be operational in many respects pending final resolution of these proceedings.³

For all of these reasons, the Arbitrators order SWBT to begin processing ACI's and Covad's collocation orders immediately. The Arbitrators further order that, to the extent possible, SWBT also begin processing orders for circuits and transport arrangements.

II. Steps for Processing Cageless Collocation Orders

The following schedule will apply to cageless collocation orders assuming "Day 1" of a cageless collocation order is: (1) the date of receipt by SWBT of 50% deposit for cageless collocation; or (2) the date of ACI/Covad's notification to SWBT that a previously-submitted physical collocation application should be converted to cageless collocation, whichever is applicable:

² Tr. at 470-471 (April 15, 1999).

³ To the extent either Accelerated Connections, Inc.'s (ACI) or Covad Communications Company's (Covad) request to begin operations pending final resolution has been stated as requested relief in a motion for sanctions, the Arbitrators hereby clarify that the terms of this Interim Order are not intended to be a grant of relief in response to the sanctions motions.

1. Cageless collocation in each requested central office will be turned over to ACI/Covad on a schedule that will allow ACI/Covad to begin providing commercial service from that central office beginning 60 calendar days after Day 1.
2. At ACI/Covad's option, ACI/Covad may provide and install its own rack and/or equipment beginning on calendar Day 45, or may specify that SWBT shall complete the installation of racks to house equipment no later than calendar Day 45.
3. ACI/Covad will be entitled to order DS-1 and/or DS-3 transport, and SWBT will begin to process the order, at calendar Day 30. The two end points of the circuits shall be specified by ACI/Covad, but shall include at a minimum, 1) an interoffice circuit between two SWBT central offices, or 2) a dedicated circuit between ACI/Covad collocation facilities and at any point designated by ACI/Covad. Transport will be ordered as special access in this interim period and may be converted at no charge to UNEs when the interconnection contract is ultimately effective. These DS-3 and DS-1 circuits will be tested and operational by calendar Day 60.
4. ACI/Covad employees and/or subcontractors will have unrestricted access, consistent with any previously agreed to security measures, to ACI/Covad collocation space beginning at calendar Day 30.
5. By calendar Day 45, SWBT shall provide training to ACI/Covad employees or subcontractors on detailed ordering and provisioning methods and procedures.
6. ACI/Covad may turn up service in the collocation space for commercial or retail provision at calendar Day 60. The collocation space shall be operational for all transport components on calendar Day 60.
7. SWBT will use the application for collocation or the request for conversion to cageless collocation as the beginning point from which to inventory for loop make-up data all loops from the central office in which service is requested. Loop make-up data of inventoried loops will be available within 3 to 5 calendar days, beginning calendar Day 60.
8. SWBT will begin accepting and provisioning 2 wire xDSL capable UNE loop orders on calendar Day 61 pursuant to the terms and conditions already agreed to by all parties in the underlying

agreements awaiting finalization before the Commission. These orders will be processed manually on an interim basis.

9. All rates and charges to be used shall be those already agreed to by the parties where applicable, or shall be the rates and charges proposed by ACI/Covad where SWBT and ACI/Covad have not agreed.

III. True-Up

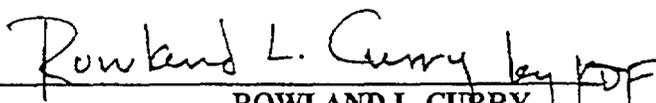
The immediate processing of ACI/Covad's collocation orders will be based on interim rates, terms and conditions, and any applicable charges will be subject to true-up and refund based on the ultimate resolution of these issues in this proceeding.

SIGNED AT AUSTIN, TEXAS the 26th day of April, 1999.

FTA § 252 ARBITRATION PANEL



KATHERINE D. FARROBA
ARBITRATOR



ROWLAND L. CURRY
ARBITRATOR