

Before the  
Federal Communications Commission  
Washington D.C. 20554

In the Matter of

Application by )  
SBC Communications Inc., )  
Michigan Bell Telephone Company, and )  
Southwestern Bell Communications ) WC Docket No. 03-138  
Services, Inc. for Provision of )  
In-Region, InterLATA Services )  
in Michigan )

**REPLY COMMENTS OF MCI**

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1	Sherry Lichtenberg	OSS

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<b>FCC Order</b>	
<i>BellSouth Five State Order</i>	<i>In re Joint Application by BellSouth Corp. et al. for Provision of In-Region, InterLATA Services in Alabama, Kentucky, Mississippi, North Carolina and South Carolina, WC Docket No. 02-150, Memorandum Opinion and Order, 17 F.C.C.R. 17595, FCC 02-260 (2002)</i>
<b>DOJ EVALUATION</b>	
DOJ Eval.	Evaluation of the Department of Justice, WC Docket No. 03-138 (filed Jul. 16, 2003)

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In the intervening weeks since MCI filed its Comments in this proceeding, SBC has not resolved any of the significant OSS deficiencies that remain. SBC has not yet shown that it is billing CLECs only for those lines that, based on information provided by SBC, appear to belong to the CLECs. SBC has not adopted acceptable line splitting processes; in fact, it now appears that SBC's line splitting process is worse than MCI previously understood. SBC has not yet shown that its performance reporting is acceptable. And it has not fixed its change management process. MCI will not restate these points here, but will instead briefly discuss new developments since we filed our Comments.

**I. SBC's Billing Processes Remain Deficient**

The Department of Justice ("DOJ") properly recognized that "persistent questions remain concerning billing accuracy." DOJ Eval. at 6. MCI raised a number of important concerns about billing accuracy in its Comments and will not repeat those here. DOJ focused on the "laborious efforts that AT&T and MCI have undertaken to compare SBC's bills with their own usage

records,” and noted that these comparisons show “that the CLECs are receiving erroneous bills for hundreds, and perhaps thousands of lines.” *Id.* at 7. Indeed, MCI explained in its Comments that based on software it was developing, it had provided SBC with a list of nearly 500 lines that SBC was billing MCI in Michigan despite evidence that these were not MCI’s lines. MCI further explained that based on preliminary results from a different evaluation – one that compared SBC’s “lines in service report” with MCI’s own data -- it appeared there were thousands of lines in the Ameritech region that SBC said belonged to MCI even though SBC had previously sent MCI line losses on the lines or even though there were other reasons to believe that they did not belong to MCI. MCI has now more carefully verified this data and has found that on some of these lines, it appears that the line losses SBC sent were probably erroneous. On others, it appears there are discrepancies in SBC’s internal databases, such that the information in SBC’s lines-in-service report does not appear consistent with other SBC information. This suggests a significant continuing problem with SBC’s database maintenance that is of the same sort that led to the reconciliation in the first place. Lichtenberg Reply Decl. ¶¶ 3-4.

## **II. SBC’s Line Splitting Processes Remain Deficient**

In recent weeks, as it continues to place line splitting orders, MCI has also found additional deficiencies in SBC’s line splitting processes that appear critical. In particular, SBC’s process for migrating line splitting customers back to SBC appears to be blatantly discriminatory, as is its process for providing hunting to line splitting customers. Moreover, SBC has not yet fixed the fundamental deficiencies discussed in MCI’s Comments.

In particular, the Department of Justice recognized the inequity of SBC’s process for disconnecting DSL for a line-splitting customer. DOJ Eval. at 11-12. SBC’s process generally requires installation of a new loop even though the customer is simply seeking to disconnect

DSL on its existing line. Installation of a new loop risks “ a significant interruption of voice service.” DOJ Eval. at 12. It also increases the cost to the CLEC of disconnecting the DSL, as SBC charges the CLEC for a new loop, and may force the customer to wait at home for a dispatched technician. Lichtenberg Reply Decl. ¶ 19. None of these problems are incurred by SBC retail customers who purchase DSL and subsequently disconnect it, as SBC removes the DSL on the existing line without installation of a new line.

SBC has indicated in filings here some willingness to modify its process to enable CLECs to disconnect a customer’s DSL while reusing the existing loop. Unfortunately, SBC has not discussed its proposal directly with CLECs, and in any event the proposal appears to be riddled with caveats that may prevent it from being implemented altogether. SBC also has failed to provide a date for implementation, and has demanded without any justification that CLECs waive certain performance metrics related to loop provisioning and maintenance and repair in exchange for adoption of its proposal. Every other ILEC has managed to implement a process for removing DSL for line-splitting customers without changing the existing loop and without any of the caveats SBC is now insisting on. Lichtenberg Reply Decl. ¶¶ 28-33. SBC must do the same.

MCI has now found that SBC’s process for migrating line-splitting customers back to SBC also appears to be blatantly discriminatory – although MCI cannot tell for sure because SBC has proven unable to answer any of MCI’s questions regarding this process. SBC appears to permit CLEC line splitting customers to migrate back to SBC without first disconnecting their DSL service. In contrast, SBC retail customers with DSL cannot migrate to a CLEC unless they first disconnect their DSL service. SBC thus appears to have made it significantly harder for

customers to migrate to CLECs than for the customers to migrate back to SBC. Lichtenberg Reply Decl. ¶¶ 39-41.

Moreover, it appears that SBC will migrate a line-splitting customer back to SBC without disconnecting the DSL line as part of the migration. SBC appears to install a new loop for the customer who has returned to SBC, but appears to leave the existing loop with DSL service in place. As a result, SBC continues to bill the CLEC for the DSL loop until the CLEC places a disconnect order. This is so even though the customer already has migrated back to SBC and thus has no intention of using DSL on a second line that has no voice service. The CLEC must place a disconnect order for this loop, but must first discern that a line-splitting customer has left it. This is not an easy task. SBC has no similar problems when a line sharing customer migrates to a CLEC because the DSL must be disconnected first. Lichtenberg Reply Decl. ¶¶ 42-43.

In addition, it has become apparent that CLEC customers with DSL cannot include their DSL line in a “hunt group,” which is particularly important for small business customers. In other words, a customer with three lines, including one DSL line, cannot set up its phones so that a call rolls over to the third line if the first two lines are busy. In contrast, an SBC customer with DSL can include the DSL line in a hunt group. Once again, this is blatantly discriminatory. Lichtenberg Reply Decl. ¶ 17.

These problems are in addition to the line-splitting problems that MCI discussed in its initial Comments, which remain significant. First, SBC does not have a process that enables CLECs to order DSL for their customers at the same time they place their initial UNE-P migration orders, which forces CLECs to submit migration orders to UNE-P and then to submit line splitting orders. Lichtenberg Reply Decl. ¶ 10. Second, SBC takes each line splitting order and creates four service orders from that order. This sometimes results in loss of dial tone, leads

SBC to charge CLECs as if it were installing a new loop and port (even though such installation is not necessary), and makes it more difficult for CLECs to report troubles. DOJ suggests the four-service-order process may not be such a problem because SBC seems to have cured the lost dial tone that initially resulted from this process. But it is not yet clear that SBC has resolved the loss-of-dial-tone problem. Moreover, DOJ does not discuss the pricing or trouble ticket problems associated with this four-service-order process. *Id.* ¶¶ 14-16. Third, SBC has not implemented a solution to the versioning problem that prevents DLECs from submitting line splitting orders on behalf of CLECs unless both are on the same version of EDI. SBC has agreed to two solutions for this versioning problem but neither will be implemented until at least March 2004. *Id.* ¶¶ 11-13.

Fourth, SBC's process for disconnecting DSL for a line splitting customer is deficient not only because it generally requires installation of a new loop, but also because the CLEC must submit a minimum of two Local Service Requests ("LSRs"). If the CLEC submits two LSRs, it must submit one of the LSRs via fax and fill out a lengthy fax ordering form. The CLEC can instead choose to submit three LSRs, which enables it to submit all three LSRs electronically. But the need to submit three separate LSRs causes significant problems for the CLEC which must fill out all three LSRs and track them in its own systems. Lichtenberg Reply Decl. ¶ 18.

Fifth, SBC's process for updating the E911 database remains a mystery. Although SBC has now transmitted two separate letters to CLECs regarding when they have responsibility for updating the E911 database, it still is unable to answer basic questions about this process in meetings with MCI. It cannot provide an example of when a CLEC would have to submit an LSR to update the E911 records, nor can it tell MCI what sort of LSR it would have to submit. Moreover, SBC has not provided CLECs with any visibility into the E911 database on line

splitting orders, so CLECs cannot check whether the E911 database is correct for their customers. Lichtenberg Reply Decl. ¶¶ 34-38.

In short, SBC's line splitting process is severely deficient and discriminatory. SBC appears to have given little thought to the process and to be making it up on the fly. Every other ILEC developed a much simpler process, as did SBC for its retail customers. SBC must fix the process before obtaining section 271 authority.

### **III. SBC's Performance Data Remain Unreliable**

SBC's performance data are not yet reliable, as the BearingPoint test shows. The DOJ correctly found that in attempting to dismiss BearingPoint's findings, "SBC is mischaracterizing BearingPoint's processes and its findings." DOJ Eval. at 14 n. 64. The DOJ also cautioned against SBC's attempt to rely on the Ernst&Young test to the exclusion of the more comprehensive BearingPoint test, explaining that SBC "appears to confuse the burden of making a *prima facie* case with the ultimate burden of persuasion. DOJ Eval. at 13 n. 62.

The fact that the BearingPoint test is taking a long time is not a reason to dismiss the current conclusions of that test. As DOJ explained, SBC is responsible for many of the delays in completing the test. DOJ Eval. at 13. SBC must resolve its reporting issues and work with BearingPoint to demonstrate that its performance reporting has become reliable. For now, there is no basis to conclude that SBC's current data are reliable or that its future reporting will be sufficiently reliable as to preclude backsliding.

### **IV. SBC's Change Management Performance Remains Deficient**

The continued failings of SBC's change management process are evident from the fact that it still has not used that process – or any other process – to discuss with CLECs the possibility of improvements with respect to loop reuse for line splitting. Instead, it discusses

potential changes in *ex parte* letters in this proceeding, presumably prompted by concerns raised by Commission staff.

The fact is that SBC's change management process has broken down. SBC fails to implement CLEC-initiated change requests absent regulatory pressures, and SBC's interface releases are riddled with too many defects. With respect to SBC's failure to implement CLEC-initiated change requests, SBC has not adopted performance metrics of the type this Commission pointed to in concluding that BellSouth was providing important changes as the needs of the industry evolved; nor has it taken any other steps to resolve the problem. *BellSouth Five State Order* ¶¶ 182-84, 197. With respect to SBC's failure to adequately test releases prior to implementation, that problem has become so severe that to MCI's knowledge no CLEC has migrated to SBC's latest version of EDI apparently because of concerns with the high number of defects and documentation problems in that release. SBC must improve its change management process before the Commission authorizes its section 271 entry. Lichtenberg Reply Decl. ¶¶ 46-51.

### CONCLUSION

For the foregoing reasons, SBC's section 271 application should be denied.

Respectfully Submitted,

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July 21, 2003

**Certificate of Service**

I, Lori Wright, do hereby certify that on this 21<sup>st</sup> day of July, 2003, I have electronically served a true and correct copy of MCI's Reply Comments in WC Docket No. 03-138 on the following:

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