

SBC and Verizon, together with their local competitors, have also begun investing greater sums to deploy advanced services and to upgrade the local infrastructure in those states where section 271 authorization has been granted. In Western New York, Verizon invested approximately \$1.5 billion during the past year, including 150,000 miles of fiber optic cable, more than 90 switching centers, and more than 800,000 access lines.<sup>139</sup> In Massachusetts, Verizon spent \$800 million during just the first five months of 2001 installing new fiber optic cables to provide better quality and further reaching phone and high-speed data services. A significant portion of Verizon's investments in Massachusetts, as in New York, goes to suburban and rural areas where, with 271 authorization, the BOC can offer a variety of additional services.<sup>140</sup>

Last year in Texas, SBC invested more than \$1 billion to upgrade its central offices, expand Advanced Intelligent Network capacity, and install 2,600 miles of fiber-optic cable.<sup>141</sup> In addition, through SBC's \$6 billion broadband initiative – Project Pronto – SBC's DSL service was made available to an additional 900,000 Texas residences and businesses, bringing

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completing a \$28 million enhancement of its high-speed local network serving the Dallas and Fort Worth metroplex”), at <http://www.att.com/press/item/0,1354,3408,00.html>.

<sup>139</sup> See Verizon Fiber Network Wires Buffalo Market, American City Bus. J., Jan. 15, 2001, at 11 (“Competition is driving this investment with more and more companies vying for service.”).

<sup>140</sup> See Verizon Press Release, Verizon Deploys Fiber Optics, Electronics, Bringing Additional Voice, Data Capacity North of Boston (May 23, 2001), at <http://newscenter.verizon.com/proactive/newsroom/release.vtml?id=55028>.

<sup>141</sup> See SWBT Press Release, Southwestern Bell Invests \$1 Billion in Network Enhancements, High Tech Product Offerings to Ensure State-of-the-Art Communications for Texans in 2001 (Feb. 8, 2001), at <http://www.swbell.com/About/NewsCenter/ShowRelease/0,1018,20010208-01,00.html?NID=>.

broadband service at the start of 2001 to a total of 46 cities in Texas.<sup>142</sup> Small business customers in Houston will be the first to experience the next phase of Project Pronto – direct-fiber connections through passive optical networking (PON) and wave division multiplexing (WDM).<sup>143</sup> To further expand the reach of high-speed services to rural Texans, SBC partnered with Pegasus Communications to deliver a new high-speed satellite Internet access service, DirecPCO, because it is only with 271 authorization that SBC can offer interLATA high-speed satellite Internet access.<sup>144</sup>

To upgrade its networks and central offices, and lay new fiber-optic cable, SBC last year invested over \$230 million and \$135 million in Kansas and Oklahoma, respectively – this includes 300 miles of new fiber-optics in each state.<sup>145</sup> In March 2001, SBC embarked on an “aggressive implementation schedule” to provide its basic (1.5 Mbps) and enhanced (6 Mbps) DSL service to thirty-nine new counties in Oklahoma.<sup>146</sup>

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<sup>142</sup> See id.

<sup>143</sup> See SBC Press Release, SBC Begins New Phase of Project Pronto (May 9, 2001), at [http://www.sbc.com/News\\_Center/1,3950,31,00.html?query=20010509-1](http://www.sbc.com/News_Center/1,3950,31,00.html?query=20010509-1).

<sup>144</sup> See SBC Press Release, SBC and Pegasus to Extend Broadband’s Reach (May 10, 2001), at [http://www.sbc.com/News\\_Center/1,3950,31,00.html?query=20010510-1](http://www.sbc.com/News_Center/1,3950,31,00.html?query=20010510-1).

<sup>145</sup> See SWBT Press Release, Southwestern Bell Invests Millions in Network Enhancements, High Tech Product Offerings to Ensure State-of-the-Art Communications for Kansans in 2001 (Mar. 2, 2001), at <http://www.swbell.com/About/NewsCenter/ShowRelease/0,1018,20010302-01,00.html?NID=>; SWBT Press Release, Southwestern Bell Invests Millions in Network Enhancements, High Tech Product Offerings to Ensure State-of-the-Art Communications for Oklahomans in 2001 (Feb. 20, 2001), at <http://www.swbell.com/About/NewsCenter/ShowRelease/0,1018,20010220-01,00.html?NID=>.

<sup>146</sup> See, e.g., SBC Press Release, Southwestern Bell DSL Launches in Pryor Through Project Pronto (Mar. 14, 2001), at <http://www.swbell.com/About/NewsCenter/ShowRelease/0,1018,20010314-01,00.html?NID=>. Other counties in Oklahoma where SBC’s DSL service is now available include: Collinsville, Woodward, Pauls Valley, Drumright, Weatherford, Hugo, El Reno, Miami, Grove, Elk City, Madill, Tonkawa.

Long-distance entry is a catalyst for competition in virtually all communications markets. *Allowing Arkansas and Missouri consumers to enjoy the benefits of that competition would surely serve the public interest.*

**B. SWBT Is Subject to Comprehensive Performance Reporting and Monitoring Requirements in both Arkansas and Missouri**

It is beyond serious dispute that SWBT's performance reporting and remedy plans in Arkansas and Missouri "constitute probative evidence that the BOC will continue to meet its section 271 obligations and that its entry would be consistent with the public interest." *E.g., Kansas/Oklahoma Order* ¶ 269. The starting point for SWBT's Arkansas and Missouri plans is the performance measurements developed in collaboration with CLECs and state and federal regulators and approved by this Commission in the *Texas* and *Kansas/Oklahoma Orders*. *See Dysart AR Aff.* ¶ 15; *Dysart MO Aff.* ¶ 15; *Texas Order*, 15 FCC Rcd at 18562-63, ¶ 425; *Kansas/Oklahoma* ¶ 273. SWBT has demonstrated the "continuing ability of the[se] measurements to evolve" by implementing all changes that were ordered by the Texas Commission in its six-month review process. *Dysart AR Aff.* ¶¶ 15 & n.9; *Dysart MO Aff.* ¶¶ 15 & n.9; *see Kansas/Oklahoma Order* ¶ 275; *Texas Order*, 15 FCC Rcd at 18562-63, ¶ 425. And SWBT has implemented a remedy plan that mirrors the Texas, Kansas, and Oklahoma plans in all material respects, thus providing assurance that SWBT will continue to provide CLECs with nondiscriminatory service following section 271 relief.

**1. Performance Measurements**

To allow CLECs and regulators to confirm that SWBT is providing local facilities and services on a nondiscriminatory basis, SWBT's performance plans create comprehensive sets of primary performance measurement categories. *See Dysart AR Aff.* ¶ 9; *Dysart MO Aff.* ¶ 9; *Texas Order*, 15 FCC Rcd at 18560-61, ¶ 422. These measures track all aspects of SWBT's

wholesale performance, including pre-ordering, ordering, provisioning, maintenance/repair, and billing of UNEs and resold services; interconnection and collocation; directory assistance and operator services; 911 services; interim and long-term number portability; directory assistance database; access to poles, ducts, conduits, and rights-of-way; loading and testing of NXX codes; and fulfillment of Bona Fide Requests for new UNEs or interconnection arrangements. Dysart AR Aff. ¶ 9 & Attach. C; Dysart MO Aff. ¶ 9 & Attach. C.

To assess SWBT's performance on each of these measurements, data are collected monthly and disaggregated on a product-specific basis in accordance with detailed business rules. See Dysart AR Aff. ¶ 155-157; Dysart MO Aff. ¶ 151-153; M2A Attach. 17 – Performance Remedy Plan, App. 3; A2A Attach. 17 – Performance Remedy Plan, App. 3. Wherever possible, SWBT's performance measurements compare service on behalf of Missouri CLECs directly to the level of service in SWBT's retail operations. Dysart AR Aff. ¶ 9; Dysart MO Aff. ¶ 9. Where no comparable retail function exists, the level of service provided to CLECs is tested against established benchmarks. Dysart AR Aff. ¶ 9; Dysart MO Aff. ¶ 9. SWBT employs traditional statistical analysis to gauge the significance of apparent differences in performance. Dysart AR Aff. ¶¶ 9-10; Dysart MO Aff. ¶¶ 9-10. As this Commission has explained, “the use of statistical analysis to take into account random variation in the metrics is desirable.” New York Order, 15 FCC Rcd at 4182, App. B ¶ 2 (emphasis added).

Although based on a region-wide collaboration, SWBT's performance measurement plans incorporate numerous state-specific features. Dysart AR Aff. ¶¶ 17-19; Dysart MO Aff. ¶¶ 17-19. Moreover, both states have adopted the performance measurement revisions ordered in the Texas Commission's six-month review. Dysart AR Aff. ¶¶ 15-16; Dysart MO Aff. ¶¶ 15-16. As this Commission has recognized, the “continuing ability of the measurements to evolve is

an important feature because it allows the Plans to reflect changes in the telecommunications industry.” Kansas/Oklahoma Order ¶ 275; Texas Order, 15 FCC Rcd at 18562-63, ¶ 425.

## **2. Independent Data Testing**

SWBT’s region-wide data collection methods and procedures have passed an independent, third-party test conducted by Telcordia under the direction of the Texas Commission. See Telcordia Technologies, Southwestern Bell OSS Readiness Report §§ 6.3.6.1, 6.5.1, at 82, 93-94 (Tex. Pub. Util. Comm’n filed Sept. 1999) (App. C - MO, Tab 49). Telcordia confirmed that SWBT properly implemented the plan’s business rules for each performance measurement and validated numerical results reported by SWBT. “While Telcordia did make several recommendations regarding SWBT’s data control mechanisms, . . . SWBT has agreed to implement each of these measures.” Texas Order, 15 FCC Rcd at 18564, ¶ 429.

Telcordia’s endorsement of SWBT’s data collection procedures is valid regionwide. SWBT’s data have nonetheless undergone an additional independent third-party audit. This audit, conducted by Ernst & Young under the auspices of the Missouri PSC, concluded that SWBT’s reported data accurately reflect its performance, and that SWBT’s data gathering processes and controls were sufficient. Dysart AR Aff. ¶¶ 165-168; Dysart MO Aff. ¶¶ 155-162. This audit provides further support for the adequacy of SWBT’s performance measurements, and for the reliability and accuracy of its reported data.

In its comments in the initial Missouri proceedings, AT&T questioned the validity of Southwestern Bell’s performance data. According to AT&T, because SWBT interpreted the business rule for a particular flow-through PM differently than AT&T would have, SWBT cannot rely on any of its reported data – not just for flow-through, but apparently for all of its performance measures. See Comments of AT&T Corp. at 47-49, CC Docket No. 01-88 (FCC

filed Apr. 24, 2001). SWBT recognizes that the Texas Commission has declined to accept SWBT's interpretation of the relevant business rule, see Dysart AR Aff. n.32; Dysart MO Aff. n.37, but, significantly, the restated data do not deviate markedly from the data reported previously, see Dysart AR Aff. ¶ 47; Dysart MO Aff. ¶ 45. Even were it otherwise, moreover, it would have no bearing on the remainder of Southwestern Bell's performance data. As the Commission has held, "[w]here particular SWBT data are disputed by commenters," that data should be examined in discussing the relevant checklist item. Texas Order, 15 FCC Rcd at 18378, ¶ 57. As discussed throughout this Joint Application, SWBT's data conclusively establish compliance with each checklist item.

### **3. Performance Remedy Plans**

SWBT's proposed payment plans in Arkansas and Missouri – involving self-executing payments to the Arkansas and Missouri state treasuries, as well as to CLECs – are practically mirror images of the plans that this Commission approved in Texas, Kansas, and Oklahoma. See Final Missouri PSC Order at 89; Texas Order, 15 FCC Rcd at 18560-64, ¶¶ 422-427; Kansas/Oklahoma Order ¶¶ 273-280. During the first year, the plans put \$98 million at risk in Missouri and \$43 million at risk in Arkansas. Dysart AR Aff. ¶ 18; Dysart MO Aff. ¶ 18. Measured as a percentage of net revenue, these amounts represent the same liability that was approved in Texas, Kansas, Oklahoma, and New York. See Texas Order, 15 FCC Rcd at 18561-62, ¶ 424; Kansas/Oklahoma Order ¶ 274 & n.837; New York Order, 15 FCC Rcd at 4168, ¶ 436 n.1332. Likewise, SWBT's "procedural caps" – mechanisms designed to ensure that no single CLEC receives a disproportionate share of the total payments – are generally equivalent (on a percentage basis) to the procedural caps in place in Texas, Kansas, and Oklahoma. See Dysart AR Aff. ¶ 18 & n.15; Dysart MO Aff. ¶ 18 & n.15. And the key structural features of the plan –

including the two-tiered payment scheme – are the same in Arkansas and Missouri as they are in Texas, Kansas, and Oklahoma. Dysart AR Aff. ¶ 11-13; Dysart MO Aff. ¶ 11-13. This Commission approved these features in the Texas and Kansas/Oklahoma Orders; it necessarily follows that SWBT’s performance incentive plans in Arkansas and Missouri “include[] appropriate, self-executing enforcement mechanisms that are sufficient to ensure compliance with the established performance standards.” Second Louisiana Order, 13 FCC Rcd at 20806, ¶ 364; see Texas Order, 15 FCC Rcd at 18559-60, ¶ 420; New York Order, 15 FCC Rcd at 4164-65, ¶ 429.

That is so in Arkansas notwithstanding the Arkansas PSC’s concerns regarding its “limited legal authority to ensure future performance.” See 2001 Consultation Report at 12. As noted, SWBT’s remedy plan in Arkansas contains the same self-executing mechanisms as its plans in Texas, Oklahoma, and Kansas. In those states, SWBT has paid many millions of dollars in remedy payments, and is unaware of a single commission complaint that it has failed to pay remedies that have come due under the plans. See Dysart AR Aff. ¶ 19 n.19. It is therefore exceedingly unlikely that the Arkansas PSC’s authority to enforce the remedy plan will ever be invoked to ensure SWBT’s adherence to its terms.

In any case, the Arkansas PSC in fact has ample authority to enforce the remedy plan. See, e.g., Ark. Code Ann. §§ 23-3-119; Ark. PSC R. Prac. & Proc. § 10 (Complaints and Show Cause Orders). As in other states, the remedy plan proposed by SWBT has been incorporated into interconnection agreements with CLECs. The Arkansas PSC has repeatedly held that it has jurisdiction to adjudicate complaints against SWBT for an alleged violation of an interconnection

agreement.<sup>147</sup> It necessarily follows that the PSC would have jurisdiction to enforce the terms of a payment plan incorporated into an interconnection agreement. In addition, if the Arkansas PSC were to decline to exercise that jurisdiction, this Commission has held that it has the authority to act in its place. See Memorandum Opinion and Order, Starpower Communications, LLC Petition for Preemption of Jurisdiction of the Virginia State Corporation Commission, 15 FCC Rcd 11277, 11279-80, ¶ 6 (2000). In other words, there is no realistic possibility that the liability provisions under the Arkansas performance remedy plan would prove to be unenforceable against SWBT.

## **VII. SOUTHWESTERN BELL WILL PROVIDE INTERLATA SERVICES IN COMPLIANCE WITH THE REQUIREMENTS OF SECTION 272**

When providing authorized interLATA services in Arkansas and Missouri, SWBT and its long-distance affiliate(s) will operate independently of each other and conduct business on an arm's-length, nondiscriminatory basis in compliance with sections 271(d)(3)(B) and 272.<sup>148</sup> As this Commission has found, “[t]he parent company, SBC Communications, Inc., has established one primary section 272 affiliate to provide in-region interLATA services in Kansas and Oklahoma upon gaining section 271 approval: Southwestern Bell Communications Services, Inc. (“SBCS”), which does business as Southwestern Bell Long Distance.” Kansas/Oklahoma Order ¶ 259. Southwestern Bell Long Distance will likewise be SWBT’s long-distance affiliate in

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<sup>147</sup> See Order No. 6 at 9, Connect Communications Corp. v. Southwestern Bell Tel. Co., Docket No. 98-167-C (Ark. Pub. Serv. Comm’n Dec. 31, 1998) (App. E – AR, Tab 16) (“the Commission finds that it has jurisdiction over Connect’s Complaint regarding the terms of the Interconnection Agreement approved by the Commission”); Order No. 2 at 5-6, American Communications Servs. of Little Rock, Inc. v. Southwestern Bell Tel. Co., Docket No. 00-071-C (Ark. Pub. Serv. Comm’n June 12, 2000) (App. E – AR, Tab 21) (asserting jurisdiction under state law to adjudicate complaint alleging violation of an interconnection agreement).

<sup>148</sup> For a detailed discussion of SWBT’s compliance with these requirements, see the Missouri and Arkansas Affidavits of Linda G. Yohe, Joe Carrisalez, and Robert Henrichs.

Arkansas and Missouri. See Carrisalez AR Aff. ¶ 8 (App. A – AR, Tab 3); Carrisalez MO Aff. ¶ 8 (App. A – MO, Tab 2). The Commission has already found that SWBT has met its burden of proving compliance with section 272 in Texas, Kansas, and Oklahoma. See Kansas/Oklahoma Order ¶ 257; Texas Order, 15 FCC Rcd at 18549, ¶ 396. Because SBC maintains the identical structural separation and nondiscrimination safeguards in Arkansas and Missouri as it does in Texas, Kansas, and Oklahoma, the Commission should find that SBC also satisfies the requirements of section 272 in Arkansas and Missouri.

**CONCLUSION**

For the reasons presented above, this Joint Application should be granted.

Respectfully submitted,



MICHAEL K. KELLOGG  
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August 20, 2001



## REQUIRED STATEMENTS

Pursuant to the Commission's Public Notice, Updated Filing Requirements for Bell Operating Company Applications Under Section 271 of the Communications Act, DA 01-734 (FCC rel. Mar. 23, 2001), Southwestern Bell states as follows:

- (a) pages ix-xiii of this Brief contain a table of contents;
- (b) pages i-viii of this Brief contain a concise summary of the substantive arguments presented;
- (c) pages 9-15 of this Brief contain statements identifying how Southwestern Bell meets the requirements of section 271(c)(1); the tables of contents of Appendices B-AR and B-MO identify the agreements on which Southwestern Bell relies in this joint application; Attachment 4 to this Brief describes the status of federal-court challenges to the agreements pursuant to section 252(e)(6);
- (d) pages 1-9 of this Brief contain a statement summarizing the status and findings of the Missouri and Arkansas Public Service Commissions' proceedings examining Southwestern Bell's compliance with section 271;
- (e) this Brief contains the legal and factual arguments outlining how the three requirements of section 271(d)(3) have been met, and is supported as necessary with selected excerpts from the supporting documentation (with appropriate citations): pages 73-144 address the requirements of section 271(d)(3)(A); pages 161-62 address the requirements of section 271(d)(3)(B); and pages 144-161 address the requirements of section 271(d)(3)(C);
- (f) pages xiii-xviii of this Brief and Attachment 5 (separately bound) contain a list of all appendices (including affidavits) and the location of and subjects covered by each of those appendices;
- (g) Inquiries relating to access (subject to the terms of any applicable protective order) to any confidential information submitted by Southwestern Bell in this joint application should be addressed to:  

Kevin B. Walker  
Kellogg, Huber, Hansen, Todd & Evans, P.L.L.C.  
Sumner Square  
1615 M Street, N.W., Suite 400  
Washington, D.C. 20036-3209  
Telephone: (202) 367-7820
- (h) Anti-Drug Abuse Act certifications as required by 47 C.F.R. § 1.2002, and certifications signed by officers or duly authorized employees certifying that all information supplied

in this joint application is true and accurate to the best of their information and belief are included as Attachment 2 to this Brief.

- (i) Application materials and any subsequent submissions can be found at <http://www.sbc.com>. This website is also identified at footnote 2 on page 2 of this Brief.



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

In the Matter of

Joint Application by SBC Communications Inc., Southwestern Bell Telephone Company, and Southwestern Bell Communications Services, Inc. d/b/a Southwestern Bell Long Distance for Provision of In-Region, InterLATA Services in Arkansas and Missouri

CC Docket No. \_\_\_\_\_

**DECLARATION AND VERIFICATION OF PAUL K. MANCINI  
AND ANTI-DRUG ABUSE ACT OF 1988 CERTIFICATION  
OF SBC COMMUNICATIONS INC.**

1. I am Vice President and Assistant General Counsel of SBC Communications Inc. ("SBC"). I am authorized to make this declaration on behalf of SBC.
2. I have reviewed the foregoing Application by SBC, Southwestern Bell Telephone Company, and Southwestern Bell Communications Services, Inc. d/b/a Southwestern Bell Long Distance for Provision of In-Region, InterLATA Services in Arkansas and Missouri, and the materials filed in support thereof.
3. The information contained in the Application has been provided by persons with knowledge thereof. All information supplied in the Application is true and accurate to the best of my knowledge, information, and belief formed after reasonable inquiry.
4. I further certify that SBC is not subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862.
5. I declare under penalty of perjury that the forgoing is true and correct.

Executed on August 15, 2001.



Paul K. Mancini

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

In the Matter of

Joint Application by SBC Communications Inc., Southwestern Bell Telephone Company, and Southwestern Bell Communications Services, Inc. d/b/a Southwestern Bell Long Distance for Provision of In-Region, InterLATA Services in Arkansas and Missouri

CC Docket No. \_\_\_\_\_

**DECLARATION AND VERIFICATION OF PAUL G. LANE  
AND ANTI-DRUG ABUSE ACT OF 1988 CERTIFICATION  
OF SOUTHWESTERN BELL TELEPHONE COMPANY**

1. I am General Counsel – Missouri of Southwestern Bell Telephone Company (“SWBT”). I am authorized to make this declaration on behalf of SWBT.
2. I have reviewed the foregoing Application by SBC Communications Inc., SWBT, and Southwestern Bell Communications Services Inc. d/b/a Southwestern Bell Long Distance for Provision of In-Region, InterLATA Services in Arkansas and Missouri, and the materials filed in support thereof.
3. The information contained in the Application has been provided by persons with knowledge thereof. All information supplied in the Application is true and accurate to the best of my knowledge, information, and belief formed after reasonable inquiry.
4. I further certify that SWBT is not subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862.
5. I declare under penalty of perjury that the forgoing is true and correct.

Executed on August 15, 2001.



\_\_\_\_\_  
Paul G. Lane

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

In the Matter of

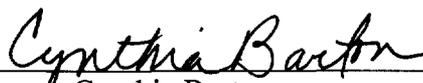
Joint Application by SBC Communications Inc., Southwestern Bell Telephone Company, and Southwestern Bell Communications Services, Inc. d/b/a Southwestern Bell Long Distance for Provision of In-Region, InterLATA Services in Arkansas and Missouri

CC Docket No. \_\_\_\_\_

**DECLARATION AND VERIFICATION OF CYNTHIA BARTON  
AND ANTI-DRUG ABUSE ACT OF 1988 CERTIFICATION  
OF SOUTHWESTERN BELL TELEPHONE COMPANY**

1. I am General Attorney – Arkansas of Southwestern Bell Telephone Company (“SWBT”). I am authorized to make this declaration on behalf of SWBT.
2. I have reviewed the foregoing Application by SBC Communications Inc., SWBT, and Southwestern Bell Communications Services, Inc. d/b/a Southwestern Bell Long Distance for Provision of In-Region, InterLATA Services in Arkansas and Missouri, and the materials filed in support thereof.
3. The information contained in the Application has been provided by persons with knowledge thereof. All information supplied in the Application is true and accurate to the best of my knowledge, information, and belief formed after reasonable inquiry.
4. I further certify that SBC is not subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862.
5. I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 14, 2001.

  
Cynthia Barton

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

In the Matter of

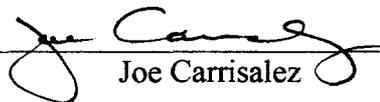
Joint Application by SBC Communications Inc., Southwestern Bell Telephone Company, and Southwestern Bell Communications Services, Inc. d/b/a Southwestern Bell Long Distance for Provision of In-Region, InterLATA Services in Arkansas and Missouri

CC Docket No. \_\_\_\_\_

**DECLARATION AND VERIFICATION OF JOE CARRISALEZ  
AND ANTI-DRUG ABUSE ACT OF 1988 CERTIFICATION  
OF SOUTHWESTERN BELL COMMUNICATIONS SERVICES  
(d/b/a SOUTHWESTERN BELL LONG DISTANCE)**

1. I am Executive Director – Regulatory of Southwestern Bell Communications Services (d/b/a Southwestern Bell Long Distance) (“SBLD”). I am authorized to make this declaration on behalf of SBLD.
2. I have reviewed the foregoing Application by SBC Communications Inc., Southwestern Bell Telephone Company, and SBLD for Provision of In-Region, InterLATA Services in Arkansas and Missouri, and the materials filed in support thereof.
3. The information contained in the Application has been provided by persons with knowledge thereof. All information supplied in the Application is true and accurate to the best of my knowledge, information, and belief formed after reasonable inquiry.
4. I further certify that SBLD is not subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862.
5. I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 14, 2001.

  
\_\_\_\_\_  
Joe Carrisalez



**GUIDE TO STATE-SPECIFIC DISCUSSIONS IN  
AFFIDAVITS CONTAINING MATERIAL COMMON  
TO BOTH ARKANSAS AND MISSOURI**

As explained in the accompanying Brief, this Joint Application is in fact two distinct applications – one for Arkansas and one for Missouri – each of which stands independently and should be reviewed on its own terms. At the same time, there is much in common between the two applications, and in fact numerous Southwestern Bell affiants are providing testimony to support both applications. Moreover, in many instances in which a single individual provides two affidavits – one for each application – much of the material contained in the separate affidavits is duplicative. Southwestern Bell has accordingly prepared the following guide to identify those portions of each affidavit that relate exclusively to state-specific information. This guide applies only where the same individual provides testimony to support both applications. It is intended solely to facilitate review of the applications, and should not be construed to reflect Southwestern Bell’s position on any 271-related issue, including, but not limited to, the extent to which Southwestern Bell can and does rely on regionwide activity to establish compliance with section 271. Nor should this attachment be construed as a definitive reference to each difference between any two affidavits supporting the Arkansas and Missouri applications, or as a statement that material differences between the states exist. Rather, Southwestern Bell has endeavored simply to identify significant areas of state-specific discussion that are included by those affiants that offer testimony to support both applications.

<u>Affiant</u>	<u>State-specific Discussion</u>	<u>MO ¶ Reference</u>	<u>AR ¶ Reference</u>
<b>Carrisalez</b>	N/A		
<b>Caraway</b>	Poles/ducts/conduits agreements	¶ 10	same
	Responses to requests for access	¶ 20	same
	Attachment rates	¶ 33	same
<b>Chapman</b>	N/A		
<b>Deere</b>	Interconnection trunking requirements (ITR) – Kansas City metro area	¶¶ 64 -65	N/A
	Reply to comments of SCC in Missouri I	¶¶ 210-231	N/A

<b>Dysart</b>	State-specific performance	¶¶ 20-150	¶¶ 20-154
<b>Flynn</b>	Billing timeliness performance	¶¶ 28-29	same
<b>Hamilton</b>	N/A		
<b>Henrichs</b>	N/A		
<b>Lawson</b>	Interface volumes	¶¶ 29, 33, 138	same
	CLEC training numbers	¶ 61	same
	Flow-through data	¶¶ 134-135, 183-188	same
	Performance	¶¶ 158-162, 167, 169, 170, 192-193	same
<b>Makarewicz</b>	Comparison to Kansas rates and costs	¶¶ 3-10	N/A
	TELRIC analysis of Missouri UNE rates	N/A	¶¶ 3-13
<b>Mondon (LNP)</b>	State-specific LNP deployment	¶¶ 6, 17	same
<b>Mondon (Number Admin.)</b>	N/A		
<b>Noland</b>	LSC performance	¶¶ 27-28, 32-33, 39-40, 42, 44	same
<b>Rogers</b>	N/A		
<b>Smith, D. R.</b>	Hot cut performance	¶¶ 35-44	same
<b>Sparks</b>	MPSC rate-setting process	¶¶ 10, 11, 13	N/A
	Avoided cost discount	¶ 26	N/A

<b>Sparks (cont'd)</b>	Availability of M2A/A2A	¶¶ 26, 30-33	¶¶ 23, 27-29
	MPSC collocation tariff proceedings	¶ 37	N/A
	Reciprocal compensation	¶¶ 127-130	¶¶ 121-122
	Transit traffic rate	¶ 136	N/A
	CSA resale	¶ 144	¶ 138
	Pricing	¶¶ 145-162	N/A
<b>VanDeBerghe</b>	DS1 performance	¶¶ 44-45	Same
	DSL performance	¶ 46	¶¶ 46-55
	Provisioning and maintenance of 5.0 dB Loops	N/A	¶ 56
<b>Yohe</b>	E911 Forbearance Order	¶¶ 56-58	N/A



**FEDERAL COURT CHALLENGES UNDER 47 U.S.C. § 252(e)(6)**

The following case represents the only ongoing litigation under 47 U.S.C. § 252(e)(6) that relates to interconnection agreements approved by the Arkansas Public Service Commission:

Southwestern Bell Tel. Co. v. Connect Communications Corp., 72 F. Supp. 2d 1043 (E.D. Ark. 1999), rev'd and remanded, 225 F.3d 942 (8th Cir. 2000).

The following case represents the only ongoing litigation under 47 U.S.C. § 252(e)(6) that relates to interconnection agreements approved by the Missouri Public Service Commission:

AT&T Communications of the Southwest, Inc. v. Southwestern Bell Tel. Co., 86 F. Supp. 2d 932 (W.D. Mo. 1999), rev'd and vacated, 236 F.3d 922 (8th Cir.), stay granted, No. 99-3833 (8th Cir. Feb. 7, 2001) (pending the Supreme Court's decision in Verizon Communications Inc. v. FCC, No. 00-511 (U.S.)).

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