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May 18, 2000

BY OVERNIGHT MAIL

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W.
Room TW-B-204
Washington, D.C. 20554

Re: CC Docket No. 00-65

Enclosed for filing please find an original plus six paper and one diskette copy of the Reply Comments of Global Crossing Local Services, Inc. and accompanying affidavit of Christopher E. Poynter.

To acknowledge receipt please affix an appropriate notation of the copy of this letter provided herewith for that purpose and return same to the undersigned in the enclosed, self-addressed envelope.

Very truly yours,

A handwritten signature in cursive script that reads "Michael J. Shortley, III".

Michael J. Shortley, III

cc: Ms. Janice Myles (12 paper plus 1 diskette)

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Handwritten initials "ATG" in cursive script, positioned above the line for the number of copies received.

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

In the Matter of)
)
Application of SBC Communications,)
Inc., Pursuant to Section 271 of the)
Telecommunications Act of 1996)
To Provide In-Region, InterLATA)
Services In Texas)

CC Docket No. 00-65

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**SUPPLEMENTAL REPLY COMMENTS OF
GLOBAL CROSSING LOCAL SERVICES, INC.**

Global Crossing Local Services, Inc. ("Global Crossing"), pursuant to the Commission's Public Notice,¹ submits these supplemental reply comments. Global Crossing previously filed comments in CC Docket No. 00-4 and it will not repeat the arguments that it previously made. Accordingly, Global Crossing confines its reply comments to new developments since it filed its original comments.

Most of the commenters opposed SBC's application and, with good reason. SBC has still not demonstrated that it complies fully with section 271. Global Crossing agrees with Comptel that the three-step process for ordering unbundled network element-platforms ("UNE-P") is both unnecessary and inherently unreliable. The evidence demonstrates that the three-step process results in an unacceptable level of service-affecting problems.²

¹ See Public Notice, DA 00-750 (April 6, 2000) (treating SBC's supplemental filing of April 5, 2000 as a new application pursuant to section 271 and incorporating the record previously filed in CC Docket No. 00-4).

² Comptel at 2.

The three-step process is also unlawful because it directly violates rule 315(b) of the Commission's rules.³ By using the three-step process, SBC unlawfully separates existing network elements that are currently combined and forces CLECs to recombine those elements. The three-step process, moreover, is totally unnecessary. The elements that comprise the UNE-P are already combined. The only change that should be required is a change in SBC's records. These problems exist when CLECs attempt to convert current SBC customers to a CLEC's UNE-P offering. The problems are likely to be far more prevalent when CLECs attempt to convert their existing resale base to a UNE-P offering.

This is the situation that Global Crossing now faces. Global Crossing has requested that SBC convert Global Crossing's resale customer base to a UNE-P offering. SBC has, to date, stonewalled this request.

SBC indicated to us that Global Crossing was first required to execute new interconnection agreements or amendments to existing agreements before it would even consider our requests.⁴ While Global Crossing is more than willing to discuss this subject and to enter into new agreements, this is simply an excuse for inaction on SBC's part. The existing agreements expressly provide for the availability of unbundled network elements. This is particularly true with respect to the State of Texas where Global Crossing just executed – and the Texas Commission just approved – the so-called “T2A” agreement. Of interest, around the time that SBC withdrew its initial section 271 application, SBC informed Global Crossing that it wished to renegotiate this

³ 47 C.F.R. § 51.315(b).

⁴ See Affidavit of Christopher E. Poynter, ¶ 3 (May 18, 2000) (“Poynter Aff.”), annexed hereto.

agreement.⁵

In addition, while our initial discussions focused on migration activity in the entire thirteen state SBC region, SBC informed Global Crossing that it will not address Global Crossing's requests beyond the Ameritech region until issues relating to the Ameritech region were resolved. To date, SBC has not even indicated when it would be in a position to address our requests with respect to the State of Texas.⁶

SBC's refusal even to consider Global Crossing's request is a clear violation of SBC's obligation to offer unbundled network elements.⁷ In addition, SBC has no legitimate excuse for why, at this late date, it is not prepared to consider our requests. The Supreme Court's decision in *Iowa Utilities Board*⁸ was issued over a year ago and the Commission's remand order was issued in November of last year.⁹ SBC has been on notice for more than enough time to have been in a position to address our requests.¹⁰

Global Crossing has also requested that its existing facilities-based customers be converted to a combination of unbundled local loops and unbundled dedicated

⁵ *Id.*, ¶ 3.

⁶ *Id.*, ¶ 4.

⁷ See 47 U.S.C. § 271(c)(2)(B)(ii).

⁸ *AT&T Corp. v. Iowa Utils. Bd.*, 525 U.S. 366 (1999).

⁹ *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, CC Dkt. 96-98, Third Report and Order and Fourth Further Notice of Proposed Rulemaking, FCC 99-370 (Nov. 5, 1999).

¹⁰ Even if SBC were to agree to Global Crossing's request, Global Crossing would remain concerned about the rates that it would be charged by SBC for the conversion. As MCI has pointed out, SBC is still apparently attempting to reserve the right to impose unlawful "glue" charges. See MCI at 33-36.

transport. SBC, to date, has not even considered this request.¹¹ This is true despite the fact that the Commission has clearly required that such combinations be offered.

SBC has failed to meet one of its fundamental requirements under section 271 in direct defiance of this Commission's order – the availability of network elements in accordance with the requirements of sections 251(c)(2) and 252(d)(1). Accordingly, the Commission should deny SBC's application.

Respectfully submitted,



Michael J. Shortley, III

Attorney for Global Crossing
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180 South Clinton Avenue
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(716) 777-1028

May 18, 2000

¹¹ Poynter Aff. , ¶¶ 2,4.

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

In the Matter of)
)
Application of SBC Communications,) **CC Docket No. 00-65**
Inc., Pursuant to Section 271 of the)
Telecommunications Act of 1996)
To Provide In-Region, InterLATA)
Services In Texas)

**AFFIDAVIT OF
CHRISTOPHER E. POYNTER**

STATE OF NEW YORK)
) **ss.:**
COUNTY OF MONROE)

Christopher E. Poynter, being duly sworn, deposes and says that::

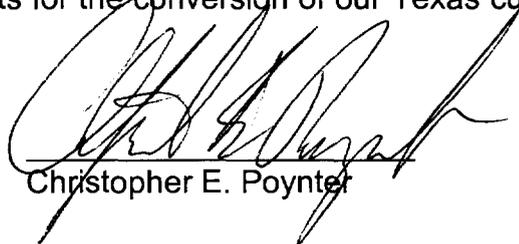
1. I am General Manager - CLEC Development for Global Crossing Telemanagement, Inc. and Global Crossing Local Services, Inc. (collectively "Global Crossing"). In this capacity, my responsibilities include the conversion of Global Crossing's existing resale customer base to an unbundled network element platform ("UNE-P") offering and to convert Global Crossing's existing facilities-based customers to a combination of unbundled local loop and unbundled transport -- unbundled network element combinations ("UNE-C"). I make this affidavit to provide the factual support for Global Crossing's supplemental reply comments in opposition to SBC's application to provide in-region, interLATA service in Texas.

2. As early as February 24, 2000, I requested that SBC help facilitate the conversion of our existing resale base to a UNE-P offering and our existing facilities-based customer base to a UNE-C offering. I promptly followed up on this request with detailed information, such as main telephone number and working telephone number

information and circuit identification information. I believe that this is all of the information that SBC reasonably needs to accommodate our requests.

3. SBC informed us that Global Crossing was required to execute new interconnection agreements or at least amend our current agreements as a precondition for even considering our requests. SBC so informed us despite the facts that: (a) our current agreements expressly provide for the availability of unbundled network elements; and (b) Global Crossing and SBC had executed a new agreement in Texas -- the so-called "T2A" agreement. Of interest, upon withdrawing (or supplementing) its original 271 application, SBC promptly informed us that it intended to renegotiate the T2A agreement and listed as areas subject to re-negotiation virtually every substantive provision in the agreement.

4. Our initial discussions with SBC were focused on undertaking migration activity throughout the entire thirteen state SBC region. However, SBC would not consider our requests beyond the Ameritech states -- including Texas -- until issues were resolved with respect to the Ameritech region. SBC did not indicate when it would be in a position to consider our requests for the conversion of our Texas customers to a UNE-P or a UNE-C offering.


Christopher E. Poynter

Sworn to before me this
18th day of May, 2000


Notary Public
CAROL A. PERSONTE
Notary Public, State of New York
Qualified in Monroe County
Commission Expires Dec. 8, 2000

Certificate of Service

I hereby certify that, on this 18th day of May, 2000, copies of the foregoing Opposition of Global Crossing Local Services, Inc. and accompanying Affidavit of Christopher E. Poynter were served by first-class mail, postage prepaid, upon the persons on the attached service list.:



Michael J. Shortley, III

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