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. 00-65
And Southwestern Bell Communications	)	
Services, Inc. d/b/a Southwestern Bell Long	)	
Distance for Provision of In-Region	)	
InterLATA Services in Texas	)	

SUPPLEMENTAL REPLY AFFIDAVIT OF CAROL CHAPMAN

STATE OF TEXAS)
)
COUNTY OF DALLAS)

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~~**SUBJECT REPLY AFFIDAVIT OF CAROL CHAPMAN**~~**x~~~~DSL CAPABLE LOOPS~~

I, CAROL A. CHAPMAN, being of lawful age and duly sworn upon my oath, do hereby depose and state as follows:

PROFESSIONAL EXPERIENCE

1. My name is Carol Chapman. I am employed as Area Manager-Product Management-Industry Markets for Southwestern Bell Telephone Company ("SWBT"). In that position, I am responsible for researching, formulating and communicating SWBT's policy regarding the provision of Unbundled Network Elements ("UNEs") used for advanced services to Competitive Local Exchange Carrier customers ("CLECs"). I took my current position in September 1999. Prior to that time, my job responsibilities included developing and writing the methods and procedures used by SWBT employees to process CLECs' loop qualification and DSL-capable loop service requests. I provided an affidavit in support of SBC's Texas section 271 application filed on January 10, 2000, a reply affidavit filed on February 22, 2000, and a joint supplemental affidavit filed on April 5, 2000.

EXECUTIVE SUMMARY

2. This supplemental reply affidavit further demonstrates that SWBT is providing nondiscriminatory access to xDSL-capable loops to data CLECs in Texas. In their comments filed in this proceeding, these same data CLECs nonetheless rehash a number of operational concerns. As I clearly demonstrate in this reply, each of these claims is unfounded and without merit. Specifically, as shown below, SWBT is in full and timely compliance with all Texas and FCC regulatory requirements that apply to the pre-ordering, ordering and provisioning of xDSL-capable loops. I next respond to a number of operational concerns and technical issues regarding digital loop carrier "work-arounds" and IDSL/BRI incompatibility

issues. Finally, I address concerns regarding operational issues involved with the provision of xDSL-based services provided in a "line sharing" environment. These facts clearly demonstrate that SWBT provides CLECs with a meaningful opportunity to compete.

AS THE TEXAS PUC CONCLUDED, SWBT'S xDSL PERFORMANCE DEMONSTRATES DRAMATIC-, SUSTAINED IMPROVEMENT, AND IS PROVIDED IN A NONDISCRIMINATORY MANNER

3. CLECs commenting on SBC's supplemental Texas 271 application are highly critical of SBC's performance in providing access to xDSL capable loops. Generally, these CLECs contend that SBC has failed to provide nondiscriminatory access. However, their comments are in stark contrast to the conclusions of the Texas PUC, which should be given substantial weight by this Commission, and are in direct conflict with SBC's actual performance results.

4. After SBC made its supplemental filing on April 5, 2000, the Texas PUC conducted a thorough review of SBC's additional evidence and performance measurement data and conducted an xDSL workshop attended by all of the major data CLECs operating in Texas. As a result of its analysis, the Texas PUC found that "SWBT has performance measures in place to capture xDSL performance and sufficient volumes to measure compliance."[1] Moreover, the Texas PUC concluded that:

> "[t]he number of xDSL loops in Texas has increased dramatically even since the initial application was filed by SWBT in January. The steady trend upward shows that CLECs not only have a meaningful opportunity to compete, but are actually deploying advanced services at an aggressive pace. Overall, SWBT's actual performance data shows that SWBT provisions xDSL loops in a non-discriminatory manner. Finally, with few exceptions, SWBT's performance has continued to improve as CLEC volumes increase, thus directly address DOJ's overarching concern regarding SWBT's xDSL loop performance."[2]

[1] Texas ~~Public Utility Commission~~UC Supp. Eval. at 28.

[2] Id. at 36.

In the end, the Texas PUC could state with confidence that, "SWBT's performance has been painstakingly analyzed and dissected by all participants in this proceeding," and that "SWBT's overall performance in providing loops capable of provisioning advanced services gives CLECs a meaningful opportunity to compete."[3]

5. When considering the comments of the CLECs on SBC's provisioning of access to xDSL capable loops, the Commission should, as it concluded in the Bell Atlantic New York Order, "consider the overall picture presented by the record, rather than focusing on any one aspect of performance."[4] In addition, the Commission should give the conclusions of the Texas PUC substantial weight, since the Texas PUC's thorough and rigorous review of SBC's provision of nondiscriminatory access to xDSL capable loops took into account all of the arguments made by the CLECs in their comments.

6. Even more compelling is the trend of improved performance which has continued through the month of April. This continued improvement is made possible in part by SWBT's ongoing performance improvement initiatives. These initiatives result in process improvements such as the recently implemented practice of dispatching a technician a day before the due date for xDSL-capable loop orders. This new practice allows SWBT to detect defective pairs prior to the due date and is directly responsible for the drastic reduction in missed due dates due to lack of facilities. SWBT's sustained good performance is discussed in greater detail in the Supplemental Reply Affidavit of William Dysart.

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[3] Id. at 36-37.

[4] Memorandum Opinion and Order, Application of Bell Atlantic New York for Authorization Under Section 271 of the Communications Act To Provide In-Region, InterLATA Service in the State of New York, 15 FCC Rcd 3953, 3956-57 ¶ 5 (1999) ("Bell Atlantic New York Order").

THE COMPLAINTS OF COVAD ARE UNFOUNDED

7. Covad argues that SBC's 271 application should be denied based upon a number of arguments that are simply inaccurate, misleading, and in some cases, factually untrue. I will address why each of these claims is unfounded or without merit.

Implementation of all state and federal regulatory decisions.

8. Covad argues that SWBT should be required to immediately implement all of the provisions of the Line Sharing Order, the Texas Rhythms/Covad Arbitration Award, the SBC/Ameritech Merger Order, the UNE Remand Order, and the commitments made to the Texas Commission in December of 1999.[5] This is an unreasonable stance and not supported by the fact that these orders contain many implementation dates that stretch out over time. SWBT has implemented the requirements of all of these orders and commitments as the implementation dates have arrived. Covad ignores the fact that regulatory orders provide progressive implementation schedules, because it is impossible to immediately accomplish the real work involved upon the issuance of the order. Covad would ignore these realities and have SWBT implement every new order in its entirety regardless of its implementation schedule laid out in the order before SWBT gains 271 relief.

Allegations that SBC is "~~"~~scrapping"~~"~~ its advanced services OSSs.

9. Covad makes the incredible statement that SWBT's existing OSSs for advanced services "is about to be scrapped and replaced."[6] As anyone involved in SWBT's change management process knows, this is completely untrue. Covad, as well as NorthPoint and @Link, claim that SWBT has not met its obligation to provide loop make-up information.[7] SWBT is

[5] Covad Supp. at 2.

[6] Covad Supp. at 3.

[7] NorthPoint Supp. at 9-12; @Link et al., ~~Bluestar, DSLnet, Mpower, and Pontio~~ Supp. at 18-19.

completely in compliance with its loop make-up obligations of the UNE Remand Order that became effective on May 17, 2000, and is enhancing its current pre-order and order OSS systems (Verigate, DataGate, EDI, CORBA, and LEX) in full and timely compliance with the requirements of the SBC/Ameritech Merger Conditions, and the Line Sharing Orders. All of these OSS enhancements build on the underlying systems and processes already in place. No systems are being "scrapped." Instead, the processes and OSS functions in place today are being continually improved and enhanced in an effort to provide CLECs even better service in the future even though the Texas PUC stated that it "strongly believes that the processes for pre-order and ordering functions currently in place provide CLECs with a meaningful opportunity to compete."[8]

10. Many of the enhancements to SWBT's pre-order and order systems support not only xDSL-capable loops, but also the upcoming unbundled access to the high frequency portion of the loop ("HFPL"), in accordance with the Commission's Line Sharing Order. For instance, the loop make-up information that is available to CLECs via SWBT's electronic interfaces is equally useful for xDSL-capable loops and HFPL. Although there are fundamental differences between these offerings, the loop qualification process is the same for both and the LSR flows are very similar and use many of the same edits.

Revisions to the xDSL loop ordering process.

11. Throughout both the brief and Mr. Goodpastor's affidavit, Covad complains about SWBT's "as is" ordering process and it's need for the ability to pre-authorize conditioning prior to the completion of a loop qualification.[9] Covad acknowledged that, during the April 14 Texas PUC workshops, SWBT voluntarily agreed to develop this option for the CLECs after

[8] Texas PUC Supp. Eval. at 26.

hearing general agreement from the data CLECs that this would be beneficial. Yet, Mr. Goodpastor uses SWBT's good faith agreement to develop a new ordering capability to maintain that "only after this important change to SWBT's ordering process is made will the FCC be in a position to fully understand and analyze critical DSL-capable loop ordering and installation performance measurements."[10]

12. This same issue was addressed during the March 28-29, 2000 collaborative sessions on SBC's proposed Plan of Record ("POR") for enhancements to its DataGate and EDI interfaces for pre-ordering and ordering xDSL and other advanced services, consistent with the SBC/Ameritech Merger Conditions. As this Commission approved, the purpose of the POR collaborative sessions was to attempt to reach a consensus and written agreement on enhancements to SBC's pre-order and order systems for xDSL. During these sessions, Covad suggested that a pre-authorization option might be helpful. However, after discovering that SWBT's advanced services affiliate would also find this option helpful, Covad's representative, Bogden Szafraniec, stated "I might want to change that after hearing the presentation for ASI about how they – I don't think I want to request this. I change my mind." Mr.Szafraniec went on to explain that the impact of not having this option "probably doesn't change my business processes so much."[11] This POR collaborative session occurred two weeks before the Texas PUC workshops, however at those workshop sessions, Mr. Goodpastor repeatedly stated that the absence of a pre-authorization option "basically doubles [their] administrative burden," and "makes it very difficult to scale a business."[12]

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[9] Covad Supp. at 12-13; ~~and~~ Covad's Goodpastor Supp. Decl. ¶¶ 26-28.

[10] Covad's Goodpastor Supp. Decl. ¶ 28.

[11] Transcript of Texas PUC Workshop, April 14, 2000 at 576-577 (attached to Texas PUC Supp.).

[12] Id. at 574.

This direct inconsistency in the position of Covad's representatives, Mr. Goodpastor and Mr. Szafraniec raises serious doubts about whether the lack of this capability has any impact upon the CLECs' ability to compete.

13. Ironically, the reason that SWBT had not made this preauthorization option available was that Covad and Rhythms argued during their arbitration with SWBT that they should be able to order a loop containing load coils or repeaters and that SWBT could not determine what conditioning was necessary. As the Arbitration Award states, "In the event that a 'clean' loop is not available, the CLEC must be given the opportunity to evaluate the parameters of the xDSL service to be provided, and determine whether and what type of conditioning must be requested and performed. The Arbitrators find that all conditioning shall be performed at the request of the CLEC."[13]

SWBT's "spectrum management policy."

14. Covad suggests, without any evidence, that SWBT has failed to comply with the Covad/Rhythms Arbitration Award because it continues to maintain "its discriminatory spectrum management policy," and "favors orders for DSL loops that will be equipped with ADSL technology."[14] In support of its allegations, Covad mentions the requirement that xDSL loop orders specify the PSD mask, and the availability of the "red, yellow, green" pre-qualification tool. Covad then concludes, without explanation, that somehow the combination of the PSD mask and the pre-qualification tool are used to perpetuate a spectrum management policy that favors ADSL to the detriment of other DSL technologies.

[13] Arbitration Award, Petition of Rhythms Links, Inc. for Arbitration To Establish an Interconnection Agreement with Southwestern Bell Tel. Co., Docket Nos. 20226 & 20272 at 24 (Tex. PUC Nov. 30, 1999) ("DSL Arbitration Award") (SWBT Reply Br. App. B, Tab 2). ~~Texas Rhythms/Covad Arbitration Award at 24.~~

[14] Covad Supp. at 13-15.

15. The Texas PUC, has thoroughly explored Covad's and similar allegations of other CLECs and, has rejected them. The Texas PUC found that "SWBT has dismantled its Separate Feeder Separation (SFS) Binder Group Management (BGM) system," and that the "processes for pre-order and ordering functions currently in place provide CLECs with a meaningful opportunity to compete." [15] In addition, the Texas PUC allowed SWBT to require CLECs to specify the PSD mask on xDSL loop orders so that SWBT could inventory disturber information.

16. SWBT developed and performed SFS only as a way to minimize spectral interference among different DSL-based technologies. SFS mechanically segregated ADSL-based services from other data services. Without the use of the ADSY code that had been embedded in LFACS, selective feeder separation could not occur. LFACS was programmed so that orders for ADSL (from either SWBT or a competitive local exchange carrier) would be directed to the pre-selected binder groups using the ADSY code. Since that code is no longer a part of any data base, it is impossible for SFS to occur.

17. Covad's complaint that SWBT's "red, yellow, and green" pre-qualification tool is part of a discriminatory spectrum management policy used to screen CLEC loop orders is likewise without merit.[16] If that were the case, CLECs would support the elimination of this pre-qualification tool. However, during the Advanced Services POR collaborative sessions , CLECs objected to the suggestion that this pre-qualification tool be discontinued once detailed mechanized loop qualification information was available. In fact, at least one CLEC

[15] Texas PUC Supp. Eval. at 24, 26.

[16] Covad Supp. at 13-15.

asked for assurance that the pre-qualification capabilities be maintained.[17] Accordingly, SBC agreed to maintain this pre-qualification tool.

March 18, 2000 loop qualification release.

18. Covad also expresses concern regarding SBC's implementation of OSS enhancements, and references "significant problems" with the March 18, 2000 loop qualification release.[18] In support of its concerns, Covad takes a statement I made during the Texas PUC April 13, 2000 performance measure workshop regarding issues that had arisen with the March 18, 2000 loop qualification release completely out of context. Covad represents that I said "'I don't know if we're going to be able' to correct the problems." In reality, my comments were addressed to the time frame within which certain corrections would take place and whether they would be included in the April 29, 2000 release, not whether they would take place at all. In fact, the problems SBC experienced with the March 18, 2000 release have been resolved as outlined briefly below:

- Due to the unexpectedly high loop qualification volumes, the Loop Qual system did not initially have the ability to effectively process all of the requests. SWBT remedied this situation by optimizing the programming code within the Loop Qual software and upgrading the hardware with additional memory and access ports.
- Although the actual underlying data provided (taper code, 26 gauge equivalent loop length, gauge make-up, and wire center code) remained accurate the calculation that determined the appropriate "green, yellow, and red" indicators contained coding errors which resulted in the incorrect color being returned on a loop qualification query. For

[17] Comments were made by Mr. Fred Baros, representing Rhythms, at page 357 of the transcript from the Feburary 2, 2000 collaborative meeting included as Attachment A.

[18] Covad Supp. at 15-16.

instance, in some cases Loop Qual might have indicated that a loop was 15,000 feet long, but returned a color of yellow instead of green. SWBT has rectified this situation as well, and the "red, yellow, green" colors are now working properly.

It must be remembered that, as Covad readily admits, programming and coding errors are not uncommon when introducing new software capabilities to OSS systems, and frequently a short period of time is necessary to work out the "bugs." This, however, is no basis upon which to conclude that CLECs are being denied a meaningful opportunity to compete.

Implementation of a "firewall" between retail and wholesale operations.

19. Covad also raises questions about the status of the "firewall" between SWBT's retail and wholesale operations required by the Covad/Rhythms Arbitration Award. Covad states that "SWBT is clearly not in compliance with the Award."[19] However, on May 8, 2000, the arbitrators in the case issued an order approving SWBT's modified plan to create these "firewalls."[20]

20. Contrary to the false and misleading picture that Covad and other CLEC try to paint, the Texas PUC concluded, "SWBT has implemented the requirements for the xDSL Arbitration Award to date. To the extent that some of the requirements are scheduled for implementation in the future, the Texas Commission can only state that given what SWBT has filed to date, the Texas Commission expects that SWBT will be in full compliance."[21]

DLC workarounds.

21. Covad also argues that SWBT only "recently agreed orally to provide the DLC solutions contained in Covad's interconnection agreement, but implementation has still not

[19] Covad Supp. at 17.

[20] See SBC Ex Parte Letter dated May 11, 2000, which contains as attachments SWBT's "firewall" plan and the Texas PUC order approving it.

occurred."[22] This is simply wrong. As Covad concedes in its comments, the following options , which are contained in its written interconnection agreement and which are provided by SWBT, cover instances where the end user is served by DLC, Digital Additional Main Line ("DAML") or fiber optic facilities:

- Where spare copper facilities are available, CLEC may request that SWBT make spare copper facilities available through a line and station transfer ("LST").
- Subject to standard collocation rules, CLEC has the option of collocating at the Remote Terminal ("RT").
- If CLEC is unable to collocate a DSLAM at the RT or obtain spare copper facilities, and SWBT has placed a DSLAM in the RT, SWBT must unbundle and provide access to its DSLAM.

22. These solutions are, and have been, available to Covad. As discussed in paragraph 32 of my original Reply Comments filed on February 22, 2000, SWBT had processes in place before the issuance of the Covad/Rhythms Arbitration Award for performing a line and station transfer when needed to free up copper facilities for xDSL-capable loops. Covad also claims that "shortly after the Interconnection Agreement became effective, Covad requested the DLC workaround for several DSL-capable loop orders the SWBT had initially rejected because of the presence of DLC. SWBT initially refused to honor Covad's request."[23]

23. Covad did, in fact, place a note on supplemental Local Service Requests ("LSRs") that had previously been rejected because the end user was served exclusively by DLC requesting that SWBT perform the DLC workaround. However, SWBT did not refuse to perform the

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[21] Texas PUC Supp. Eval. at n.66.

[22] Covad Supp. at 18.

[23] Covad Supp. at 18.

workarounds described above. Instead, after receiving these requests, SWBT contacted Covad to explain how the various options worked. SWBT only sends rejects for DLC when no copper loops serve the specified end user address. In situations where no copper facilities exist, CLECs and SWBT's advance service affiliate are impacted equally. Neither can provision a service requiring a non-loaded copper loop, whether provisioned as a stand-alone DSL loop or a line shared loop. The remaining two options have no relation to an xDSL-capable loop order and would not be handled via an LSR for an xDSL-capable loop.

24. Covad also has the option of requesting collocation at the RT. If it chooses to pursue this option, it must follow the standard collocation process. Requests for collocation are not handled at the LSC or through the submission of an LSR.

25. The third option only applies after the first two have been unsuccessful and when SWBT has collocated a DSLAM at the RT in question. In the situation described by Covad, neither of these had occurred and therefore, this option did not apply.

xDSL performance measurements.[24]

26. Covad complains PM 55.1 (Average Installation Interval) does not include CLEC requested due dates outside of the standard interval, and therefore concludes that the performance results captured by this measurement are not reliable. During the Texas PUC performance measurement workshop, Mr. Goodpastor stated that "Covad *never* issues a request for a loop to be installed after the minimum interval. It hasn't happened."[25] (Emphasis added). Once again, investigation has shown that this is not a true statement. In fact, a substantial number of Covad's xDSL-capable loop orders request due dates longer than the standard interval,

[24] For a complete discussion of SWBT's xDSL performance results see the Supplemental Reply Affidavit of William Dysart.

[25] Transcript of Texas PUC Workshop, April 13, 2000 at 208-209 (attached to Texas PUC Supp.).

which is discussed in greater detail in the Joint Supplemental Reply Affidavit of Brian Noland and William Dysart.

BRI performance measurements.

27. Covad tries to characterize SWBT's discussion of the many issues surrounding the BRI loop performance measurement results as "second-guessing of the Texas Commission's installation intervals and performance reporting benchmarks."[26] In truth, SWBT is simply raising operational issues that did arise until CLECs began provisioning xDSL and BRI in significant volumes, an event that happened after the current performance measurement business rules had been defined. The Texas PUC has wisely provided for performance measurement reviews every 6 months as a means of dealing with precisely these types of concerns. Further, the Texas PUC stated that it was "considering all of these factors as it reviews performance data in the six-month review process and analyzes the BRI data consistent with that approach."[27] The Texas PUC is "also evaluating whether the 3-day benchmark is appropriate in light of the fact that SWBT's retail BRI-IDSN service installation interval is much higher."[28] Clearly, the Texas PUC does not view the issues raised by SWBT as "second guessing."

Placing third-party ISP orders on hold.

28. Covad attaches an affidavit to its filing (CGS-3) that purports to demonstrate that SWBT placed third-party ISP orders on hold until all orders placed for SWBT's retail promotional special were filled. SWBT researched this allegation and could find no factual basis for it. SWBT has also repeatedly asked Covad to provide it with information that would assist

[26] Covad Supp. at 23.

[27] Texas PUC Supp. Eval. at 34.

[28] ~~Texas PUC Supp~~Id. at 34.

SWBT in investigating the validity of the allegation. In the April 25, 2000 DSL Workshop, Covad agreed to provide this information, but has failed to do so.[29]

COOPERATIVE ACCEPTANCE TESTING

29. Rhythms claims that SWBT refused to make cooperative acceptance testing available to requesting CLECs in violation of its commitments to the Texas PUC.[30] This is a surprising allegation, since Rhythms was offered cooperative acceptance testing and expressly refused to include it in its interconnection agreement with SWBT.[31] The fact is that cooperative acceptance testing is available to any CLEC, including of course Rhythms, if they request it. As the Texas PUC found: "SWBT also has implemented its commitment to offer CLECs an acceptance testing option in their interconnection agreements," and that "some CLECs do have this option currently in their agreements and acceptance testing is available to all CLECs who request it."[32]

IDSL/BRI INCOMPATIBILITY ISSUES

30. Covad attempts to dismiss SWBT's explanation for its difficulties in meeting certain BRI performance measurements when CLECs elect to use BRI loops provided over certain digital loop carrier systems that are incompatible with IDSL,[33] as explained in more detail in the affidavit of Jimmy Salinas (Attachment C). SWBT's 2-wire digital ("BRI") loops comply with the relevant industry standards. However, due to differences between ISDN and IDSL

[29] See Attachment B, transcript of Texas PUC DSL Workshop, April 25, 2000 at 116-117.

[30] Rhythms Supp. at 14-15.

[31] Transcript of Texas PUC Workshop, April 13, 2000 at 524-525 (attached to Texas PUC Supp.).

[32] Texas PUC Supp. Eval. at 26.

[33] Covad Supp. at 23-25; ~~and~~ see Covad's Rosenstein Decl.

transmissions, CLECs are not always able to achieve the desired level of service over a BRI loop, which meets applicable industry standards.

31. SWBT is currently working to develop an IDSL-capable loop. As part of the development process, Copper Mountain, a vendor of IDSL equipment was contacted. In the response from a Copper Mountain representative, it was explained that "In a typical ISDN implementation, the D channel is not carrying similar information to the B channels. This makes it acceptable for there to be a 125us skew between the 2 B channels and the D." As a result if these channels were bonded for the 144 KBPS IDSL signal, Copper Mountain's equipment could not "accommodate the skew." (See Attachment D) This is the basic issue with BRI loops used for IDSL.

32. Marconi has developed a new channel card that may address this issue. Attachment E is a write-up prepared by Marconi describing the new SCU131 channel card. This attachment also provides technical references that illustrate the fact that the current DISC*S system (without the channel card) is compliant with applicable industry standards.

33. In contrast to Covad, Rhythms acknowledges this as a bona fide technical issue, and supports the development of an IDSL-capable loop that utilizes this new channel card, which will enable the first four channels of the DISC*S system to support the bonded 144 KBPS IDSL signal.[34] However, Rhythms' implies that SWBT has refused to consider the possibility of using this channel card. The opposite is in fact the case. SWBT is currently conducting network tests of this new channel card in the hope of using this equipment with the IDSL-capable loop offering currently under development.

[34] Rhythms Supp. at 14.

34. Covad also argues that "if a loop meets the appropriate industry standard, [its] IDSL service will work over that loop."[35] In addition, Covad believes that SWBT is "contractually obligated to provide [it]...with unbundled loops that meet the relevant industry standard so as to support ISDN and IDSL services."[36] However, no references to an industry standard are contained in their interconnection agreement. Rather the interconnection agreement expressly provides that "SWBT will not guarantee that the local loop(s) ordered will perform as desired by CLEC for xDSL-based or other advanced services, but will guarantee basic metallic loop parameters, including continuity and pair balance."[37] This language clearly indicates that SWBT is not obligated to provide a loop capable of a transmitting a particular bandwidth.

35. Covad claims that SWBT's BRI loops do not comply with: TR–NWT–000393, Generic Requirements for ISDN Basic Access Digital Subscriber Lines, which is a standard for copper cable pairs only. That standard refers network providers to TR–NWT–000397, as the applicable standard for the application of ISDN over DLC when it is in the local loop plant. TR–NWT–000397 also provides greater detail regarding the use of 3-DSO TDM multiplexing schemes (3-DSO per ISDN Basic Access) for services that require a full 144 kb/s (IDSL). In doing so, TR–NWT–000397 refers the network providers to TR–NWT–000398, Universal Digital Channel "UDC" Generic Requirements and Objectives, for the technical limitations associated with a 144 kbps service rate.

36. In short, Covad is complaining that SWBT's ISDN service provided over the Marconi DISC*S digital loop carrier system does not comply with an industry standard -- TR–NWT–

[35] Covad Supp. at 24.

[36] Id.

[37] Covad Interconnection Agreement, Attachment 25: xDSL § 8.1 (Feb. 18, 2000).

000393 -- that only applies to copper pairs. However, SWBT is in compliance with the applicable industry standards that apply to digital loop carrier systems -- TR–NWT–000397.

37. Covad's claims are also inherently contradictory. First Covad claims that a new IDSL loop need not be developed, because a properly provided ISDN loop will support IDSL technology.[38] Then, Covad argues that since "the last slot of each digroup in the DISC*S system does not support *either* 2B+D ISDN or IDSL," SWBT should use a work around to prohibit the CLEC IDSL orders from being assigned to incompatible channels.[39] This is precisely why SWBT is pursuing the development of a new IDSL-capable loop that Covad claims is unwarranted.

38. Covad is correct that the last channel of the DISC*S system will not support either ISDN or IDSL and that assignment guidelines have been set up accordingly. In earlier filings, I had stated that IDSL would not operate as desired on the first four channels of the DISC*S system, but that ISDN would operate on any of the channels. The intent of this statement was to address all of the channels available for assignment for BRI loops. All will support ISDN, but some of them will not fully support IDSL.

39. However, as explained in my joint supplemental affidavit with Mr. Dysart, IDSL incompatibility issues are only one of the factors impacting SWBT's BRI loop performance. In fact, as alluded to by Covad in Mr. Goodpastor's affidavit, only a small percentage of SWBT's network is served by the DISC*S pair gain system. As I explained in an April 25, 2000 Texas PUC workshop, SWBT estimates that less than ten percent, and probably closer to six percent, of the total loop plant is served by the DISC*S pair gain system.[40] This was

[38] Covad Supp.; Covad's Rosenstein Decl. ¶¶ 21,23.

[39] Id. ¶¶ 26,27.

[40] See Attachment B, transcript from the April 25, 2000 Texas PUC workshop at 116-117.

documented in paragraph 55 of the Chapman/Dysart supplemental affidavit, which contained a chart showing that through early March of 2000, only six percent of the working BRI loops were provisioned over the DISC*S pair gain system. However, this six percent accounted for twenty-two percent of the trouble tickets for BRI loops.

40. Other factors have even a greater impact on the BRI loop provisioning, maintenance and repair performance measures, as was explained in detail in the Chapman/Dysart supplemental affidavit. These factors include an ambitious due date interval that is not offered by SWBT retail, and, more importantly to the maintenance and repair measures, fundamental differences in the test capabilities for an end-to-end retail ISDN offering compared to a BRI loop offering. The basic difference in the test capabilities is the fact that on a BRI loop, SWBT does not have access to either the source of the data signal or the end user's CPE. As a result, SWBT cannot test the actual transmission of the data signal on a BRI loop as it would on a retail ISDN service. This basic difference in test capabilities prevents SWBT from detecting problems during provisioning that would have been caught had SWBT been able to test the transmission of a data signal. This testing difference also makes it more difficult for SWBT to isolate trouble on an existing line.

SWBT WILL BE OPERATIONALLY READY TO FULLY COMPLY WITH THE LINE SHARING ORDER, AND EACH OF THE PROVIONING CONCERNS RAISED IN THIS PROCEEDING ARE ALREADY BEFORE THE TEXAS PUC

41. SWBT is on target to meet all of the requirements of the Line Sharing Order, however, data CLECs have raised concerns regarding SWBT's implementation. All of the issues raised by the CLECs in this section 271 proceeding are currently being addressed in an expedited arbitration before the Texas PUC in Docket 22469 in keeping with the role of the state

commission in determining the terms and conditions under which line sharing will be offered outlined in the Line Sharing Order. The Texas PUC will fully evaluate each of the issues and make a ruling accordingly. SWBT, of course, will comply with this ruling.

42. SWBT's positions on each of these issues are included in SWBT's May 3, 2000, Response to the Complaints filed by Covad and Rhythms filed in Docket 22469 before the Texas PUC.[41] However, a number of allegations have been made about SWBT's implementation of line sharing that deserve a response. Covad and Rhythms wrongfully argue that SWBT will not provide HFPL if the loop is served by DLC. This ignores the provisions of the SWBT's proposed contract language for line sharing which offer the same provisions regarding DLC solutions available in Rhythms' and Covad's interconnection agreements which are discussed in detail above.[42] These provisions operate in the same manner for both xDSL-capable loops and HFPL. SWBT's position on this issue is described in the May 3, 2000 Texas filing in Issues 1g and 1j. (See Attachment F)

43. Covad and Rhythms also suggest that cooperative acceptance testing should be available for HFPL. This suggestion ignores the fact that current cooperative acceptance testing, as currently offered, requires a technician dispatch during installation. While a dispatch is a standard part of the stand-alone xDSL-capable loop provisioning procedures, a dispatch is not part of the HFPL provisioning procedures. In fact, by requesting that cooperative acceptance testing be made available with HFPL, Covad and Rhythms have negated one of the major benefits of HFPL – the ability to provision the service without requiring the dispatch of a technician. Additional discussion of the issue is contained in Texas Issue 1I (See Attachment F).

[41] SWBT's filed testimony for this Docket is included as Attachment F.

[42] See infra ¶¶ 21-256.