[47]

END PROPRIETARY***

KMC further clarifies:

> There are two specific instances in which KMC may offer DS0 level services while marketing to DS1 level enterprise customers. First, existing business customers who order additional voice services from KMC may, on occasion, be at capacity on their existing DS1 facility, necessitating the provisioning of individual DS0 level facilities at an existing location. The second instance occurs when a prospective or existing customer wishes to include other locations into their service package, but those locations do not have sufficient volume to justify a full DS1. KMC would also provision individual DS0s to such locations.[48]

Based on KMC's assertion that it is not ***BEGIN PROPRIETARY END PROPRIETARY*** in Texas at all and does not market DS-0 services at all, I have eliminated KMC as a trigger on the basis that it is not an active provider of mass-market services. If I had not eliminated KMC on that basis, it would drop from the analysis when I applied the "serves residential customers" screen.

SBC's data further confirm that KMC's mass-market UNE-L entry is minimal and incidental. SBC identified a total of ***BEGIN PROPRIETARY END PROPRIETARY*** supposed mass-market loops for KMC in ***BEGIN PROPRIETARY END PROPRIETARY*** wire centers within one Texas MSA for which SBC seeks a finding of no impairment. The supposed KMC mass-market loops range from a minimum of ***BEGIN PROPRIETARY END PROPRIETARY*** mass-market loops per wire center in which SBC found KMC to have any mass-market loops.

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[47] KMC Confidential Response to SBC's First Requests for Information, No. 1-4.

[48] KMC Response to Sprint's First Requests for Information, No. 1-2.j.

KMC does not achieve ***BEGIN PROPRIETARY END PROPRIETARY*** market share in any wire center based on SBC's data. Even if I had not eliminated KMC on the basis of the residential screen, it would fall out ***BEGIN PROPRIETARY END PROPRIETARY*** from the triggering CLEC list based on the 1% market share screen.

Thus, there are multiple, sufficient reasons for the Commission to exclude KMC from the retail trigger count.

McLeodUSA

SBC claims McLeodUSA as a triggering carrier. McLeodUSA's discovery responses indicate that it serves Texas customers using several of its own switches.[49] McLeodUSA's Web site indicates that it generally serves both residential and small business mass-market customers. Although I did not screen out McLeod USA on this basis, I note that the ***BEGIN PROPRIETARY .[50] END PROPRIETARY***

SBC identified a total of ***BEGIN PROPRIETARY END PROPRIETARY*** supposed mass-market loops for McLeodUSA spread across ***BEGIN PROPRIETARY END PROPRIETARY*** wire centers in the five MSAs for which SBC is seeking a finding of no impairment.[51] The supposed McLeodUSA mass-market loops range from a minimum of ***BEGIN

[49] McLeodUSA Response to MCI's First Requests for Information, request MCIC-1.

[50] McLeodUSA Response to MCI's First Requests for Information, request MCIC-2.

[51] Again suggesting potential quality problems with SBC's data, McLeodUSA shows that it would only have ***BEGIN PROPRIETARY END PROPRIETARY*** McLeodUSA Confidential Response to SBC's First Requests for Information, No. 1-4.v.

PROPRIETARY END PROPRIETARY* mass-market loops per wire center in which SBC found McLeodUSA to be serving any mass-market loops.

Based on this information regarding mass-market loops served via UNE-L and its own switches, I did not entirely "screen out" McLeodUSA. However, McLeodUSA's does ***BEGIN PROPRIETARY END PROPRIETARY*** when I apply a 1% market share screen. McLeodUSA does not exceed a ***BEGIN PROPRIETARY END PROPRIETARY*** market share based on SBC's data in any wire center in the SBC five MSAs.

McLeodUSA illustrates the potential harm to facilities-based competition of prematurely eliminating the UNE-P option for mass-market customers in an overly broad market, such as on an MSA-wide basis. McLeodUSA reports that, statewide, ***BEGIN PROPRIETARY .[52] [53] END PROPRIETARY***

McLeodUSA's recent public statements make clear that, although the company is working on "continued migration of customers from resale to higher margin platforms, as well as installation of new customers on-switch," it still relies on a substantial amount of UNE-P to achieve a viable customer base as it expands its facility-based network.[54]

Based on McLeodUSA's own statements, taking away other competitors' access to UNE-P based on McLeodUSA's "success" as a UNE-L provider would be high-risk regulation indeed.

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[52] McLeodUSA Confidential Response to SBC First Requests for Information, No. 1-8, attached Exhibit A.

[53] *Id.*

[54] McLeodUSA Reports Third Quarter 2003 Results (press release), 10/22/03, at 2. *Also see* the "Selected Telecommunications Statistical Data" provided as part of that press release, which indicate that McLeodUSA is gradually decreasing the level of UNE-P in its network but still relied on UNE-P as its delivery platform for 32% of its lines as of September 30, 2003.

MCI

SBC cites MCI (WorldCom) as a triggering carrier. SBC's data, which I have used throughout my "trigger" analysis, confirm that MCI's mass-market UNE-L entry is minimal. SBC identified a total of ***BEGIN PROPRIETARY END PROPRIETARY*** supposed mass-market loops for MCI spread across ***BEGIN PROPRIETARY END PROPRIETARY*** wire centers in four of the MSAs at issue in this proceeding. The supposed MCI mass-market loops range from a minimum of ***BEGIN PROPRIETARY END PROPRIETARY*** supposed mass-market loops per wire center in which SBC found MCI to be serving any mass-market loops.

SBC's claim demonstrates the fallacy of the company's application of the trigger test. MCI relies on UNE-P as its predominant vehicle for serving mass-market customers. Indeed, MCI states that its only mass marketing is for its "Neighborhood" product, which is UNE-P based.[55] I understand that MCI does not serve residential customers via UNE-L except on an extremely limited trial basis.[56]

Moreover, I am informed that MCI does not use mass media to market *any* UNE-L services to mass-market customers. Instead, the media advertising from MCI concerning residential and small business offerings is all directed toward MCI's UNE-P based product. To the extent that MCI serves any small business customers via UNE-L, it currently obtains those customers through direct sales contact with medium and large business customers. This information discredits one of SBC's alleged bases for its MSA market definition because MCI does not use mass media in conjunction with so-called

[55] MCI Response to SBC's First Requests for Information, No. 1-5.

[56] MCI Response to SBC's First Requests for Information, No.1-10.

"mass-market" UNE-L; the economies of scale and scope for direct sales contacts are quite different from those associated with media advertising and are consistent with a more circumscribed market definition.

I also understand that the "small businesses" that MCI serves via UNE-L often are not small businesses at all. Instead, in many instances, MCI provides three or fewer UNE-L lines to a single business location as part of a package of telecommunications services that includes DS-1 and/or other high-capacity, high-volume services suitable to enterprise customers, as the FCC has defined that term. The ability to serve a small volume of such analog loops as part of a package of services does not provide probative evidence of the ability to overcome economic and operational barriers with respect to mass-market switching.

I eliminated MCI from the trigger analysis based on the "serves residential customers" screen. Had I not done so, MCI's low volumes (which reflect the "incidental" nature of much of its business services via analog UNE loops) as reported by SBC would have caused the company to fall out of the analysis in *****BEGIN PROPRIETARY END PROPRIETARY***** after I applied the 1% market share screen. MCI does not exceed a *****BEGIN PROPRIETARY END PROPRIETARY***** market share in any SBC trigger wire center. MCI's relatively minimal self-deployment of switching to serve any mass-market customers does not provide meaningful evidence that MCI has overcome economic and operational barriers to entry without access to SBC's unbundled switching.

Millennium (One Source Communications)

SBC cites Millennium/One Source (hereinafter "One Source") as a triggering carrier. SBC's data suggests that Millennium's mass-market UNE-L entry is so minimal as to be almost non-existent. SBC identified a *total* of ***BEGIN PROPRIETARY END PROPRIETARY*** supposed mass-market loops for Millennium/One Source deployed in only ***BEGIN PROPRIETARY END PROPRIETARY*** in one of the SBC five MSAs at issue in this proceeding. Hence, based on SBC's affirmative showing, One Source would ***BEGIN PROPRIETARY . END PROPRIETARY***

OneSource, however, denies that it uses SBC's UNE loops at all: "One Source Communications is a facilities-based CLEC and as such does not utilize UNE-P, UNE-Loop, ILEC switching, nor Resale of the ILEC's retail services."[57] This is because "One Source Communications provides local services via self-supplied copper or fiber loops."[58] I presume that One Source knows its own business better than does SBC; therefore, I have treated SBC's trigger claim for One Source (based on alleged UNE-L deployment that One Source indicates does not exist) as a data error and have eliminated One Source from the retail trigger count on that basis.

SBC's E911 data suggest that One Source is actually an overbuilder with roughly ***BEGIN PROPRIETARY .[59] [60] END PROPRIETARY***

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[57] One Source Communications Response to SBC's First Requests for Information, No. 1-8.

[58] One Source Communications Response to SBC's First Requests for Information, No. 1-11

[59] SBC file "TX RFI 2-7 E911.xls."

[60] One Source Communications Confidential Response to SBC's First Requests for Information, No. 1-3.

Any SBC trigger claim based on the E911 data would need to be evaluated based on an understanding of the nature of One Source. One Source describes itself as follows:

> OneSource provides local and long-distance telephone, digital cable television, high-speed Internet services and security monitoring via a state-of-the-art fiber-optic network to residential and commercial customers in parts of the North Texas area bordered by Grapevine on the east, Eagle Mountain Lake on the west, North Loop 820 on the south and Roanoke to the north.
>
> OneSource was founded in 1998 and is owned by Tri-County Electric Cooperative, Inc. Tri-County has been providing electric utility service to north Texas since 1939.[61]

Thus, One Source is a utility-related provider concentrated in a small portion of one Texas MSA. One Source's mass-market advertising includes a list of the specific neighborhoods that serves, which may or may not include most or all of the customers in any SBC wire center.[62]

More important, One Source (if not SBC) is clear that its potential to expand into the entire Dallas – Fort Worth - Arlington MSA is practically nonexistent.

> One Source Communication has only one switch, which serves a concentrated area located within the Dallas – Fort Worth MSA. One Source Communications does not have plans to expand its service area to provide local service on a wide spread basis to the Texas areas under consideration. If One Source Communications were to deploy services on a wide spread basis to the Texas areas under consideration, it would be required to utilize additional collocation arrangements with the ILEC and obtain or install dedicated transport or other transport

[61] http://www.1scom.com/main/about.php.

[62] One Source Communications Response to MCI's Second Requests for Information, No. MCI 2-2.

> services. Doing so would be economically infeasible for a company of our size.[63]

Thus, One Source plainly does not provide an MSA-wide alternative for mass-market customers; moreover, One Source does not appear to be a viable trigger relative to SBC's operations in Texas at all.

XO

The twelfth triggering company claimed by SBC is XO. SBC identified a total of *****BEGIN PROPRIETARY END PROPRIETARY***** supposed mass-market loops for XO in the five MSAs for which it seeks a finding of no impairment. The supposed XO mass-market loops in those wire centers range from a minimum of *****BEGIN PROPRIETARY END PROPRIETARY***** mass-market loops per wire center in the *****BEGIN PROPRIETARY END PROPRIETARY***** wire centers in which SBC found XO to be serving any mass-market loops.

It is my understanding that XO "does not offer service to 'mass market' customers as SBC has defined that term. XO does not market to residential customers or provide any service to residential customers using UNE-L and does not actively market its services to business mass-market customers.[64] Moreover, XO has confirmed that:

> It is XO's contention that its switches do not qualify to be counted in determining whether the local switching self-provisioning trigger or local switching competitive wholesale trigger has been met. XO is not actively

[63] One Source Communications Response to SBC's First Requests for Information, No. 1-12.

[64] XO Response to MCI's Second Requests for Information, requests MCI 2-1, MCI 2-3, MCI 2-4, MCI 2-5 and MCI 2-6.

> marketing to "mass market" customers, nor is it operationally ready and willing to do so....[65]

The XO Web site confirms that XO does not actively market service to residential customers.[66] SBC's own E911 data appear to further confirm this fact as they report ***BEGIN PROPRIETARY END PROPRIETARY*** residential loops for XO.[67]

XO recently acquired Allegiance Telecom and, as I explained earlier, I have considered XO and Allegiance as one CLEC for purposes of my analysis of SBC's trigger claims. I eliminated XO/Allegiance from my analysis based on the "serves residential customers" screen.

Had I not applied this screen, XO/Allegiance would have failed the 1% market share screen in ***BEGIN PROPRIETARY END PROPRIETARY*** in which SBC identifies XO/Allegiance as self-deploying switching to serve mass-market loops. A carrier that fails this screen in any geographic market is a carrier whose actual deployment provides no meaningful evidence of overcoming economic and operational barriers to serving mass-market customers via UNE-L. Indeed, XO/Allegiance's service volumes do not exceed a ***BEGIN PROPRIETARY END PROPRIETARY*** market share in any SBC wire center. These low volumes provide an additional, independent reason for the Commission to disregard SBC's claim that XO/Allegiance should be counted toward the retail trigger for mass-market switching.

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[65] XO Supplemental Response to SBC's First Requests for Information, No. 1-13.

[66] The XO page (http://www.xo.com/) provides information about services for "Small & Growing Business," "Large Business" and "Carrier Services." I was not able to find any reference to a residential service offering.

[67] SBC discovery response "TX RFI 2-7 E911.xls."

Xspedius

The final triggering company claimed by SBC is Xspedius. SBC identified a total of ***BEGIN PROPRIETARY END PROPRIETARY*** supposed mass-market loops for Xspedius in the five MSAs for which it seeks a finding of no impairment. The supposed Xspedius mass-market loops in those wire centers range from a minimum of ***BEGIN PROPRIETARY END PROPRIETARY*** mass-market loops per wire center in the ***BEGIN PROPRIETARY END PROPRIETARY*** wire centers in which SBC found XO to be serving any mass-market loops.

Xspedius asserts that it "does not offer service to 'mass market' customers as SBC has defined that term."[68] Instead, Xspedius states that, although it may have inherited some voice-grade or DS-0 loops from prior companies with different business plans, its "marketing plans are based upon providing data and voice services to business customers using DS-1 loops."[69]

> Recognizing that Xspedius acquired customers of Espire Communications and Mpower Communications, Xspedius may have certain legacy customers served via DS-0 loops. Nevertheless, Xspedius' marketing plans are based upon delivering telecommunications services through high capacity loops.[70]

Xspedius further clarifies:

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[68] Xspedius Supplemental Response to SBC's First Requests for Information, No. 1-7.

[69] Xspedius Supplemental Response to SBC's First Request for Information, No. 1-4.

[70] Xspedius Supplemental Response to MCI's First Requests for Information, MCIC-10. Indeed, Xspedius makes clear that its entire network in Texas is a combination of its acquisitions from bankrupt Espire and from Mpower assets. Since those acquisitions, "Xspedius has not made any independent decisions to commence or discontinue services in any particular Texas wire centers. Furthermore, Xspedius has not conducted any analysis regarding the financial viability of providing service in any additional Texas wire centers." Xspedius Supplemental Response to MCI's First Request for Information, MCIC-8. *See also*, Xspedius Response to SBC's Second Request for Information, Nos. 2-4. and 2-5.

> Xspedius does not provide service to any residential customer. Xspedius does not actively market its services to mass market customers. The principal business of Xspedius is to serve the enterprise and not the mass market in the areas in Texas where our switches are located, focusing on medium and large business enterprise customers with a high demand for a variety of sophisticated data-centric telecommunications services.
>
> Usually, Xspedius offers DS0 level service only in special circumstances. For example, existing business customers who order additional voice services from Xspedius may, on occasion, be at capacity on their existing DS1 facility, necessitating the provisioning of individual DS0 level facilities at an existing location. In addition, a prospective or existing customer wishes to include other locations into their service package, but those locations do not have sufficient volume to justify a full DS1. In that case Xspedius would provision individual DS0s to such locations. However, Xspedius does not actively solicit DS0-level service.[71]

Because Xspedius does not intend to continue offering any mass market, DS-0 level local exchange service in Texas, I have eliminated Xspedius as failing the "active and continuing" screen.

Xspedius also confirms that it does not provide service to residential customers.[72] SBC's own E911 data ***BEGIN PROPRIETARY .[73] END PROPRIETARY*** Therefore, if Xspedius were an active and continuing participant in the mass market at all, I would eliminate Xspedius from my analysis based on the "serves residential customers" screen.

Had I not applied this screen, Xspedius would have failed the 1% market share screen in ***BEGIN PROPRIETARY END PROPRIETARY*** in which SBC

[71] Xspedius Response to Sprint's First Requests for Information, No. 1-2.j.

[72] Xspedius Response to Bench Requests, Request No. 5.

[73] SBC file "TX RFI 2-7 E911.xls."

identifies Xspedius as providing mass-market loops. A carrier that fails this screen in any geographic market is a carrier whose actual deployment provides no meaningful evidence of overcoming economic and operational barriers to serving mass-market customers via UNE-L. Xspedius's service volumes do not exceed a *****BEGIN PROPRIETARY END PROPRIETARY***** market share in any SBC wire center. These low volumes provide an independent reason for the Commission to disregard SBC's claim that Xspedius should be counted toward the retail trigger for mass-market switching.

MURRAY REPLY DECLARATION

EXHIBIT 9

(ELECTRONIC ONLY) SPREADSHEET TOOL SHOWING WIRE CENTER LEVEL TRIGGER ANALYSIS FOR SBC TEXAS – SEE CD

REDACTED – FOR PUBLIC INSPECTION

MURRAY REPLY DECLARATION

EXHIBIT 10

(ELECTRONIC ONLY) SPREADSHEET TOOL SHOWING MSA-LEVEL TRIGGER ANALYSIS FOR SBC TEXAS – SEE CD

REDACTED – FOR PUBLIC INSPECTION

MURRAY REPLY DECLARATION

EXHIBIT 11

MAPS SHOWING WIRE-CENTER COVERAGE OF INDIVIDUAL COMPETITORS WITHIN FIVE TEXAS MSAS
FOR WHICH SBC TEXAS SOUGHT A FINDING OF NO IMPAIRMENT

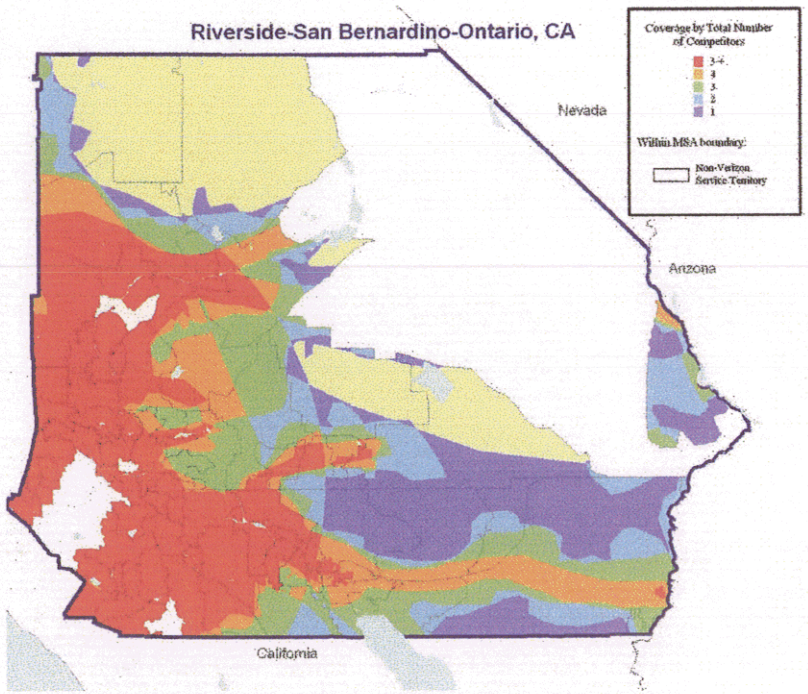
REDACTED IN FULL

MURRAY REPLY DECLARATION

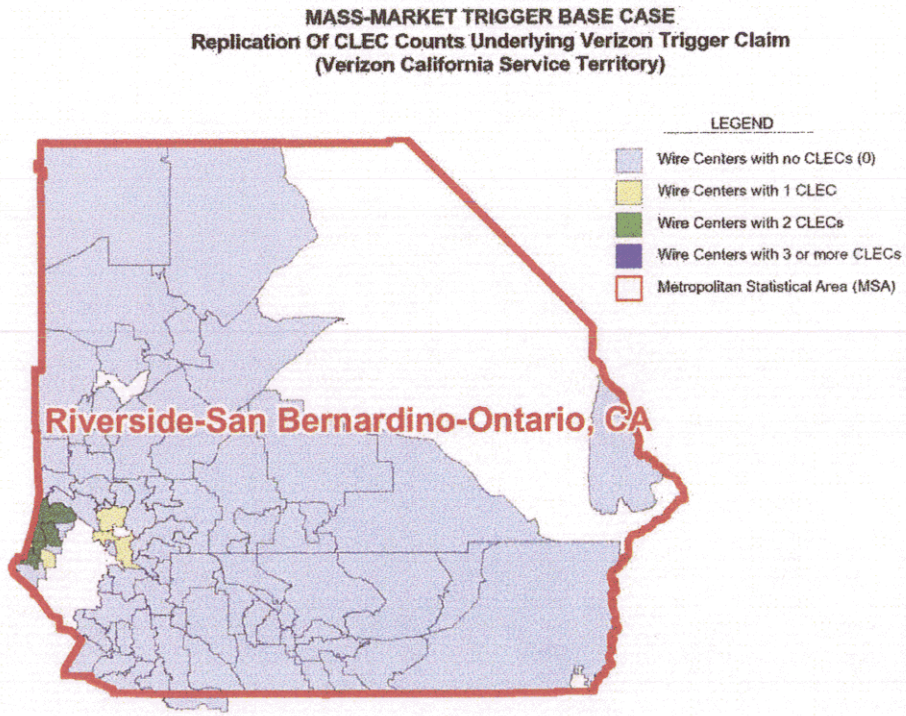
EXHIBIT 12

COMPARISON OF VERIZON MAPS
FOR RIVERSIDE – SAN BERNARDINO – ONTARIO, CA MSA

REDACTED – FOR PUBLIC INSPECTION



Verizon Attachment O
Riverside Total Competitor Coverage Map



Verizon Trigger CLEC Claims
in California State Impariment Proceeding

REDACTED - FOR PUBLIC INSPECTION

MURRAY REPLY DECLARATION

EXHIBIT 13

ADDITIONAL STATE TRIGGER ANALYSES

REDACTED – FOR PUBLIC INSPECTION

DELAWARE

Verizon

ILEC Claimed Triggering CLECs

AT&T, Cavalier Telephone, XO Communications

Screen 1	Has or uses its own switches	No carriers were excluded from the trigger count based on this screen.
Screen 2	Is affiliated with an incumbent LEC	No carriers were excluded from the trigger count based on this screen.
Screen 3	Is affiliated with another competitive LEC that has already been counted	No carriers were excluded from the trigger count based on this screen.
Screen 4	Is actively providing service	No data is available for this screen, therefore no carrier is excluded under this screen.
Screen 5	Is likely to continue providing services	No carriers were excluded from the trigger count based on this screen.
Screen 6	Is able to provide service to nearly all mass market users in the market, including both residential and small business customers	Two of the three potential triggering carriers do not offer facilities-based service to residential customers: AT&T and XO.
Screen 7	Is offering a service comparable in cost, quality, and maturity to the incumbent LEC's service	No carriers were excluded from the trigger count based on this screen.
Screen 8	Has overcome economic and operational barriers to entry, as evidenced by the fact that the carrier serves at least one percent of the market	PROPRIETARY

CLECs That Should Count Toward the Mass Market Switching Trigger

Because no data is available for Screen 4, and data for Screen 8 is Proprietary, MCI is unable to determine based on the public record whether Cavalier Telephone should be counted toward the mass market switching trigger.

DISTRICT OF COLUMBIA

Verizon

ILEC Claimed Triggering CLECs

Allegiance Telecom, AT&T, RCN, SBC Telecom, MCI, XO Communications

Screen 1	Has or uses its own switches	No carriers were excluded from the trigger count based on this screen.
Screen 2	Is affiliated with an incumbent LEC	SBC Telecom is affiliated with an incumbent LEC, and thus is excluded under this screen.
Screen 3	Is affiliated with another competitive LEC that has already been counted	No carriers were excluded from the trigger count based on this screen.
Screen 4	Is actively providing service	No data is available for Allegiance, AT&T, RCN, SBC Telecom, MCI, or XO, therefore no carrier is excluded under this screen.
Screen 5	Is likely to continue providing services	SBC Telecom fails this screen because there is no qualitative evidence that the CLEC is an active and continuing participant in the market.
Screen 6	Is able to provide service to nearly all mass market users in the market, including both residential and small business customers	Five of the six potential triggering carriers do not offer facilities-based service to residential customers: Allegiance, AT&T, SBC Telecom, MCI, and XO.
Screen 7	Is offering a service comparable in cost, quality, and maturity to the incumbent LEC's service	Because cable service is not comparable in cost, quality, and maturity, RCN is excluded under this screen.
Screen 8	Has overcome economic and operational barriers to entry, as evidenced by the fact that the carrier serves at least one percent of the market	PROPRIETARY

CLECs That Should Count Toward the Mass Market Switching Trigger

NONE

ILLINOIS

SBC

ILEC Claimed Triggering CLECs

[redacted]

Screen 1	Has or uses its own switches	[redacted] was excluded from the trigger count on this basis.
Screen 2	Is affiliated with an incumbent LEC	[redacted] is affiliated with an incumbent LEC, and thus is excluded under this screen.
Screen 3	Is affiliated with another competitive LEC that has already been counted	[redacted] are affiliated with each other and thus are combined to count as one company.
Screen 4	Is actively providing service	No carriers were excluded from the trigger count based on this screen.
Screen 5	Is likely to continue providing services	[redacted] is excluded under this screen because it has not added customers since Sept. 2001 and has no plans to offer service to mass market customers using UNE-L.
Screen 6	Is able to provide service to nearly all mass market users in the market, including both residential and small business customers	[redacted] potential triggering carriers do not offer service to residential customers using UNE-L: [redacted]
Screen 7	Is offering a service comparable in cost, quality, and maturity to the incumbent LEC's service	Because cable service is not comparable in cost, quality and maturity, [redacted] is excluded under this screen. [redacted] is likewise excluded under this screen except in the wire centers in which it augments its cable-based service with a UNE-L-based service. In addition, [redacted] a fixed wireless company that, in any event, does not offer service to residential customers, does not provide a comparable service in terms of cost, quality, maturity and ubiquity.
Screen 8	Has overcome economic and operational barriers to entry, as evidenced by the fact that the carrier serves at least one percent of the market	Four of the eleven companies provide service to less than one percent of the market in every wire center in which they operate, and thus are excluded entirely on this basis: [redacted] Six of the remaining carriers exceeded 1% in a handful of wire centers: [redacted]

REDACTED – FOR PUBLIC INSPECTION

ILLINOIS

SBC

CLECs That Should Count Toward the Mass Market Switching Trigger

[redacted]

[redacted]

[1] SBC based its trigger claim on an MSA analysis. However, this count reflects the wire center count of CLECs presented in SBC's underlying data. SBC's trigger claim excluded non-cable CLECs with fewer than five loops in any wire center.

INDIANA

SBC

ILEC Claimed Triggering CLECs

AT&T, Choice One, McLeodUSA, NuVox, MCI

Screen 1	Has or uses its own switches	Because AT&T does not serve any DS0 customers with its own switching, it is excluded under this screen.
Screen 2	Is affiliated with an incumbent LEC	No carriers were excluded from the trigger count based on this screen.
Screen 3	Is affiliated with another competitive LEC that has already been counted	No carriers were excluded from the trigger count based on this screen.
Screen 4	Is actively providing service	No carriers were excluded from the trigger count based on this screen.
Screen 5	Is likely to continue providing services	No carriers were excluded from the trigger count based on this screen.
Screen 6	Is able to provide service to nearly all mass market users in the market, including both residential and small business customers	None of the five potential triggering carriers offer facilities-based service to residential customers, and therefore all five are excluded under this screen.
Screen 7	Is offering a service comparable in cost, quality, and maturity to the incumbent LEC's service	No carriers were excluded from the trigger count based on this screen.
Screen 8	Has overcome economic and operational barriers to entry, as evidenced by the fact that the carrier serves at least one percent of the market	[redacted]

CLECs That Should Count Toward the Mass Market Switching Trigger

[redacted]

MARYLAND

Verizon

ILEC Claimed Triggering CLECs

Allegiance, AT&T, Cavalier Telephone, Comcast, Global Crossing, KMC Telecom, RCN, SBC Telecom, MCI, XO

Screen 1	Has or uses its own switches	No carriers were excluded from the trigger count based on this screen.
Screen 2	Is affiliated with an incumbent LEC	SBC Telecom is affiliated with an incumbent LEC, and thus is excluded under this screen.
Screen 3	Is affiliated with another competitive LEC that has already been counted	No carriers were excluded from the trigger count based on this screen.
Screen 4	Is actively providing service	No data is available for this screen, therefore no carrier is excluded under this screen.
Screen 5	Is likely to continue providing services	Global Crossing, KMC Telecom, SBC Telecom, and XO fail this screen because there is no qualitative evidence that the CLECs are active and continuing participants in the market.
Screen 6	Is able to provide service to nearly all mass market users in the market, including both residential and small business customers	Seven of the ten potential triggering carriers do not offer facilities-based service to residential customers: Allegiance, AT&T, Global Crossing, KMC Telecom, SBC Telecom, MCI, and XO.
Screen 7	Is offering a service comparable in cost, quality, and maturity to the incumbent LEC's service	Because cable service is not comparable in cost, quality, or maturity, Comcast and RCN are excluded under this screen.
Screen 8	Has overcome economic and operational barriers to entry, as evidenced by the fact that the carrier serves at least one percent of the market	PROPRIETARY

CLECs That Should Count Toward the Mass Market Switching Trigger

Because no data is available for Screen 4, and data for Screen 8 is Proprietary, MCI is unable to determine based on the public record whether Cavalier Telephone should be counted toward the mass market switching trigger.

MASSACHUSETTS

Verizon

ILEC Claimed Triggering CLECs

Allegiance Telecom, AT&T, BrahmaCom, Broadview Networks, Comcast, Choice One, Conversent, CTC, RNK, RCN, SBC Telecom, MCI, XO Communications

Screen 1	Has or uses its own switches	No carriers were excluded from the trigger count based on this screen.
Screen 2	Is affiliated with an incumbent LEC	SBC Telecom is affiliated with an incumbent LEC, and thus is excluded under this screen.
Screen 3	Is affiliated with another competitive LEC that has already been counted	No carriers were excluded from the trigger count based on this screen.
Screen 4	Is actively providing service	No data is available for this screen, therefore no carrier is excluded under this screen.
Screen 5	Is likely to continue providing services	SBC Telecom fails this screen because there is no qualitative evidence that the CLEC is an active and continuing participant in the market.
Screen 6	Is able to provide service to nearly all mass market users in the market, including both residential and small business customers	Nine of the thirteen potential triggering carriers do not offer facilities-based service to residential customers: Allegiance, AT&T, Choice One, Conversent, CTC, RNK, SBC Telecom, MCI, and XO.
Screen 7	Is offering a service comparable in cost, quality, and maturity to the incumbent LEC's service	Because cable service is not comparable in cost, quality, or maturity, Comcast and RCN are excluded under this screen.
Screen 8	Has overcome economic and operational barriers to entry, as evidenced by the fact that the carrier serves at least one percent of the market	[redacted]

CLECs That Should Count Toward the Mass Market Switching Trigger

[redacted]

MASSACHUSETTS

Verizon

REDACTED – FOR PUBLIC INSPECTION

MICHIGAN

SBC

ILEC Claimed Triggering CLECs

AT&T, Choice One, Comcast, Climax (CTS Telecom), KMC Telecom, LDMI, McLeodUSA, MCI, MichTel, TDS, XO

Screen 1	Has or uses its own switches	No carriers were excluded from the trigger count based on this screen.
Screen 2	Is affiliated with an incumbent LEC	Climax (CTS Telecom) and TDS are affiliated with an incumbent LEC, and thus are excluded under this screen.
Screen 3	Is affiliated with another competitive LEC that has already been counted	No carriers were excluded from the trigger count based on this screen.
Screen 4	Is actively providing service	Climax (CTS Telecom) is excluded from the trigger count based on this screen, because it does not actively market its service to business or residential mass market customers.
Screen 5	Is likely to continue providing services	Eight of the eleven potential triggering carriers fail this screen because there is no qualitative evidence that the CLECs are active and continuing participants in the market: AT&T, ChoiceOne, Climax (CTS Telecom), KMC Telecom, LDMI, MCI, MichTel, and XO.
Screen 6	Is able to provide service to nearly all mass market users in the market, including both residential and small business customers	Nine of the eleven potential triggering carriers do not offer a meaningful facilities-based service to residential customers: AT&T, ChoiceOne, Climax (CTS Telecom), KMC Telecom, LDMI, MCI, McLeodUSA, MichTel, and XO.
Screen 7	Is offering a service comparable in cost, quality, and maturity to the incumbent LEC's service	Because cable service is not comparable in cost, quality, or maturity, Comcast is excluded under this screen.
Screen 8	Has overcome economic and operational barriers to entry, as evidenced by the fact that the carrier serves at least one percent of the market	[redacted]

CLECs That Should Count Toward the Mass Market Switching Trigger

[redacted]

NEW JERSEY

Verizon

ILEC Claimed Triggering CLECs

Allegiance, AT&T, Broadview Networks, Cablevision, Cavalier Telephone, Conversent, Cooperative Communications, SBC Telecom, MCI, XO Communications

Screen 1	Has or uses its own switches	No carriers were excluded from the trigger count based on this screen.
Screen 2	Is affiliated with an incumbent LEC	SBC Telecom is affiliated with an incumbent LEC, and thus is excluded under this screen.
Screen 3	Is affiliated with another competitive LEC that has already been counted	No carriers were excluded from the trigger count based on this screen.
Screen 4	Is actively providing service	No data is available for this screen, therefore no carrier is excluded under this screen.
Screen 5	Is likely to continue providing services	Cooperative Communications and SBC Telecom fail this screen because there is no qualitative evidence that the CLECs are active and continuing participants in the market.
Screen 6	Is able to provide service to nearly all mass market users in the market, including both residential and small business customers	Seven of the ten potential triggering carriers do not offer facilities-based service to residential customers: Allegiance, AT&T, Conversent, Cooperative Communications, SBC Telecom, MCI, and XO.
Screen 7	Is offering a service comparable in cost, quality, and maturity to the incumbent LEC's service	Because cable service is not comparable in cost, quality, or maturity, Cablevision is excluded under this screen.
Screen 8	Has overcome economic and operational barriers to entry, as evidenced by the fact that the carrier serves at least one percent of the market	PROPRIETARY

CLECs That Should Count Toward the Mass Market Switching Trigger

Because no data is available for Screen 4, and data for Screen 8 is Proprietary, MCI is unable to determine based on the public record whether Broadview Networks or Cavalier Telephone should be counted toward the mass market switching trigger.

NEW YORK

Verizon

ILEC Claimed Triggering CLECs

[redacted]

Screen 1	Has or uses its own switches	[redacted]
Screen 2	Is affiliated with an incumbent LEC	[redacted]
Screen 3	Is affiliated with another competitive LEC that has already been counted	[redacted]
Screen 4	Is actively providing service	[redacted]
Screen 5	Is likely to continue providing services	[redacted]
Screen 6	Is able to provide service to nearly all mass market users in the market, including both residential and small business customers	[redacted]
Screen 7	Is offering a service comparable in cost, quality, and maturity to the incumbent LEC's service	[redacted]
Screen 8	Has overcome economic and operational barriers to entry, as evidenced by the fact that the carrier serves at least one percent of the market	[redacted]

REDACTED – FOR PUBLIC INSPECTION

NEW YORK

Verizon

CLECs That Should Count Toward the Mass Market Switching Trigger

[redacted]

[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
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[redacted]

REDACTED – FOR PUBLIC INSPECTION

PENNSYLVANIA

Verizon

ILEC Claimed Triggering CLECs

Adelphia Business Solutions (Telcove), Allegiance, AT&T, Broadview Networks, Cavalier Telephone, Choice One, Comcast, Commonwealth Communications (CTSI), D&E Systems/CEI, Fibernet, Full Service Computing, Penn Telecom, RCN, SBC Telecom, MCI, XO

Screen 1	Has or uses its own switches	No carriers were excluded from the trigger count based on this screen.
Screen 2	Is affiliated with an incumbent LEC	SBC Telecom is affiliated with an incumbent LEC, and thus is excluded under this screen.
Screen 3	Is affiliated with another competitive LEC that has already been counted	No carriers were excluded from the trigger count based on this screen.
Screen 4	Is actively providing service	No data is available for this screen, therefore no carrier is excluded under this screen.
Screen 5	Is likely to continue providing services	Fibernet and SBC Telecom fail this screen because there is no qualitative evidence that the CLECs are active and continuing participants in the market.
Screen 6	Is able to provide service to nearly all mass market users in the market, including both residential and small business customers	Eight of the sixteen potential triggering carriers do not offer facilities-based service to residential customers: Allegiance, AT&T, Choice One, Fibernet, Full Service Computing, SBC Telecom, MCI, and XO. In addition, no data is available for Adelphia Business Solutions.
Screen 7	Is offering a service comparable in cost, quality, and maturity to the incumbent LEC's service	Because cable service is not comparable in cost, quality, or maturity, Comcast and RCN are excluded under this screen.
Screen 8	Has overcome economic and operational barriers to entry, as evidenced by the fact that the carrier serves at least one percent of the market	PROPRIETARY

CLECs That Should Count Toward the Mass Market Switching Trigger

Because no data is available for Screen 4, data for Adelphia is unavailable for Screen 6, and data for Screen 8 is Proprietary, MCI is unable to determine based on the public record whether Broadview Networks, Cavalier, CTSI, D&E Systems/CEI, or Penn Telecom should be counted toward the mass market switching trigger.

RHODE ISLAND

Verizon

ILEC Claimed Triggering CLECs

AT&T, Broadview Networks, Choice One, Conversent, Cox, MCI

Screen 1	Has or uses its own switches	No carriers were excluded from the trigger count based on this screen.
Screen 2	Is affiliated with an incumbent LEC	No carriers were excluded from the trigger count based on this screen.
Screen 3	Is affiliated with another competitive LEC that has already been counted	No carriers were excluded from the trigger count based on this screen.
Screen 4	Is actively providing service	No data is available for this screen; therefore, no carrier is excluded under this screen.
Screen 5	Is likely to continue providing services	No carriers were excluded from the trigger count based on this screen.
Screen 6	Is able to provide service to nearly all mass market users in the market, including both residential and small business customers	Five of the six potential triggering carriers do not offer facilities-based service to residential customers: AT&T, Broadview Networks, Choice One, Conversent, and MCI.
Screen 7	Is offering a service comparable in cost, quality, and maturity to the incumbent LEC's service	Because cable service is not comparable in cost, quality or maturity, Cox is excluded under this screen.
Screen 8	Has overcome economic and operational barriers to entry, as evidenced by the fact that the carrier serves at least one percent of the market	PROPRIETARY

CLECs That Should Count Toward the Mass Market Switching Trigger

NONE

TEXAS

SBC

ILEC Claimed Triggering CLECs

Allegiance, AT&T, Birch, Cable Plus, Comcast, Grande, ICG, KMC, MCI, McLeod, Millenium (One Source), XO and Xspedius

Screen 1	Has or uses its own switches	Because Comcast indicated that it "has not deployed switches for the provision of local service in Texas," it is excluded from the trigger count.
Screen 2	Is affiliated with an incumbent LEC	No carriers were excluded from the trigger count based on this screen.
Screen 3	Is affiliated with another competitive LEC that has already been counted	Two sets of carriers, Allegiance-XO and Cable Plus-Grande, are affiliated with each other and thus are combined to count as two (single) companies.
Screen 4	Is actively providing service	At least three of the carriers identified by SBC are not actively or continually providing UNE-L-based service to mass market customers: Birch, KMC, and Xspedius.
Screen 5	Is likely to continue providing services	At least three of the carriers identified by SBC are not actively or continually providing UNE-L-based service to mass market customers: Birch, KMC, and Xspedius.
Screen 6	Is able to provide service to nearly all mass market users in the market, including both residential and small business customers	Out of the thirteen potential triggering carriers identified by SBC, eight do not offer service to residential customers using UNE-L: Allegiance-XO, AT&T, Birch, ICG, KMC, MCI, and Xspedius.
Screen 7	Is offering a service comparable in cost, quality, and maturity to the incumbent LEC's service	Because cable service is not comparable in cost, quality and maturity, Comcast and Cable Plus-Grande are excluded under this screen.
Screen 8	Has overcome economic and operational barriers to entry, as evidenced by the fact that the carrier serves at least one percent of the market	[redacted]

CLECs That Should Count Toward the Mass Market Switching Trigger

[redacted]

REDACTED – FOR PUBLIC INSPECTION

TEXAS

SBC

[redacted]

[2] SBC based its trigger claim on an MSA analysis. However, this count reflects the wire center count of CLECs that SBC presented in Confidential Attachment JRL-10 to the Direct Testimony of Jon R. Loehman.

WISCONSIN

SBC

ILEC Claimed Triggering CLECs

AT&T, MCI, McLeodUSA, Choice One, TDS MetroCom, KMC Telecom, Net LEC, Inc., NTD

Screen 1	Has or uses its own switches	Net LEC was excluded from the trigger count based on this screen.
Screen 2	Is affiliated with an incumbent LEC	No carriers were excluded from the trigger count based on this screen.
Screen 3	Is affiliated with another competitive LEC that has already been counted	No carriers were excluded from the trigger count based on this screen.
Screen 4	Is actively providing service	Data is unavailable for Net LEC (already excluded under screen 1). No other carrier is excluded from the trigger count based on this screen.
Screen 5	Is likely to continue providing services	Data is unavailable for Net LEC (already excluded under screen 1). No other carrier is excluded from the trigger count based on this screen.
Screen 6	Is able to provide service to nearly all mass market users in the market, including both residential and small business customers	Five of the eight potential triggering carriers do not offer facilities-based service to residential customers: AT&T, MCI, Choice One, KMC Telecom, and NTD. Data is unavailable for McLeodUSA, TDS MetroCom, and Net LEC.
Screen 7	Is offering a service comparable in cost, quality, and maturity to the incumbent LEC's service	No carriers were excluded from the trigger count based on this screen.
Screen 8	Has overcome economic and operational barriers to entry, as evidenced by the fact that the carrier serves at least one percent of the market	[redacted]

CLECs That Should Count Toward the Mass Market Switching Trigger

[redacted]

DOCKET NO. 04-313, 01-338 Attachment A

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