

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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

REPLY AFFIDAVIT OF
JAN D. ROGERS
ON BEHALF OF
AMERITECH MICHIGAN

DATED: JULY 30, 2001

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I, Jan D. Rogers, being of lawful age and duly sworn upon my oath, do hereby depose and state as follows:

INTRODUCTION

1. My name is Jan D. Rogers. My business address is One Bell Plaza, Room 3445, in Dallas, Texas. I am Director – Regulatory for Ameritech Michigan’s Operator Services organization. I am the same Jan D. Rogers who sponsored an Affidavit filed with Ameritech Michigan’s Brief in this proceeding on May 15, 2001. I hereby verify, based upon my personal knowledge, the accuracy of each and every fact contained in the testimony I am filing today, July 30, 2001, in Michigan Public Service Case No. U-12320. I further verify, based upon my personal knowledge, the accuracy of each and every fact contained in the testimony I filed on May 15, 2001 in Case No. U-12320.

PURPOSE OF REPLY AFFIDAVIT

2. The purpose of this Reply Affidavit, is to respond to certain inaccuracies and claims made by other parties in their affidavits, testimony or comments submitted in response to Ameritech Michigan’s May 15, 2001 §271 Checklist Informational Filing with the Michigan Public Service Commission (MPSC) in this proceeding. Specifically, I will address comments made by MCIWorldCom and its subsidiaries (MCIW) and Z-Tel Communications, Inc. related to Operator and Directory Assistance services (OS and DA) and Directory Assistance Listings (DAL).

CHECKLIST ITEM (vii)
AMERITECH PROVIDES NONDISCRIMINATORY ACCESS TO OPERATOR AND
DIRECTORY ASSISTANCE SERVICES

3. Despite comments of MCIW and Z-Tel, Ameritech Michigan (Ameritech) fulfills its obligations of checklist item vii under the Federal Telecommunications Act. Ameritech provides its OS and DA services, and all the listings in its DA database, on a nondiscriminatory basis under the Act as well as FCC and MPSC orders and rules.
4. Z-Tel's per-call branding comments on pages 3 and 4 of its filing completely ignore what Ameritech's commitments were in extensive collaborative sessions.
5. Specifically, Z-Tel's comments ignore the development and deployment of the ability to brand OS and DA calls, with a CLEC-specific name, when a CLEC's subscriber is provided local exchange service via resold telecommunications services or unbundled local switching. This branding capability was developed specifically at the request of resale-based and UNE-based CLECs, a fact that is overlooked in Z-Tel's comments.
6. As I discussed in my May 15 affidavit, branding on a dedicated trunk basis has long been available to Ameritech's wholesale customers. Independent telephone companies, as well as switch-based CLECs, that choose Ameritech as their wholesale provider of OS and DA services each can have their subscribers' OS/DA calls branded with carrier-specific names in this manner. This capability has been available because all the calls originating from switch-based carriers' end office switches, and routed to Ameritech's operator platform, are carried over dedicated trunks. Only one carrier's OS/DA calls are carried on that trunk to Ameritech's operator platform and every call is branded in that carrier's name. There is no per-call charge for branding on dedicated trunks, since all calls are branded the same.

7. As detailed in Accessible Letter CLECAM00-074,¹ issued last year on August 1, 2000 in direct response to CLEC requests during collaborative sessions in Michigan, Ameritech developed and deployed capabilities to brand CLEC's OS/DA calls that come to Ameritech's operator platform over shared trunks. Thus, subscribers of resale and UNE CLECs can hear their carrier-specific brands when the subscribers dial zero for operator services or 555-1212 for directory assistance. That Accessible Letter detailed that there is a per-call charge for the new branding capability. Further, the tariff under which Z-Tel is purchasing Ameritech's wholesale OS and DA includes branding provisions and pricing. So it is difficult to understand Z-Tel's confusion regarding this per-call branding charge.
8. Why is there a per-call charge for branding carrier-specific names for callers provisioned via resale or unbundled switch ports? The key is the difference between calls transported over dedicated trunks versus calls transported over shared trunks. Shared trunks transport both Ameritech's OS/DA traffic as well as OS/DA calls from CLECs' subscribers. Since resale and UNE CLECs' subscribers calls are transported from Ameritech's end office switches to Ameritech's operator platform over shared trunks, there is a per-call step that allows the operator platform to identify the caller's local exchange carrier and brand the call in the carrier's name. That per-call step requires a per-call query to a database to identify the underlying local exchange carrier and a per-call trigger of the carrier-specific brand. Thus, there is a per-call charge for that per-call work. That step does not exist for switch-based carriers' OS/DA traffic since those calls are transported over dedicated trunks and all calls are branded the same.

¹ Accessible letters are available on-line at <<https://clec.sbc.com/accleaders/home.cfm>>.

9. Z-Tel's comments, however, completely ignore the evolution of this branding process for resale and UNE-based CLECs that Ameritech deployed in response to CLECs' OS/DA branding requests. As described above, Ameritech's pricing for per-call OS and DA branding provided over shared trunks is appropriate. Further, Ameritech's pricing for per-call branding is consistent with that offered in 271-compliant interconnection agreements approved by the FCC in other SBC proceedings.² Thus, Z-Tel's comments regarding per-call branding charges are clearly misplaced and should be ignored.
10. MCIW's comments about OS/DA branding on page 30 of its brief and on page 21 of the affidavit of MCIW's Sherry Lichtenberg are inaccurate. Contrary to MCIW's comments, Ameritech does provide correct branding of CLECs' OS and DA calls when the CLEC has chosen Ameritech as its provider of wholesale OS/DA services. As detailed above, branding over dedicated trunks has long been available to switch-based providers and there is no evidence to the contrary. Further, Ameritech has deployed branding capability for resale and UNE-based CLECs' OS and DA calls. Z-Tel's comments indicate that branding is taking place, further refuting MCIW's comments that branding is not being provided. Even MCIW's first sentence regarding the issue indicates that Ameritech is indeed branding OS and DA calls with carrier-specific names.
11. MCIW's comments about a five-day interval to change branding are not inaccurate. The current branding process described above is dependent upon completion and posting of service orders to migrate local exchange service from one provider to another. Ameritech's

² See per-call branding provisions in Attachments Resale, OS and DA in the Texas, Kansas and Oklahoma 271 interconnection agreements.

operator platform and the database that holds the per-subscriber-line carrier information are downstream from the carrier migration process. After the service order migration information flows through Ameritech's operations support systems and is completed and posted, the information flows down to the database that triggers carrier-specific branding of OS and DA calls. Since the database update is downstream from the migration process, there is a period of time before a subscriber's carrier OS and DA branding is changed to its new local service provider.

12. As MCIW itself notes on page 30 of its brief, the process is being improved. Ameritech is making system enhancements branding capability with that will further improve this wholesale service. Today, however, the branding capability itself exists and is being utilized by MCIW and 10 other CLECs.

13. MCIW's conclusion that customer confusion results during this short interval between migration and branding changes are inaccurate for two reasons. First, most subscribers rarely use operator or directory assistance services on a daily basis, so it is unreasonable for MCIW to conclude that customer confusion results during such a short interval. Second, MCIW's claim is especially disingenuous since, as I indicated in Attachment A of my May 15 affidavit, two Michigan facilities-based CLECs and nine resale CLECs have chosen not to have their customers' OS/DA calls branded in their names. Therefore, MCIW's conclusions in this regard should be ignored.

14. MCIW's comments about OS and DA pricing³ are without merit. The prices Ameritech filed for wholesale OS and DA services are TELRIC-based and, as explained in the affidavit of

³ Page 6 and 7 of A. Earl Hurter's affidavit and page 31 of MCIW's brief.

Mr. Richard Florence, are compliant with the MPSC's orders in Case No. U-11831 (the biennial cost docket). As to the branding charges cited by MCIW, those could not have been addressed in U-11831 since the branding capability and prices were introduced after the conclusion of the U-11831 docket. So MCIW's comments on this issue should be ignored.

15. As explained above and at paragraphs 10-12 of my May 15 affidavit, the new branding capability deployed for CLECs was introduced in September 2000. This capability was deployed for CLECs whose OS and DA traffic is transported from Ameritech's end offices via shared trunks, to Ameritech's operator platform.
16. As discussed in the affidavit of Mr. Florence, the TELRIC costs developed for these branding charges are now fully compliant with the MPSC's requirements in Case No. U-11831.
17. Further, in response to MCIW comments on page 31 of its brief and page 7 of A. Earl Hurter's affidavit, whether Ameritech has issued a bill for OS/DA services provided to CLECs utilizing unbundled local switching is not relevant to Ameritech's 271 application. As I indicated in the affidavit I filed in Southwestern Bell Telephone's application for 271 relief in Texas, SWBT did not at that time bill for OS/DA services on UNE accounts. The fact remains that Ameritech, like SWBT, provides nondiscriminatory access to its OS and DA services as required by Section 251(b)(3) and checklist item vii of the Act.
18. Nevertheless, MCIW's comments are further questionable in light of the fact that Ameritech is, in fact, billing MCIW for wholesale OS and DA services. Ameritech issued bills for unbundled services, including wholesale OS and DA, on March 16 (invoice #106054), April 16 (invoice #106302), May 16 (invoice #106558), and June 16 (invoice #106842). Each was sent to MCIW's office at 205 North Michigan Avenue, Suite 3700 in Chicago, IL.

AMERITECH PROVIDES NONDISCRIMINATORY ACCESS TO DA LISTINGS

19. MCIW's comments on page 58 of its brief regarding pricing of DA listings in bulk are completely without merit. First, MCIW attempts to confuse the obligation to provide DA services with the obligation to provide DA listings. As I indicated in my May 15 affidavit, those are separate obligations. In fact, the FCC, in its UNE Remand Order, stated: "We decline to expand the definition of OS/DA, as proposed by some commenters, to include an affirmative obligation to . . . provide directory assistance listing updates in daily electronic batch files." Even the Act itself, in the dialing parity requirement under section 251(b)(3), distinguishes LECs' obligations to separately provide "nondiscriminatory access to telephone numbers, operator services, directory assistance, and directory listing." MCIW's comments to lump DA service with DA listings are inappropriate and should be ignored.
20. In regards to MCIW's comments that DAL should be UNE priced, MCIW again has misstated local exchange carriers' obligations under section 251(b)(3) of the Act.
21. First, there is no UNE pricing obligation under the Act's 251(b)(3) dialing parity requirement under which Ameritech provides its DAL. This is logical since all local exchange carriers – not just incumbents that are required to provide UNEs – have the obligation to provide their DAL to requesting local exchange and toll carriers.
22. Second, MCIW took the same UNE pricing of DAL position before the FCC in its 1999 UNE Remand proceeding. The FCC rejected MCIW's position, recognizing that DAL is a competitive wholesale service: "Requesting carriers may also obtain OS/DA services and directory listings from numerous wholesale providers, including CenturyTel

Telecommunications, Clifton Forge, Consolidated Communications, Excell, Experion's TEC Group, Frontier, HebCom, InfoNXX, Metro One, Quest 411 and Teltrust.”⁴

23. The FCC rejected MCIW's quest for cost-based pricing of DAL stating that it declined to expand the definition of OS/DA to include DAL because “We find such modifications unnecessary because, as mentioned above, these obligations already exist under section 251(b)(3), and the relevant rules promulgated thereunder.”⁵

24. Again, the 251(b)(3) dialing parity requirement is not the 251(c) unbundling requirement, and there is no UNE pricing requirement for DAL under the Act or FCC and MPSC rules. Furthermore, the FCC stated in paragraph 473 of its UNE Remand Order that where a checklist item is not an unbundled network element, “it would be counterproductive to mandate that the incumbent offers the element at forward-looking prices. Rather, the market price should prevail, as opposed to a regulated rate which, at best, is designed to reflect the pricing of a competitive market.”

25. In addition, the FCC approved 271-compliant interconnection agreements for Texas, Kansas and Oklahoma with market-based prices for DAL. Thus, Ameritech's DAL are offered at market-based prices, not UNE prices. Further, Ameritech imputes the same DAL market-based prices to itself, as required by FCC rules,⁶ thus fulfilling the just and reasonable pricing

⁴ FCC's UNE Remand Order, ¶ 448: *In the Matter of Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, Third Report and Order and Fourth Further Notice of Proposed Rulemaking, (CC Docket 96-98, FCC 99-238) released November 5, 1999.

⁵ Id, ¶ 444

⁶ U.S. West National Directory Assistance Forbearance Order, Docket No. 97-172 (FCC 99-133) issued September 27, 1999

requirement of the MTA. MCIW's comments regarding UNE pricing of DAL are inappropriate and should be ignored.

26. On pages 62 through 64 of the MCIW brief and pages 2, 3 and 4 of MCIW's Michael Lemkuhl affidavit, MCIW complains about the quality of DAL data. MCIW claims that there has been an "unprecedented" number of reloads, five in the last 13 months. In fact, MCIW requested and received four reloads of Michigan DAL in the second half of 2000, the last of which was more than seven months ago on December 14, 2000. MCIW's comments are especially inappropriate since the reloads were provided, free of charge, in compliance with the requirements of the Act and FCC rules.

27. The "fluctuations" MCIW comments on were not fluctuations at all, but an increase in the number of listings provided as additional Michigan local exchange carriers gave permission to release their listings in Ameritech's DA database. MCIW's comments failed to recognize that the growth in the number of listings was a direct result of Ameritech's pro-active quest to obtain the permission of other carriers to release their listings as required by the Act and FCC rules. Ameritech obtained those carriers' authorizations and released them in 2000 along with Ameritech's listings, thus increasing the number of listings provided to MCIW and other DAL customers.

28. Since MCIW has misstated the situation, attempting to portray Ameritech's pro-active efforts to release all the listings in its DA database as "fluctuations" rather than compliance with federal rules, MCIW's comments must be discounted.

29. Further, MCIW's comments about "unmatched deletes" in the daily update file of DAL Ameritech provides to MCIW, MCIW's issue was investigated and it was found that in every

instance the deleted listing did indeed match a listing MCIW had received previously. In fact, with the help of Ameritech's personnel, it MCIW found it was trying to match the wrong field on update files to listings it had previously incorporated into its DA database.

Ameritech was providing daily updates accurately; MCIW, however, accuses Ameritech of transgressions that were, in reality, a programming problem on MCIW's side. For this reason, MCIW's comments about this issue are without merit, and should be rejected.

30. Ameritech provides requesting carriers with all the DA listings in its database as required by the Act and FCC rules. Whatever issues MCIW had with receipt and utilization of DA listings were addressed last year and resolved. Ameritech complies with the DAL requirements of the Act and the 271 checklist.

CONCLUSION

31. As discussed in my May 15 affidavit, Ameritech provides nondiscriminatory access to its OS and DA services and DA listings. While Ameritech disagrees that OS and DA services must be UNE priced, it has complied with the Michigan Commission's order and has tariffed its wholesale OS and DA services as UNEs for CLECs. Michigan CLECs will be billed for those services under the terms and conditions of their interconnection agreements or the tariff, whichever is applicable. While CLEC comments are inaccurate and that they indeed are being billed for wholesale OS and DA services, the issue of whether Michigan is billing for OS and DA services today is not relevant to this 271 proceeding. The requirement checklist item vii and section 251(b)(3) requirement is to provide nondiscriminatory access to OS and DA services. Ameritech fulfills that obligation.

32. Further, market-based pricing of DA listings is appropriate under section 251(b)(3) of the Act as well as FCC rules and orders. Ameritech is providing all the listings in its DA database as required by the Act and FCC rules.
33. No CLEC has made a showing that Ameritech is doing anything but complying with the requirements of the Act regarding nondiscriminatory access to OS and DA services and DA listings. Ameritech has fulfilled its obligations under checklist item vii and section 251(b)(3).