

BEFORE THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA

**APPLICATION OF JOYCE E. DAVIDSON
DIRECTOR OF THE PUBLIC UTILITY DIVISION,
OKLAHOMA CORPORATION COMMISSION, TO
INITIATE A PROCEEDING FOR THE
IMPLEMENTATION OF THE FEDERAL
COMMUNICATIONS COMMISSION'S TRIENNIAL
REVIEW ORDER**

CAUSE NO. PUD 200300646



**SUMMARY OF TESTIMONY
OF
LILLIE R. SIMON**

TRACK 3 - LOOPS

EXECUTIVE SUMMARY

My testimony reviews and analyzes the portion of the FCC's TRO, which related to identifying where competing carriers are not impaired without unbundled high capacity loops on a customer-specific basis. My testimony discusses Staff's determination of whether designated triggers are met for the appropriate levels of high-capacity loops.

I begin my testimony by discussing Enterprise Market Loops and the FCC's Impairment Analysis. The FCC found that CLECs are not impaired without access to unbundled OCn loops, but are impaired without access to DS1, DS3, and Dark Fiber loops.

My testimony goes on to discussion of Capacity-Based Impairment for DS1, DS3, and Dark Fiber loops. The FCC found that Dark Fiber loops and DS3 loops are not generally self-deployed due to the high investment and construction costs. There is a limitation on multiple, unbundled DS3 loops; a CLEC is limited to two DS3s to any single customer location. This is based on the findings that, as a carrier approaches customer demand for more than 2 DS3s at a particular location, it becomes economically feasible to self-deploy. The FCC did not find that self-deployment of DS1 loops is economic, again due to high investment and construction costs.

My testimony discusses each of the two triggers for analysis: the Self-Provisioning Trigger and the Competitive Wholesale Trigger. When two or more unaffiliated providers are using their own facilities at the appropriate capacity level, a customer location can be considered to be non-impaired without access to the appropriate unbundled loop. The Self-Provisioning Trigger is used to

analyze DS3 loops and Dark Fiber loops. The Competitive Wholesale Trigger is used to analyze DS1 loops and DS3 loops.

The FCC expected the State Commissions to complete the trigger reviews and determine their findings by July 2004. Staff has utilized Data Requests (DRs) issued to the ILECs and CLECs as well as DRs exchanged between the ILECs and CLECs.

Staff has determined there are five locations in Oklahoma where the Competitive Wholesale Trigger has been met for DS1 loops; five locations where the Self-Provisioning and/or Competitive Wholesale Trigger has been met for DS3 loops and no locations where the Self-Provisioning Trigger has been met for Dark Fiber.