

OKLAHOMA

# Corporation Commission

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Office of General Counsel



William R. Burkett, General Counsel

January 11, 2001

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**Via FEDEX**

Magalie Roman Salas  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., CY-B402  
Washington, D.C. 20554

Re: 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 Kansas and Oklahoma; CC Docket No. 00-217

Dear Ms. Salas:

Please find attached an original and three copies of the Oklahoma Corporation Commission reply comments. Please file the original and two copies into the record of the above-captioned proceeding, and return the extra copy to me, stamped with the filing information, in the enclosed postage prepaid, self-addressed envelope provided for your convenience.

Thank you for your assistance in this matter.

Sincerely,

Maribeth D. Snapp  
Deputy General Counsel  
Office of the General Counsel  
Oklahoma Corporation Commission

MDS/gb  
Enclosures

No. of Copies rec'd 012  
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OKLAHOMA

# Corporation Commission

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January 11, 2001

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Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
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Janice Myles  
Common Carrier Bureau  
445 12<sup>th</sup> Street, S.W., Room 5-C327  
Washington, D.C. 20554

International Transcription Service  
1231 20<sup>th</sup> Street, N.W.  
Washington, D.C. 20036

RE: 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 Kansas and Oklahoma; CC Docket No. 00-217

**OKLAHOMA CORPORATION COMMISSION'S  
RECOMMENDATION AND REPLY COMMENTS TO SOUTHWESTERN BELL TELEPHONE  
COMPANY'S DECEMBER 28<sup>TH</sup> EX PARTE AMENDMENT FILING IN SECTION 271  
KANSAS AND OKLAHOMA PROCEEDING**

The Oklahoma Corporation Commission ("OCC") fully supports the additional discounts in the amended *ex parte* filing of SBC Communications Inc. ("SBC") dated December 28, 2000, and continues to urge the FCC to approve Southwestern Bell's 271 application.

On January 10, 2001, the OCC entered Order No. 448119, in Cause No. PUD 200100006 approving an amended interconnection agreement containing the rates set forth in SBC's amended *ex parte* filing. Oklahoma pricing for Unbundled Network Elements ("UNEs") were established using a forward looking TELRIC methodology by OCC Order No. 424864 on July 12, 1998, following notice, hearing and extensive deliberations. On December 20, 1999, the OCC issued Order No. 437259 in which Southwestern Bell

Telephone Company ("SWBT" or "Southwestern Bell"), Oklahoma Corporation Commission Staff ("OCC Staff"), the Attorney General, AT&T Communications of the Southwest, Inc. ("AT&T"), Sprint Communications Company, L.P. ("Sprint"), Birch Telecom of Oklahoma, Inc. ("Birch"), Oklahoma Education Coalition, Logix Communications Corporation ("Logix") MCI/WorldCom Telecommunications Company ("MCI") and Cox Oklahoma Telcom, L.L.C. ("Cox OK") either stipulated to or agreed not to oppose the transition plan containing the promotional UNE discounts. The recurring and nonrecurring charges on specified UNEs were discounted as part of the Transition Plan to the OCC's Alternative Regulation Rules.

The Oklahoma Corporation Commission supports the amended *ex parte* filing of SWBT, dated December 28, 2000. This amended *ex parte* filing extends discounts to nonrecurring charges for the UNEs not covered by the discounts previously adopted in Southwestern Bell's transition plan. The discounted rates shall remain in effect for the duration of the O2A interconnection agreement. The amended *ex parte* filing also applies the same level of Oklahoma Alternative Regulation discounts on recurring charges to all other loops.

On January 5, 2001, SWBT issued an Accessible Letter (CLEC001-001) making the offer of the discounted rates available to all CLECs. In addition, these discounts were incorporated into an amendment to the interconnection agreement between Southwestern Bell and Logix, filed with the OCC on January 5, 2001. These rates are available through the Most Favored Nations clause, 47 U.S.C. § 252(i), to all CLECs in Oklahoma. A copy of OCC Order No. 448119 approving the amended interconnection agreement is attached.

The OCC firmly believes the offering of these discounts demonstrates Southwestern Bell's willingness to open its local exchange market to meaningful competition and the OCC continues to encourage the FCC to approve Southwestern Bell's 271 application.

Sincerely,

  
Bob Anthony, Chairman

  
Denise A. Bode, Vice Chairman

  
Ed Apple, Commissioner

Enclosure

cc: Layla Seirafi-Najar – Department of Justice  
Katherine Brown, Esquire – Department of Justice  
Donald J. Russell – Department of Justice

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Reply Comments of the Oklahoma Corporation Commission was sent to each of the following parties by FEDERAL EXPRESS on this 11<sup>th</sup> day of January, 2001.

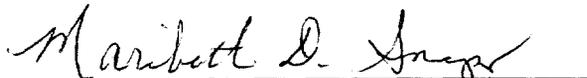
Magalie R. Salas  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

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Layla Seirafi-Najar  
U.S. Department of Justice  
Antitrust Division, Suite 800  
1401 H Street, NW  
Washington, D.C. 20530

Eva Powers  
Kansas Corporation Commission  
1500 S.W. Arrowhead Road  
Topeka, KS 66604-2425

  
\_\_\_\_\_  
Maribeth D. Snapp

BEFORE THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA

MDA

JOINT APPLICATION OF LOGIX ) CAUSE NO. PUD 200100006  
COMMUNICATIONS CORPORATION )  
AND SOUTHWESTERN BELL TELEPHONE )  
COMPANY FOR APPROVAL OF )  
AMENDMENT TO INTERCONNECTION )  
AGREEMENT PURSUANT TO § 252(e) OF )  
THE TELECOMMUNICATIONS ACT )  
OF 1996 ) ORDER NO. 448119

**FINAL ORDER APPROVING ADOPTION  
OF AMENDMENT TO INTERCONNECTION AGREEMENT**

BY THE COMMISSION:

The Corporation Commission of the State of Oklahoma (the Commission) being regularly in session and the undersigned Commissioners being present and participating, there comes on for consideration and action the request for approval of Amendment No. 1 to O2A Interconnection Agreement between Logix Communications Corporation and Southwestern Bell Telephone Company.

**Findings of Fact and Conclusions of Law**

The Applicants filed an application seeking approval of the Amendment No. 1 (dated January 5, 2001) to O2A Interconnection Agreement entered into between the parties.

The Commission finds that it has jurisdiction over the above-entitled cause pursuant to 47 U.S.C. §252 (the Federal Act), Article IX, Section 18 of the Oklahoma Constitution, 17 O.S. (1996) §131, *et seq.*, and OAC 165:55. Further, the Commission finds that the parties have submitted proof of the execution of

Amendment No. 1 to the O2A Interconnection Agreement reflecting the agreement between the parties.

Further, the Commission finds that adoption of Amendment No. 1, dated January 5, 2001, is consistent with §§251 and 252 of the Federal Act, and OAC 165:55; that the Interconnection Agreement was approved in Cause No. PUD 97-560, Order No. 445180; and is consistent with the public interest, convenience and necessity; that it does not discriminate against a telecommunications service provider not a party to the Agreement; and that the amendment of the Interconnection Agreement is consistent with the pro-competitive aims of the Federal Act and the Commission's rules governing local exchange competition.

**Order**

IT IS THEREFORE THE ORDER OF THE CORPORATION COMMISSION of the State of Oklahoma that the adoption of Amendment No. 1, dated January 5, 2001, to O2A Interconnection Agreement submitted herein, is hereby approved.

CORPORATION COMMISSION OF OKLAHOMA

  
BOB ANTHONY, CHAIRMAN

Concurring  
Opinion  
Attached

  
DENISE BODE, VICE-CHAIRMAN

  
ED APPLE, COMMISSIONER

DONE AND PERFORMED this <sup>th</sup> 10 day of JANUARY, 2001.  
BY ORDER OF THE COMMISSION:

  
\_\_\_\_\_  
Peggy Mitchell, Secretary

### **Concurring Opinion of Commissioner Anthony**

Approval of today's order marks another significant step in the Commission's efforts to bring robust competition and meaningful customer choice to Oklahoma's local exchange telephone market.

The interconnection agreement between Logix and Southwestern Bell contains discounts of up to 25 percent on nonrecurring charges for additional Unbundled Network Elements (UNEs). UNEs are those portions of the Southwestern Bell system that other telephone companies may need to lease from the incumbent carrier in order to provide service to customers. Reducing these charges increases the likelihood of competitors being able to establish favorable operating margins, thus making Oklahoma a more attractive market.

Taken in conjunction with the discounts on the list of UNEs previously adopted as part of the Commission's Alternative Regulation Rules, today's order brings Oklahoma in line with the lower UNE rates recently adopted in Texas and Kansas. This meets the goal I announced over a year ago of making Oklahoma aggressively competitive with the UNE rates offered by the other states in the Bell region in order to create the most favorable climate to attract competitive local exchange companies to do business here.

As part of the negotiated interconnection agreement between Bell and Logix, these discounts become available to all other competitive local exchange companies, which may obtain them directly from Bell or by adopting this section of the Logix agreement under the Most Favored Nations provision.