will be subject to immediate and severe penalties, including suspension of SWBT's long distance authority.

B. SWBT Has Also Obstructed AT&T's Ability To Develop xDSL Offerings with Other Carriers

35. SWBT's actions to date provide no indication that it intends to comply with its obligations to support facilities-based advanced services competition in Texas. Indeed, SWBT has made it abundantly clear that it will only support CLEC efforts to offer combined voice and data services if they are willing to endure costly, time-consuming procedures that inconvenience customers and interfere with the CLEC's ability to build their reputations for prompt and reliable service. At the same time, however, SWBT has aggressively rolled out and marketed its own xDSL services to Texas consumers on a shared-line basis.

36. SWBT has thwarted AT&T's effort to provide Texas consumers with a local voice and facilities-based Internet access offer at every turn. Indeed, SWBT's insistence upon inefficient and customer disrupting operational procedures practically eliminates AT&T's ability to provide xDSL capabilities independent of SWBT. Specifically, SWBT has frustrated AT&T's attempts to partner with IP Communications, Inc. ("IP Communications"), a data CLEC that already has data facilities collocated in SWBT's central offices, to provide an integrated bundle of voice and data services over a single copper loop in conjunction with AT&T's UNE-P voice service.

37. In light of (1) the Commission's decision not to require national unbundling of DSLAMs and packet switching; (2) the opportunity to engage in commercial line-sharing arrangements (as established in the *Line Sharing Order*); (3) the rapid progress of SWBT's Project Pronto; and (4) SWBT's refusal to continue to provide xDSL service for consumers who

---

[35] As noted above, this is SWBT's avowed objective.

choose a CLEC for voice service, AT&T sought to determine whether SWBT would facilitate a CLEC's efforts to add its own xDSL service to an existing UNE-P arrangement. In order to move forward as quickly as possible, AT&T entered into a Letter of Understanding with IP Communications pursuant to which AT&T could deliver a combined voice and xDSL offering in Texas.

38. Acting on behalf of AT&T, IP Communications requested information from SWBT's account team on how to provision xDSL on a UNE-P line. On January 5, 2000, SWBT responded to IP Communications' request. That response proposed a method that would, as a practical matter, preclude IP Communications from provisioning xDSL on a competitive provider's existing UNE-P line. Specifically, SWBT stated that IP Communications would be required to (1) order a new loop for xDSL and (2) submit a second order for an unbundled port, connecting the back end of the splitter to the customer port, after which (3) SWBT would disconnect the existing UNE-P line.[36] This, of course, would entail significant expense and delay by imposing needless circuit rearrangements, and would also create the risk of service disruption for AT&T's customers through a procedure that is analogous to the current process for hot cuts. Not surprisingly, SWBT does not inflict the same complications on its own retail customers who want xDSL.

39. On January 11 and 12, 2000, AT&T requested information from SWBT's account team on how to: (1) establish a UNE-P line to SWBT with cross-connects to an xDSL provider; and (2) add xDSL to an existing UNE-P line. Once again, SWBT effectively refused to allow UNE-P lines to be used to provision xDSL service. In relevant part, SWBT's response stated that AT&T's requests "are not ones SWBT would address as they go beyond SWBT's

[36] *See* Jan. 5, 2000 e-mail message from SWBT Account Manager Patricia Bonham to Sean Minter of IP Communications, attached hereto as Attachment 16.

involvement. They look to be questions on how AT&T would design/engineer services they are trying to provide. That is not something SWBT should respond to."[37]

40. That response was both inadequate and disingenuous. SWBT knew full well that AT&T and other CLECs are (or will be) using UNE-P as the primary means to provide voice telephone service to Texas consumers.[38] Because the facilities used to provide such service are almost all within SWBT's physical control, these carriers have no choice but to rely upon SWBT to facilitate the provisioning of xDSL service over the same line. SWBT's failure to provide CLECs with the administrative and technical support necessary to facilitate such arrangements forecloses the CLECs' ability to provide services that consumers want.

41. There can be no doubt that SWBT is technically capable of providing the support CLECs need to provide such services. Market experience demonstrates that SWBT can provision both data and voice services over a single copper loop when it wishes to do so for itself (or its data affiliate). The same physical arrangements would enable CLECs using UNE-P to take advantage of the same line sharing arrangements. In fact, the technical and administrative changes needed to make such arrangements available to competing voice carriers are virtually the same ones SWBT must adopt when it is line-sharing on an arms length basis with itself (or an affiliate) or with a data CLEC. AT&T is aware of no technical reason why the same "line sharing" that SWBT currently does with itself, will soon do with its affiliate, and has been ordered to do with data CLECs cannot also be done by a carrier using UNE-P, or its partner. Certainly SWBT has not yet identified any such technical impediment.

---

[37] *See* e-mail message from Robert Bannecker, SWBT Account Manager - Industry Markets, to Julie Chambers, attached hereto as Attachment 17.

[38] Three quarters of the unbundled local loops SWBT provided in Texas are in the form of UNE-P. *See* SWBT Application at 35. The UNE-L is used primarily in the business context and resale is used in a small (and diminishing) number of situations, so UNE-P is currently the primary entry vehicle for residential customers.

42. Given the sure knowledge that SWBT had made a combination of voice and data services available to consumers on the same copper loop, on January 18, 2000, IP Communications submitted four orders requesting to add xDSL capability to an existing AT&T UNE-P line.[39] On January 20, SWBT rejected all orders submitted by IP Communications, indicating only that "LSR request & remarks are conflicting."[40] Subsequent efforts to establish a dialogue with SWBT (and SBC) personnel on this topic have all been rebuffed, or referred to others whose disinclination to cooperate with AT&T on the matter has already been established.

43. SWBT's failure to accommodate AT&T's attempts to provide xDSL services over a UNE-P loop significantly diminishes the scope of services AT&T can provide in Texas. This, in turn, will inevitably limit the number of potential customers to whom AT&T, or other similarly situated CLECs, can market voice and data services, severely curtailing the prospects for sustainable competition and denying residential consumers the benefits of choice. SWBT's conduct is flatly inconsistent with its nondiscrimination obligations and the public interest. Thus, as a prerequisite for Section 271 approval, the Commission must require SWBT to prove that it has fully implemented effective and nondiscriminatory arrangements, facilities, and processes that permit competitors such as AT&T to provide an integrated bundle of voice and data services, either alone or with a partner, without disruption and without foregoing the competition-enhancing benefits of UNE-P.

44. The Commission's decision to enable data CLECs to "line share" with SWBT when SWBT provides the voice service affords no colorable excuse for SWBT to fail to cooperate with a voice CLEC who wishes to exercise its rights of reasonable and

---

[39] The orders specified that they were for the purpose of "add[ing] DSL to an existing Loop and Port Combination Line" and directed SWBT to "cut the loop and Port over to the specified CFA."

[40] Copies of SWBT's LSR Reject Forms are attached hereto as Attachment 18.

nondiscriminatory access to UNE-P (including the right to enhance the UNE-P through the addition of xDSL service). To the contrary, the reasoning of the *Line Sharing Order* is to precisely the opposite effect.[41] SWBT must not be permitted to reduce the competitive viability of competitors who choose to employ UNE-P as their entry strategy, either through foot-dragging on operational and administrative procedures, or through the use of patently inadequate operational support. Therefore, SWBT must be required to establish capabilities and procedures that permit xDSL to be added effectively and efficiently. These processes must be nondiscriminatory compared to the line sharing support SWBT provides to itself, to its data affiliate or to data CLECs.

45. At a minimum, SWBT must be required to provide workable and proven operational support for carriers, such as AT&T, that seek to provide xDSL capabilities in conjunction with the UNE platform. Such support (as described above) must be available when SWBT complies with line-sharing requirements or is granted Section 271 relief, whichever occurs earlier. And in all events, if the Commission grants Section 271 relief before SWBT demonstrates that these capabilities are operating as intended, the Commission must assure that SWBT will be held accountable by adopting substantial financial penalties that increase with each day of delay and that suspension of SWBT's long distance authority will result if SWBT does not deploy these capabilities in accordance with the currently established timelines for compliance with the *Line Sharing Order*.

46. In summary, the Commission must ensure that Texas consumers are provided with an unfettered opportunity to choose the local service providers they want. That is how competition works. To make that decision meaningful, consumers must have access to a full range of voice and data services from both competitive and incumbent LECs. SWBT's failure to

[41] *Line Sharing Order* ¶ 56.

facilitate customer choice, both by refusing to facilitate commercial line-sharing arrangements by voice CLECs using UNE-P and by denying its xDSL service to customers who choose a UNE-P CLEC for voice service, robs Texas consumers of competitive choices the Telecommunications Act was designed to assure.

V. SWBT'S EFFORTS TO THWART ADVANCED SERVICES COMPETITION EXTEND TO ALL XDSL PROVIDERS.

47. SWBT's efforts to prevent full-fledged xDSL competition in Texas are not limited to obstruction of UNE-P-based carriers. SWBT has denied all competing xDSL providers an opportunity to enter the market on a nondiscriminatory basis.

48. As discussed above, SBC's retail xDSL strategy, Project Pronto, is the cornerstone of the company's efforts to bring bundled services to its customers, and SBC's goal is to win 1 million xDSL customers by the end of 2000. Of course, SWBT's remarkable progress in rolling out xDSL offerings would not have been possible if the company's retail operation had been faced with the same kinds of delays that it has forced on its competitors' efforts to obtain xDSL facilities. For example, on January 12, 1999, SBC announced its intention to deliver xDSL-based services from 526 central offices across the country to 8.2 million residential customers and 1.3 million business customers.[42] On March 26, 1999, just ten weeks after the initial announcement, SWBT's retail service was available.[43] In sharp contrast, despite efforts dating back to May 1998 through September 1999 -- 16 months later -- SWBT had provided all CLECs a grand total of 16 new xDSL-capable loops.[44]

---

[42] *See SBC Leader* at 1.
[43] *See* Bruce Hight, *Austin Area Gets Speedy Net Access*, AUSTIN AMERICAN-STATESMAN, Mar. 26, 1999, at D1, attached hereto as Attachment 19.
[44] *See* Chapman Aff. ¶ 4.

PFAU/CHAMBERS
DECLARATION ERRATA
(Attachment 3)

LOCATION	CORRECTION
p. 12, ¶ 24, fn. 25, l. 3	Delete "ultimately"
p. 27, ¶ 55, l. 7	"failure" should read "fail[ure]"
p. 35, ¶ 68, l. 2	Add quotation marks after "discounts"
p. 35, ¶ 68, l. 3	Add quotation marks before "nondiscriminatory"
p. 35, ¶ 68, l. 3	"xDSL" should read "[xDSL]"
p. 38, ¶ 76, fn. 106, l. 2	"Chapman Att. ¶ 5" should read "Chapman Att. ¶ 6"
p. 40, ¶ 80, l. 2	"valid" should read "reliable"
p. 44, ¶ 87, fn. 131, l. 4	"3(n)(3)" should read "4(n)(3)"

US OFFICE PRODUCTS

ATTACHMENT 8

Minimum Requirements if ILECs Are Permitted to Require Disassembly of a UNE-P Combination and Require the Use of Collocation When DSL Capabilities Are Added to or Provided with a UNE Loop

I. ILECs must establish a simple UNE-P-like ordering and provisioning process

A. For existing UNE-P customers, UNE-P CLECs should only be required to submit a single mechanized order to add DSL capabilities

No greater level of information may be required from UNE-P CLECs who are adding or removing DSL to a working UNE-P configuration than is required when a data CLEC (or the ILEC's data affiliate) adds or removes HFS on a working ILEC POTS line

B. ILECs must provide a single mechanized order procedure for CLECs to use to establish a new loop and port that are combined within the CLEC's collocation, provided that the loop and port order are identifiable as a "UNE-P+DSL" order (see III.A below). The ordering process should be telephone number oriented, as are current UNE-P ordering processes

C. To the extent that CLECs require additional information to submit an order to add DSL to a working UNE-P line, or to provide DSL with a newly installed loop, the ILEC must make the information available to the CLEC through a mechanized pre-ordering transaction that can be integrated into the CLEC's order

D. When implementing CLEC service requests, ILECs may not require a greater number of cross-connections, nor a greater length of tie pairs, than are employed when the ILEC line shares with its own data affiliate or any other data CLEC, unless agreed to by the requesting CLEC

E. UNE-P CLECs must be permitted to re-use an existing loop without the necessity of loop qualification but may, at their option, request that the ILEC provide loop qualification. CLECs may also request the ILEC to perform loop conditioning. All requested loop qualification/conditioning must be nondiscriminatory compared to similar support provided in connection with line sharing for other CLECs or the ILEC's data affiliate

F. The ILEC process for reconfiguring an existing UNE-P to terminate on collocation for the purpose of adding DSL may not require a re-specification (i.e., re-ordering) of, or result in loss of any features or information specific to, the current retail voice service of the end user, including but not limited to:

1. The customer's working telephone number
2. The currently employed local loop (if it is or can be made DSL capable)
3. 911 access or listings
4. LIDB information

5. Activated features in the local switch
6. Directory listings

G. ILECs must treat the voice portion of the service – the loop-collocation-switch port configuration -- as it would any other UNE-P or POTS type service. Thus, supporting operational processes for ordering and provisioning should use existing UNE-P interfaces and depart minimally, if at all, from UNE-P ordering requirements, and tracking should be telephone number oriented

H. ILECs must accept and process orders to reconfigure a UNE-P combination even if the specific AECN identifying the carrier requesting the reconfiguration order is different from the that of the carrier establishing the initial service configuration, provided that both AECNs are associated with the same CLEC

II. <u>ILECs must provide maintenance and repair ("M&R") functions for the voice service aspect of the UNE-P+DSL configuration in the same manner they provide M&R for voice-only UNE-P services</u>

ILECs must make maintenance and other related testing and repair support available for voice services provided through use of a loop-collocation-switch port configuration that is equivalent to the support they provide for the UNE-P loop/port combination. Accordingly, upon CLEC request, ILECs must perform all pre-service and post-delivery maintenance and repair for the loop-collocation-switch port configuration (other than work that must be done physically within a physical collocation) using procedures that are no more complex, no less comprehensive, and no more manual than those used for UNE-P. M&R support for the voice portion of the UNE-P+DSL configuration must be provided using the same interfaces that support M&R for UNE-P voice-only services. Unless otherwise requested by a CLEC, submission and tracking of maintenance transactions for the voice portion of the UNE-P+DSL configuration should be telephone number oriented

In order to obtain such support, CLECs must connect the loop and port within the collocation using an ANSI-compliant splitter, regardless of whether the splitter is standalone or integrated within multifunction electronics; provided that ILECs must accept blanket certification from CLECs that they employ ANSI-compliant splitters

III. <u>ILECs must track and measure their performance</u>

A. ILECs must define a simple designator (<u>e.g.</u>, USOC) that can be employed to track their support of loop-collocation-switch port configurations that are used for line splitting

B. Based upon that designator, ILECs must track performance in at least the following areas:

1. Retail customer voice service interruption interval
2. Trouble reported within "X" days of reconfiguration
3. Monthly trouble report rates
4. Mean time to repair
5. Repeat trouble reports
6. Provisioning due dates met
7. Average FOC interval
8. Average provisioning interval

C. Operational results for the above must be reported to CLECs each month and shown in comparison to

1. The ILEC's own experience when it line shares with its data affiliate (or line splits with itself) and
2. The ILEC's experience when it line shares with all other CLECs (in aggregate)

D. To the extent an ILEC asserts that different/modified OSS is required, compared to the OSS for line sharing, the ILEC must prove that such differences and modifications are necessary and efficient and must provide and test the modifications so that the OSS are commercially viable within 90 days

IV. Billing Requirements (Section IV)

If requested by a CLEC, ILECs must provide wholesale billing and usage records that permit UNE-P+DSL to be offered in an efficient manner, including the following:

A. Billing for each element used for voice service (or used for both voice and data service) must identify the telephone number associated with the voice service

B. All usage records delivered for UNE-P+DSL must conform to existing record exchange agreements, including, but not limited to, use of the same interface and identification of the telephone number of the originating call

C. Billing for elements applicable to data services (to the extent the ILEC provides any data-specific support) must be separately identified in a mutually agreeable manner (for example by a jointly utilized circuit ID)

V. ILECs must support shared collocation arrangements among CLECs

A. CLECs must be allowed to sublease collocation space to one another without any additional charges from an ILEC, unless the sharing CLECs subsequently require floor space or power additional to that previously arranged for by the subletting CLEC. If a dispute arises over the applicability of additional charges, ILECs must bear the burden of proof and may not prohibit deployment of additional

equipment or refuse to cross-connect to the CLECs' equipment while the dispute is being resolved

B. ILECs may not impede the CLECs' sharing of the equipment placed within collocated space. The terms of such sharing shall be governed solely by a commercial agreement between the CLECs engaging in such shared use

C. ILECs must permit and operationally support shared use of virtually collocated equipment, provided only that the originally collocating CLEC has provided the ILEC with a letter of authorization identifying the subletting CLEC. ILEC operational support must include, but not be limited to, provisioning and maintenance activities for either of the sharing parties as if each had the same rights as the initial collocator

D. ILECs must provide in-office wiring, including but not limited to tie cables, and must permit shared connecting facilities and shared cross-connection frames, that enable equipment in shared collocations (physical or virtual) to be efficiently interconnected with ILEC-provided unbundled network elements

E. If an ILEC subsequently raises a legal challenge to a specific shared use of equipment, facilities, or collocation as described above, the ILEC must continue to permit and support both existing and new uses of such shared use of collocation, facilities, and collocated equipment during the pendency of such legal review and any appeals therefrom, until the matter is final and unappealable

VI. Cost-based pricing is required

ILEC charges for cross-connection work and all other activities necessary to efficiently support the loop-collocation-switch port configuration must be cost-based on the basis of forward-looking costs

A. The ILEC bears the burden of proof to demonstrate why the charges should be higher than reasonably equivalent charges applicable to line sharing

B. ILECs may not rely upon a CLEC challenge of proposed charges to delay delivery of requested support

VII. Other issues

A. ILECs must establish procedures that effectuate a records-only change to transfer ownership of the HFS among CLECs who will be using the same equipment to provide data service, regardless of which carrier owns the equipment

Orders for such changes may only be issued by the CLEC currently billed for the HFS

Upon receipt of such orders, the ILEC shall not disrupt the physical configuration of the service, provided the new owner of the HFS is authorized by the previous owner of the HFS to share its collocation and collocated equipment

The ILEC may not charge in total more than the full forward-looking cost-based rate for use of any ILEC UNEs or other equipment

B. For loops on which line sharing already exists, ILECs must accept a UNE-P migration order to transfer ownership of the entire loop UNE, provided that the CLEC owning the HFS submits the migration order. Such orders shall not result in any greater service disruption than occurs when a UNE-P migration is performed for local voice services

C. ILECs may not require that a CLEC terminate a UNE loop and a ULS element in a collocation if such collocation is not required to access additional functionality provided by the collocated equipment

DCDOCS:176653.1(3SB101!.DOC)

Minimum Requirements if ILECs Are Permitted to Require Disassembly of a UNE-P Combination and Require the Use of Collocation When DSL Capabilities Are Added to or Provided with a UNE Loop

I. ILECs must establish a simple UNE-P-like ordering and provisioning process

A. For existing UNE-P customers, UNE-P CLECs should only be required to submit a single mechanized order to add DSL capabilities

No greater level of information may be required from UNE-P CLECs who are adding or removing DSL to a working UNE-P configuration than is required when a data CLEC (or the ILEC's data affiliate) adds or removes HFS on a working ILEC POTS line

B. ILECs must provide a single mechanized order procedure for CLECs to use to establish a new loop and port that are combined within the CLEC's collocation, provided that the loop and port order are identifiable as a "UNE-P+DSL" order (see III.A below). The ordering process should be telephone number oriented, as are current UNE-P ordering processes

C. To the extent that CLECs require additional information to submit an order to add DSL to a working UNE-P line, or to provide DSL with a newly installed loop, the ILEC must make the information available to the CLEC through a mechanized pre-ordering transaction that can be integrated into the CLEC's order

D. When implementing CLEC service requests, ILECs may not require a greater number of cross-connections, nor a greater length of tie pairs, than are employed when the ILEC line shares with its own data affiliate or any other data CLEC, unless agreed to by the requesting CLEC

E. UNE-P CLECs must be permitted to re-use an existing loop without the necessity of loop qualification but may, at their option, request that the ILEC provide loop qualification. CLECs may also request the ILEC to perform loop conditioning. All requested loop qualification/conditioning must be nondiscriminatory compared to similar support provided in connection with line sharing for other CLECs or the ILEC's data affiliate

F. The ILEC process for reconfiguring an existing UNE-P to terminate on collocation for the purpose of adding DSL may not require a re-specification (i.e., re-ordering) of, or result in loss of any features or information specific to, the current retail voice service of the end user, including but not limited to:

1. The customer's working telephone number
2. The currently employed local loop (if it is or can be made DSL capable)
3. 911 access or listings
4. LIDB information

5. Activated features in the local switch
6. Directory listings

G. ILECs must treat the voice portion of the service – the loop-collocation-switch port configuration -- as it would any other UNE-P or POTS type service. Thus, supporting operational processes for ordering and provisioning should use existing UNE-P interfaces and depart minimally, if at all, from UNE-P ordering requirements, and tracking should be telephone number oriented

H. ILECs must accept and process orders to reconfigure a UNE-P combination even if the specific AECN identifying the carrier requesting the reconfiguration order is different from the that of the carrier establishing the initial service configuration, provided that both AECNs are associated with the same CLEC

II. <u>ILECs must provide maintenance and repair ("M&R") functions for the voice service aspect of the UNE-P+DSL configuration in the same manner they provide M&R for voice-only UNE-P services</u>

ILECs must make maintenance and other related testing and repair support available for voice services provided through use of a loop-collocation-switch port configuration that is equivalent to the support they provide for the UNE-P loop/port combination. Accordingly, upon CLEC request, ILECs must perform all pre-service and post-delivery maintenance and repair for the loop-collocation-switch port configuration (other than work that must be done physically within a physical collocation) using procedures that are no more complex, no less comprehensive, and no more manual than those used for UNE-P. M&R support for the voice portion of the UNE-P+DSL configuration must be provided using the same interfaces that support M&R for UNE-P voice-only services. Unless otherwise requested by a CLEC, submission and tracking of maintenance transactions for the voice portion of the UNE-P+DSL configuration should be telephone number oriented

In order to obtain such support, CLECs must connect the loop and port within the collocation using an ANSI-compliant splitter, regardless of whether the splitter is standalone or integrated within multifunction electronics; provided that ILECs must accept blanket certification from CLECs that they employ ANSI-compliant splitters

III. <u>ILECs must track and measure their performance</u>

A. ILECs must define a simple designator (<u>e.g.</u>, USOC) that can be employed to track their support of loop-collocation-switch port configurations that are used for line splitting

B. Based upon that designator, ILECs must track performance in at least the following areas:

1. Retail customer voice service interruption interval
2. Trouble reported within "X" days of reconfiguration
3. Monthly trouble report rates
4. Mean time to repair
5. Repeat trouble reports
6. Provisioning due dates met
7. Average FOC interval
8. Average provisioning interval

C. Operational results for the above must be reported to CLECs each month and shown in comparison to

1. The ILEC's own experience when it line shares with its data affiliate (or line splits with itself) and
2. The ILEC's experience when it line shares with all other CLECs (in aggregate)

D. To the extent an ILEC asserts that different/modified OSS is required, compared to the OSS for line sharing, the ILEC must prove that such differences and modifications are necessary and efficient and must provide and test the modifications so that the OSS are commercially viable within 90 days

IV. Billing Requirements (Section IV)

If requested by a CLEC, ILECs must provide wholesale billing and usage records that permit UNE-P+DSL to be offered in an efficient manner, including the following:

A. Billing for each element used for voice service (or used for both voice and data service) must identify the telephone number associated with the voice service

B. All usage records delivered for UNE-P+DSL must conform to existing record exchange agreements, including, but not limited to, use of the same interface and identification of the telephone number of the originating call

C. Billing for elements applicable to data services (to the extent the ILEC provides any data-specific support) must be separately identified in a mutually agreeable manner (for example by a jointly utilized circuit ID)

V. ILECs must support shared collocation arrangements among CLECs

A. CLECs must be allowed to sublease collocation space to one another without any additional charges from an ILEC, unless the sharing CLECs subsequently require floor space or power additional to that previously arranged for by the subletting CLEC. If a dispute arises over the applicability of additional charges, ILECs must bear the burden of proof and may not prohibit deployment of additional

equipment or refuse to cross-connect to the CLECs' equipment while the dispute is being resolved

B. ILECs may not impede the CLECs' sharing of the equipment placed within collocated space. The terms of such sharing shall be governed solely by a commercial agreement between the CLECs engaging in such shared use

C. ILECs must permit and operationally support shared use of virtually collocated equipment, provided only that the originally collocating CLEC has provided the ILEC with a letter of authorization identifying the subletting CLEC. ILEC operational support must include, but not be limited to, provisioning and maintenance activities for either of the sharing parties as if each had the same rights as the initial collocator

D. ILECs must provide in-office wiring, including but not limited to tie cables, and must permit shared connecting facilities and shared cross-connection frames, that enable equipment in shared collocations (physical or virtual) to be efficiently interconnected with ILEC-provided unbundled network elements

E. If an ILEC subsequently raises a legal challenge to a specific shared use of equipment, facilities, or collocation as described above, the ILEC must continue to permit and support both existing and new uses of such shared use of collocation, facilities, and collocated equipment during the pendency of such legal review and any appeals therefrom, until the matter is final and unappealable

VI. Cost-based pricing is required

ILEC charges for cross-connection work and all other activities necessary to efficiently support the loop-collocation-switch port configuration must be cost-based on the basis of forward-looking costs

A. The ILEC bears the burden of proof to demonstrate why the charges should be higher than reasonably equivalent charges applicable to line sharing

B. ILECs may not rely upon a CLEC challenge of proposed charges to delay delivery of requested support

VII. Other issues

A. ILECs must establish procedures that effectuate a records-only change to transfer ownership of the HFS among CLECs who will be using the same equipment to provide data service, regardless of which carrier owns the equipment

Orders for such changes may only be issued by the CLEC currently billed for the HFS

Upon receipt of such orders, the ILEC shall not disrupt the physical configuration of the service, provided the new owner of the HFS is authorized by the previous owner of the HFS to share its collocation and collocated equipment

The ILEC may not charge in total more than the full forward-looking cost-based rate for use of any ILEC UNEs or other equipment

B. For loops on which line sharing already exists, ILECs must accept a UNE-P migration order to transfer ownership of the entire loop UNE, provided that the CLEC owning the HFS submits the migration order. Such orders shall not result in any greater service disruption than occurs when a UNE-P migration is performed for local voice services

C. ILECs may not require that a CLEC terminate a UNE loop and a ULS element in a collocation if such collocation is not required to access additional functionality provided by the collocated equipment

DCDOCS:176653.1(3SB101!.DOC)