

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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**In the matter, on the Commission's own motion,)
to consider AMERITECH MICHIGAN's compliance)
with the competitive checklist in Section 271 of)
the federal Telecommunications Act of 1996.)**
_____)

Case No. U-12320

AFFIDAVIT OF
EVA FETTIG
ON BEHALF OF
AT&T COMMUNICATIONS OF MICHIGAN, INC.
AND
TCG DETROIT

November 15, 2002

I. INTRODUCTION AND QUALIFICATIONS

1. My name is Eva Fettig. I am District Manager of Production Support and Supplier Management in AT&T's Local Services and Access Management, SBC Region. My business address is 795 Folsom Street, San Francisco California.

2. As District Manager for AT&T's Production Support and Supplier Management in the SBC Region Local Services and Access Management Organization, I work on a number of UNE-L, UNE-P, LNP and billing activities for our Consumer, Business, and Broadband organizations. I am involved in negotiating interconnection agreements and analyzing any of SBC's local regulatory filings, including 271 applications. I lead a team whose mission is to project manage ordering, provisioning, and maintenance processes where products are leased from SBC. Secondly, we are responsible for understanding SBC methods and procedures outlined in SBC's LSOR and CLEC website. Finally, we work customer escalations between SBC and AT&T service centers and product management organizations, for the 13 SBC states, including Pacific Bell, Southwestern Bell, Ameritech, and SNET.

3. In 1989, I received a Bachelor of Science degree from the University of Vermont. I majored in Marketing and had concentrations in Finance and Mathematics. In 1994, I received a Master of Business Administration degree from the University of Illinois at Urbana - Champaign. I concentrated in Strategy and Marketing.

4. I joined AT&T in 1999. Previously, I spent five years in a variety of product management capacities at SBC/Ameritech (formerly Ameritech), including UNE - Transport and UNE - Loops. In 1996, I developed Ameritech's UNE - Transport product line. In 1997 and continuing into 1999, I was Product Manager UNE - Loops. In

that capacity, I was responsible for delivering all pre-ordering, ordering, provisioning, and billing functions to the CLEC market. From 1989 through 1993, I was employed by AT&T as a Supervisor in Access Management.

II. PURPOSE AND SUMMARY OF AFFIDAVIT

5. The purpose of my affidavit is twofold: first, I explain why the ability to offer AT&T customers “Privacy Manager” or like features is essential to AT&T’s Consumer and Business offerings in Michigan. I explain why SBC/Ameritech must either provide AT&T access to SBC/Ameritech’s Advanced Intelligent Network (AIN) features, including Privacy Manager, or provide non-discriminatory access to its Service Creation Environment (SCE) in order for AT&T to design, create, test, and deploy its own Privacy Manager feature.

6. Second, I address SBC/Ameritech’s latest line sharing and line splitting offer and explain how that offer fails to comply with the Michigan Commission’s and Section 271’s requirements. SBC/Ameritech’s processes for line sharing to line splitting and line sharing to UNE-P cannot possibly comply with the requirements this Commission outlined in its various orders, most recently its order of October 3, 2002. As SBC/Ameritech readily admits, it has changed nothing (or little) in response to the October 3 order. It remains far from the goals the Commission set out for it in December 2001. Under such circumstances, I believe there is no basis for the Commission to conclude that SBC/Ameritech has complied with its order requirements or the checklist in § 271 of the federal Act.

III. SBC/AMERITECH'S POLICY IS TO USE AIN FEATURES AS A MEANS TO RETAIN AND WIN BACK CUSTOMERS.

7. Privacy Manager is an AIN-based feature that allows customers to choose several alternatives to screen and/or reject calls from telemarketers and other callers that do not transmit identifying information. This feature is an enhanced version of "Anonymous Call Rejection." SBC/Ameritech has communicated that only 14 switches across its five states still contain the functionality of this feature.

8. AIN features, especially Privacy Manager, are extremely popular with consumers and hence their availability is a significant competitive advantage to the telecommunications company offering this service. Further, they cost very little to provide in that the features can be deployed into the AIN database rather than on every switch in the network. Thus, their sale to consumers can make the difference between profit and loss in the provision of local exchange service.

9. For months, AT&T waited for SBC/Ameritech to furnish it with details of the process it intends to provide for accessing its SCE. Only recently did SBC/Ameritech provide that process. After a long wait and much anticipation, AT&T was disappointed to learn that the "process" that SBC/Ameritech needed several months to develop was nothing more than its BFR process. As explained below, SBC/Ameritech's BFR process is discriminatory. Thus, today, SBC/Ameritech cannot claim that it provides nondiscriminatory access to its SCE. As such, SBC/Ameritech must provide access to its AIN features in accordance with the UNE Remand Order. Unfortunately, SBC/Ameritech has refused to offer the ability to purchase AIN features as well. SBC/Ameritech's position to provide access to its SCE only through a BFR process and

outright refusal to provide access to Privacy Manager shows that SBC/Ameritech has not yet fully complied with Item 2 of the FCC's Section 271 checklist.

10. Beginning in August, 2002, SBC/Ameritech and SBC's other affiliates, Southwestern Bell and Pacific Bell, began a fierce marketing campaign designed to retain and win back customers to its retail division by waiving for a period of time the fee it charges for Privacy Manager. Concurrently, SBC/Ameritech has removed the feature "Anonymous Call Rejection" from its switches so that the only means of providing this functionality is via the Privacy Manager feature. This means that CLECs doing business in Michigan and the other SBC states are unable to compete with SBC/Ameritech with respect to call rejection capabilities.

11. SBC/Ameritech's new practice means that CLECs cannot possibly compete with SBC/Ameritech on a non-discriminatory basis either with a facilities based market offering or a UNE-P market offering. If AT&T used its own switch and wanted access to SBC/Ameritech's SCE to implement its own Privacy Manager feature, AT&T would be subject to SBC/Ameritech's BFR processes. For its UNE-P-based market offering, AT&T currently is unable to purchase Privacy Manager along with Unbundled Local Switching, nor is it able to gain access to the SBC/Ameritech SCE without first having to traverse the BFR gauntlet and its many obstacles.

IV. SBC/AMERITECH'S FAILURE TO PROVIDE NON-DISCRIMINATORY ACCESS TO THE SCE OR THE AIN FEATURE ITSELF VIOLATES THE UNE REMAND ORDER.

12. As stated above, SBC/Ameritech has refused to provide AT&T with access to the AIN feature Privacy Manager on a customer specific basis. And only

recently did SBC/Ameritech finally inform AT&T that it intends to provide access to its AIN SCE by means of its BFR processes.

13. Although I am not an attorney, I understand the FCC’s UNE Remand Order requires that ILECs unbundle AIN databases and the related SCE, Service Management System (“SMS”), and Signal Transfer Points (“STPs”) to CLECs. The UNE Remand Order further requires the ILEC to make available the AIN features as UNEs if the ILEC does not provide **non-discriminatory** access to its AIN SCE. Moreover, in some states, SBC has either agreed to offer Privacy Manager in contract negotiations or has been ordered to provide access to Privacy Manager by the state public utility commission. For example, in California, SBC/AT&T interconnection contracts require SBC to provide access to SBC’s own AIN features or functions on a customer-specific basis, as well as providing access to SBC’s SCE to design, create, test and deploy AIN-based features.

14. In Texas, the Texas Commission confirmed SWBT’s obligation to provide access to its AIN features in the SWBT/MCI Metro arbitration, Docket No. 24542 (“Texas Revised Arbitration Award”). The Texas Commission explained:

The Arbitrators do not concur with SWBT’s assertion that all AIN-based features are proprietary, and therefore exempt from unbundling by the UNE Remand Order. The specific language used by the FCC and relied upon by SWBT pertains only to databases used to provide “services **similar to** Privacy Manager.”¹ SWBT offered no evidence on which the Arbitrators could rely to distinguish the types of AIN-based services that are similar to Privacy Manager from those services that are not. Therefore, the Arbitrators find that, on this record, it is impossible to conclude which of the services in question are excused from the unbundling requirements established in the UNE Remand Order.

¹ *UNE Remand Order* ¶ 419.

The UNE Remand Order requires an ILEC to provide a requesting carrier the same access to design, create, test, and deploy AIN based services at the Service Management System (SMS), through a service creation environment (SCE) that the ILEC provides to itself, consistent with FTA § 222.² The Arbitrators find that SWBT has failed to prove that it provides the required access, or that such access is indeed available. At best, SWBT indicated that it “... will provide MCIIm access to SWBT’s Service Creation Environment.”

Therefore, the Arbitrators adopt the language as proposed by MCIIm for sections 9.7, 9.7.3, and 9.7.4. The language shall remain in effect and SWBT shall provide the subject services on an unlimited basis, regardless of whether or not a CLEC requests access to the SMS and SCE, until SWBT establishes in a proceeding with the Commission that subject services are proprietary, and that the required nondiscriminatory access to the SMS through an SCE is available to CLECs. This process allows all interested parties to present evidence on what constitutes nondiscriminatory access to SCE and SMS that allows a CLEC to create and deploy its own AIN-based services. In addition, the Commission will be able to evaluate whether such access will degrade network integrity.

(Texas Revised Arbitration Award at 155.) As it must, therefore, SBC acknowledges that in California and Texas it must provide Privacy Manager to AT&T UNE-P customers pursuant to the UNE Remand Order and ICA terms and conditions. Indeed, SBC must acknowledge that it implements the same access to the AIN network in both Texas and California, as its processes set forth on its web site are nearly identical.

15. Nevertheless, despite specific commission orders and contract language detailing its obligations, SBC is still refusing to provide this feature to AT&T in Texas and California. SBC has filed a motion for reconsideration in the state of Texas, while AT&T has had to file for dispute resolution in California in order to obtain access to this

² *Id.* ¶ 412.

feature. Every day that SBC refuses to provide this feature to CLECs while offering it as a promotion in its retail business offerings is a day that SBC retains or gains a competitive advantage over AT&T. While the negative consequences to AT&T's business plans are both obvious and numerous, SBC claims to find no harm in its actions.

16. Further, SBC is digging in its heels to resist providing such access in its SBC/Ameritech region. In Illinois, for example, SBC/Ameritech has denied AT&T access to Privacy Manager despite interconnection agreement language that expressly provides for access to AIN features:

2.5.2. Ameritech's Unbundled AIN (Advanced Intelligent Network) Applications Access service will be provided on a nondiscriminatory basis and enable AT&T (whether it purchases unbundled switching capabilities from Ameritech or owns its own SSP (Service Switching Point)) to offer its Customers AIN services. Ameritech will make available existing AIN retail applications, as well as newly created services that AT&T creates via the Ameritech AIN Service Creation Environment (SCE) Access service. Unbundled AIN Applications Access provides for the AIN functionality necessary for the day to day ongoing call processing associated with a specific AIN applications execution. This includes the SS7 transport and SCP processing of the query associated with the specific service.

Similarly, in Michigan, SBC/Ameritech refuses to make Privacy Manager available to AT&T, claiming the interconnection language imposes no such obligation on Ameritech.

In the AT&T/Ameritech Michigan ICA, the relevant language is as follows:

9.2.8.20 Unbundled AIN Application Process.

9.2.8.20.1 The AIN architecture establishes a network infrastructure in which subscriber services can be defined and implemented independent from End-Office Switches. This is accomplished by a combination of SS7 signaling, interfaces between Network Elements and call-state models through which AIN Network Elements interact.

9.2.8.20.2 Upon request by AT&T, and where technically feasible, SBC-AMERITECH will provide AT&T with access to SBC-

AMERITECH's Advanced Intelligent Network (AIN) platform, AIN Service Creation Environment (SCE) and AIN Service Management System (SMS) based upon ILEC-specific rates, terms, conditions and means of access to be negotiated by the Parties pursuant to Section 252 of the Act, and incorporated into this Agreement by Article, Schedule or amendment, as applicable, subject to approval by the appropriate state Commission.

17. Perhaps not surprisingly, SBC/Ameritech relies on this language to exercise a unilateral veto power over AT&T requests for access to Privacy Manager. SBC/Ameritech told AT&T that it would not provide access to Privacy Manager. Instead, over the past several months, SBC has led AT&T to believe that it was working on procedures and processes for CLECs to access SBC/Ameritech's SCE. Unfortunately, SBC/Ameritech recently disclosed that it had nothing more in mind than for CLECs to use its BFR process to attempt to gain access to the SCE. SBC/Ameritech's BFR process is discriminatory for many reasons. While SBC/Ameritech's retail customers can call the company and obtain Privacy Manager on a day's notice, AT&T and other CLECs will experience at least a 90-day delay in obtaining that service through the BFR process. Those same SBC/Ameritech retail customers do not need to complete the paperwork and related procedures that CLECs must wade through when subject to SBC/Ameritech's BFR processes. And while SBC/Ameritech offers Privacy Manager free of charge in its promotions to its retail customers, SBC/Ameritech can be expected to impose a significant, above-cost charge to CLECs ordering that same service. These are a few of the more obvious discriminatory aspects to SBC/Ameritech's BFR process.

18. SBC/Ameritech's position to refuse access to Privacy Manager while at the same time permitting access to its SCE only through the BFR process violates the UNE Remand Order. Again, my understanding of the UNE Remand Order is that the

only way Ameritech can avoid providing “proprietary” AIN features, like Privacy Manager, is if it provides **non-discriminatory** access to the SCE. Clearly, SBC/Ameritech’s BFR process proposal fails this test. Indeed, it would appear that SBC’s BFR proposal emerged by default once the Texas Commission found SBC’s Southwestern Bell process documentation to be discriminatory.

19. The proprietary nature of Privacy Manager is not the real issue, however. Rather, as noted above, SBC/Ameritech is looking for a means to prevent its customers from migrating to competitive carriers, and Privacy Manager is simply the latest vehicle by which SBC/Ameritech seeks to achieve that goal. Indeed, it is readily apparent that Ameritech uses Privacy Manager as a “win back” tool. In its well-oiled win back campaign, Ameritech offers end users free access to the Privacy Manager service. Because Ameritech concurrently will not make Privacy Manager available to AT&T, AT&T is at a great competitive disadvantage in attempting to compete in the Michigan marketplace.

20. Clearly, AT&T does not believe that it is a coincidence that consistent with its refusal to permit access to Privacy Manager, SBC/Ameritech also decided recently to remove the feature called "Anonymous Call Rejection" from all but 14 of its switches across its 5 state region. SBC/Ameritech no longer offers this feature to its customers because Privacy Manager effectively and functionally has replaced the need for that feature. This is another example of where, faced with emerging competition, SBC/Ameritech is removing features from its switches and replacing them with AIN features, while simultaneously denying CLECs access to them. SBC/Ameritech’s conduct is discriminatory, anti-competitive, and in violation of the Section 271 checklist.

21. To summarize, AT&T's ability to offer its customers "Privacy Manager" or like features is essential to AT&T's Consumer and Business offerings in Michigan. Under the UNE Remand Order, SBC/Ameritech must either provide AT&T access to SBC/Ameritech's AIN features, including Privacy Manager, or provide non-discriminatory access to its SCE in order for AT&T to design, create, test, and deploy its own Privacy Manager feature. Today, SBC/Ameritech refuses to do either on a non-discriminatory basis. Instead, SBC/Ameritech effectively uses Privacy Manager as a marketing (i.e., win back) tool to AT&T's great competitive disadvantage. SBC/Ameritech's conduct evidences its failure to satisfy Checklist Item (ii) of Section 271.

V. SBC/AMERITECH'S LINE SHARING/LINE SPLITTING COMPLIANCE PLAN FAILS TO SATISFY THE COMMISSION'S OR SECTION 271'S REQUIREMENTS

22. In this section of my affidavit, I discuss SBC/Ameritech's most recent attempts to comply with the Michigan Public Service Commission's requirement to offer adequately defined, workable processes for line sharing to line splitting and line sharing to UNE-P scenarios. Unfortunately, my review of SBC Ameritech's current line sharing/line splitting proposals leads me to believe that there remain significant work that must be completed before SBC Ameritech may be considered in compliance with the Commission's orders. Indeed, in some respects, SBC Ameritech's "compliance" plan shows no progress at all towards compliance.

23. In a series of orders since December, 2001, the Commission has expressed the view that SBC Ameritech's proposed or implemented processes for line sharing (*i.e.*,

where a data LEC or “DLEC” uses the high frequency portion of the loop to provide data on a loop used by SBC Ameritech to provide voice services) and line splitting (*i.e.*, where a DLEC shares the loop with another competitive local exchange provider or “CLEC” providing voice) were so insufficient or poorly developed so as to prevent the Commission from finding that Section 271 had been satisfied. In its December 2001 order, the Commission directed SBC Ameritech, DLECs and CLECs to collaborate on the processes that would be used to migrate voice and data services between carriers. The Commission reiterated that requirement in an order entered in March, 2002, when it denied SBC Ameritech’s request for rehearing of the December 2002 order.

24. Indeed, in the March 2002 order the Commission required SBC Ameritech, the Staff, and interested CLECs to file a report on specific scenarios in dispute. Subsequently, the parties identified four “scenarios” and SBC Ameritech, AT&T, WorldCom, the Attorney General, and others filed their positions regarding these scenarios. The Commission’s most recent order, on October 3, 2002, found SBC Ameritech’s processes (and pricing) for each of the four scenarios (which I elaborate upon below) do not comply with the Commission’s prior directives. (10/3/02 Order in Case U-12320, p. 15.) While I will not list all of the findings by the Commission in that order, for the purposes of my current affidavit, it is important to point out the following conclusions:

- The Commission found that a line sharing customer’s voice service should be permitted to migrate to line splitting scenario without the need to obtain the data CLEC’s permission. *Ibid.*
- Migrating the voice service, which uses the LFPL [low frequency portion of the loop], should leave intact the HFPL [high frequency portion of the loop] and facilities used to provide data service. *Ibid.*

- There is no rational basis to conclude that a CLEC should be required to use a “new” loop to provide newly won voice service over the UNE-P, when the LFPL of existing loop can be used. *Ibid.*, pp. 15-16.
- SBC Ameritech must provide the loop to a requesting CLEC as an existing loop, and must do so in a seamless process that does not disrupt existing DSL services to the end user. *Ibid.*, p. 17.³

25. Furthermore, discussing SBC Ameritech’s apparent unwillingness to comply, the Commission stated, “Ameritech Michigan’s failure to comply can and does have an effect on the Commission’s willingness to support its § 271 application; § 271(c)(2)(B)(ii) of the federal Act requires nondiscriminatory access to network elements. Ameritech Michigan’s position and procedures fail that standard.” (10/03/02 Order in Case U-12320, pp. 16-17.) Moreover, the Commission also found that SBC Ameritech could not claim compliance with § 271 simply by citing to the FCC’s § 271 approving Southwestern Bell Telephone Company’s Texas application, because that order had been superceded by several other more recent orders. *Ibid.*, p. 16

26. The Commission ordered SBC Ameritech to file a “compliance plan” within 30 days of the order. On November 4, 2002, SBC Ameritech filed its Compliance Plan As Required by the October 3, 2002 Opinion and Order (which I will refer to as the “Line Sharing Compliance Plan”). I have reviewed the Line Sharing Compliance Plan. It consists of a five-page “brief” that summarizes several attachments that describe SBC Ameritech’s proposed compliance with the October 3, 2002 order. I use the terms *describe* and *proposed* because it becomes apparent, after one reviews these documents,

³ There are other elements of the Commission’s October 3, 2002 order that are extremely relevant to this issue. In this affidavit, however, I will concentrate on SBC Ameritech’s failure to comply with each of these “cornerstone” requirements. As I will note briefly below, there are other requirements that have also not been met by SBC Ameritech.

that SBC Ameritech has provided only summary level detail of a series of poorly defined future actions it claims it will take in purported compliance with the Commission's order. SBC Ameritech's Line Sharing Compliance Plan is a completely inadequate response to the Commission's order. It provides no real information to the Commission (or CLECs) regarding how SBC Ameritech will provide the "seamless" processes that the Commission has required.

27. What is especially troubling is the tone that the Line Sharing Compliance Plan takes. Despite the October order's broad criticism of SBC Ameritech's positions, SBC Ameritech's compliance filing suggests that the order requires very little change on its part. SBC Ameritech's resistance to the Commission's directives on line sharing/line splitting issues is well-established, and the Compliance Plan is but another incarnation of the company's entrenched defiance. On three occasions in the past year, the Commission has specifically warned the company that its failure to reform its line sharing/line splitting processes would result in adverse finding by the Commission for § 271 purposes. Despite these warnings, SBC Ameritech has steadfastly clung to its position that its processes (and pricing) are sufficient to support competition.

28. The Line Sharing Compliance Plan continues this attitude of indifference to the Commission's rulings and, perhaps even more importantly, to CLECs' needs. In the "brief" portion of the Compliance Plan, SBC Ameritech omits discussion of any of the adverse findings the Commission made regarding its processes and instead highlights only the Commission's conclusion that SBC Ameritech is not required to act as a "mediator between CLECs" and that "voice and data CLECs are required to coordinate their activities to minimize that their common customer will experience a disruption of

service.” (Line Sharing Compliance Plan, p. 2.) Similarly, SBC Ameritech chooses to highlight the requirement in the order that voice CLECs must give notice to their customers that migration of the voice to another carrier may disrupt the customer’s DSL services. *Ibid.* And, of course, SBC Ameritech does not miss the opportunity to state clearly that where a DLEC opts to purchase a new loop on which to provide data services it is required to pay the costs of disconnection of the HFPL, forgoes the investment (in line conditioning charges) it has made in the current loop, and must pay any line conditioning and/or connection costs associated with the new DSL compatible loop. In other words, SBC Ameritech takes great pains to restate any portion of the order that protects (exclusively) SBC Ameritech’s financial and operational interests.

29. With regard to the processes that are vital to CLEC interests, SBC Ameritech’s Line Sharing Compliance Plan fails to acknowledge any real need to reform the procedures that the Commission found invalid or insufficient to support competitive line sharing and line splitting scenarios. In fact, with regard to the critical line sharing to line splitting scenarios that the Commission found violated its orders and § 271 (Scenarios 1, 3 & 4), SBC Ameritech states: “The procedures for accomplishing the conversion of line sharing to line splitting are currently documented in CLEC OnLine and *were not required to be altered by the October 3 Order.*” Line Sharing Compliance Plan, p. 3 (emphasis added). It is inexplicable to me that – given the Commission’s strong language condemning SBC Ameritech’s processes – SBC Ameritech can now claim that no changes are needed. Moreover, my review of its procedures leads me to believe that SBC Ameritech cannot be more wrong.

30. There are many aspects of SBC Ameritech's line sharing to line splitting processes that are not in compliance with the October 3 order and, equally important, fail to support commercially viable CLEC migration activity. I will provide several examples. As I noted above, the Commission's order requires SBC Ameritech to allow line sharing to line splitting without the voice CLEC being required to obtain the DLEC's permission, should leave the HFPL intact on the existing loop, should not require the voice CLEC to order a "new" loop, and should be a "seamless" process that does not result in the disruption of the end users voice or data services. SBC Ameritech's Line Sharing Compliance Plan states that the "*existing* ordering procedures to convert from line sharing to line splitting as documented on CLEC OnLine (<https://clec.sbc.com/clec/>) *continue to apply without change...*" Line Sharing Compliance Plan, page 3-4 of 8 (emphasis added). In fact, as can be plainly seen from the exhibit I attach and discuss below (EF-1), SBC Ameritech has not updated its "scenarios" since August 2, 2002, weeks *before* the Commission's order found these scenarios insufficient under § 271.

31. My review of these CLEC Handbook pages (found at the URL noted) also indicates the following:

- SBC Ameritech's process still requires CLECs to submit 3 orders to complete this transaction, at least one of which (the HFPL disconnect order) requires the voice CLEC to contact the DLEC.
- SBC Ameritech's process still requires the disconnection of the HFPL.
- SBC Ameritech's process still requires CLECs to order a "new" xDSL compatible loop.
- SBC Ameritech's process retains "non-standard" OSS procedures that have not been reviewed by the CLEC community in the Change Management Process. The process will not accommodate orders that are sent by one CLEC (whether it be the voice or data CLEC on behalf of the other), cannot be coordinated via the LSR (Local Service Request) field

used for “relating” orders, and do not, therefore, provide a seamless process that prevents the end user for losing service.

32. I have support for all of these statements – but the Commission need not take only my word. SBC Ameritech admits almost as much in its Line Sharing Compliance Plan, when it states:

“CLECs that share a loop to simultaneously deliver voice and data must coordinate their respective activities with each other to minimize the probability of disruption to their common end user customer.” (Line Sharing Compliance Plan, page 3 of 8.)

The point is that CLECs can “coordinate” all they want and it will have little impact if SBC Ameritech’s *processes* do not allow for non-disruptive ordering and provisioning of line sharing to line splitting scenarios. In the case of SBC Ameritech, not only are its processes unlikely to prevent disruption, they are not even *designed* to prevent end user disruption. Until SBC Ameritech chooses to comply with the Commission’s orders, CLECs are essentially powerless to implement these scenarios in a commercially viable manner.

33. As I stated above, my review of SBC’s current processes confirm my conclusion that SBC Ameritech’s processes violate the Commission’s requirements. For example, I attach as Exhibit EF-1, several pages from SBC CLEC Online handbook. For Scenario 3 – Line Sharing to Line Splitting, SBC Ameritech’s handbook states (in part) the following:

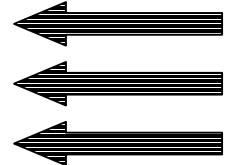
Scenario 3 - Migrate existing Line-Sharing to Line-splitting Arrangement

CLECs may also migrate an existing line-shared arrangement to a line-splitting arrangement when the CLEC provides the splitter. The line-sharing to line-splitting scenarios include:

- Line Sharing with ILEC provided splitter to line splitting arrangement with CLEC provided splitter
- Line sharing with CLEC provided splitter to line splitting arrangement with CLEC provided splitter

The CLEC can issue separate LSRs:

- One LSR disconnecting the High Frequency Portion of the Loop (HFPL)
- One LSR to establishing the xDSL loop to collocation arrangement
- One LSR to assume the Line-sharing Telephone Number to Unbundled Switch Port
- CLECs may use the RPON field to relate the LSRs.
- Note: Remarks section should contain 'Linesharing to Linesplitting'.
- CFA is required on LSOG 4.



34. If you will note where I have placed the arrows (←) in the text of the web page reproduced above you can see that SBC Ameritech’s order process for this scenario requires three (3) LSRs to be submitted by CLECs. The first LSR disconnects the HFPL, which is a violation of the Commission’s order.

35. The second LSR requires the CLEC to order a new xDSL loop to a collocation arrangement. Therefore, the CLEC taking the voice services is prevented from reusing the current loop and must order a “new” loop. As AT&T has explained in prior filings, SBC Ameritech’s “xDSL” loop rate is higher than its basic analog loop rate. SBC Ameritech requires CLECs to purchase a new “xDSL” loop even though in a line sharing to line splitting scenario, the analog loop being used is already xDSL capable.

36. These issues only “scratch the surface” of our concerns with SBC Ameritech’s processes for line sharing to line splitting scenarios. But this information is enough to show the Commission that – despite its clear orders requiring SBC Ameritech to change its methods – we have made no real progress.

37. SBC Ameritech's process for Scenario 2 – Line Sharing to UNE-P are also completely unworkable. As the Commission noted in its October 3 order, no “rational basis exists for [SBC Ameritech] failing to provision a migration order when it arrives, despite the presence of a data provider on the HFPL.” (10/3/02 Order in Case U-12320, p. 21.) The Commission notes that SBC Ameritech must “facilitate migration” of voice service to a CLEC and that the presence of data on the loop should be of “no consequence to the voice service migration and the cost of that migration to the voice CLEC.” *Ibid.* Apparently, this decision, which as the Commission states is based upon its “prior conclusions that Ameritech Michigan must facilitate migration of voice services to a CLEC,” came as a complete surprise to SBC Ameritech. In its Line Sharing Compliance Plan, SBC Ameritech states, “[t]hese Commission mandates require a significant change to how SBC Ameritech Michigan current processes and provisions orders that affect existing line sharing arrangements.” Line Sharing Compliance Plan, p. 4 of 8. SBC Ameritech essentially admits that *it has no current process in place to implement the critical line sharing to UNE-P scenario.*

38. Moreover, SBC Ameritech's purported two-phase approach to implementing this important scenario raises a multitude of issues. I personally participated in the recent (November 12, 2002) CLEC User Forum (“CUF”) discussions regarding this scenario and the other line sharing/line splitting scenarios found in the Commission's orders. SBC Ameritech was represented by its own Subject Matter Experts (“SMEs”) on line sharing/line splitting ordering processes. To be frank, these SMEs were unprepared to discuss the details surrounding the ordering and provisioning of the scenarios. And in some cases, the SMEs were simply unaware of the issues

involved. They could not answer the basic questions the CLECs asked and, instead, asked that these questions be “written out” so that they could read and understand them more completely.

39. In particular, SBC Ameritech’s proposal to use a manual fax process (Phase I) is completely unworkable. See Line Sharing Compliance Plan, p. 6 of 8. As SBC Ameritech admits, its current ordering processes are designed to reject outright orders that involve line sharing to UNE-P scenarios. Thus, carriers who wish to migrate the voice alone and retain the same loop (currently used by SBC Ameritech to provide voice services) must manually fax a service order to SBC Ameritech seeking such a conversion. But the LSR associated with this process has not as yet been developed by SBC Ameritech. Nor has SBC Ameritech sought CLEC assistance in this regard. *Ibid.* Nor has SBC Ameritech created documentation for this process. *Ibid.* Nor has SBC Ameritech assigned (or presumably trained) service representatives to function within this process. In other words, SBC has done nothing to implement a process that allows a CLEC to migrate the voice alone using the current loop being used by SBC Ameritech to provide the same customer voice service. And this is the short-term solution.

40. Even if SBC Ameritech had been more energetic in developing this manual/fax process, I doubt very much that it would yield satisfactory results. SBC Ameritech is notoriously slipshod in its handling of faxed orders. In the last several weeks alone, SBC Ameritech has lost track of more than 1,500 AT&T faxes (related to the “Work in the Way” process described in the Willard/Webber affidavit). Moreover, AT&T is currently in a trial in Illinois attempting to provision line splitting with UNE-P. Our experiences are hardly satisfying. Of the 30 test lines AT&T has installed, it has

taken us since the beginning of August of this year to order and have correctly provisioned one (1) line split account. SBC Ameritech's ordering process for this "non-controversial" scenario are absolutely atrocious.

41. As I have shown through this affidavit, SBC Ameritech's processes for line sharing to line splitting and line sharing to UNE-P cannot possibly comply with the requirements the Commission outlined in its October 3 (and prior) orders. As SBC Ameritech readily admits, it has changed nothing (or little) in response to the October 3 order. It remains far from the goals the Commission has set out for its in December 2001. Under such circumstances, I believe there is no basis for the Commission to conclude that SBC Ameritech as complied with its order requirements or the checklist in § 271 of the federal Act.

42. In summary, SBC Ameritech has simply done nothing to comply with the Commission's October 3, 2002 order. What is utterly indefensible about this is that SBC Ameritech has been on notice for almost a year that the Commission considers its current procedures insufficient and violative of § 271.

43. This concludes my affidavit.