

transport facilities in a state instead of limiting the requests to those circuits specifically put in issue by incumbent carriers – potentially an unnecessary undertaking. Accordingly, the Commission should limit discovery requests only to those specific geographic areas, loop locations, and dedicated transport routes for which the ILECs seek relief from the TRO impairment findings.¹ Second, discovery should initially be based on what is needed to conduct the specific trigger analyses. For the most part, these analyses are very objective and do not require detail as to specific equipment located in collocations, switched software packages and the like. Only if it actually becomes necessary to move further into issues regarding “potential” provision of the UNEs at issue should discovery of data related thereto be requested. Finally, there is no reason at this time to be requesting cost and revenue data. Such data is highly sensitive and competitive. There is no need for such data in order for the Commission to conduct the analyses required by the TRO.

The specific discovery questions discussed by Allegiance below are not necessarily exhaustive of objections Allegiance might have with the final set of discovery issued. Further, Allegiance waives no objections with regard to any discovery actually issued.

DISCOVERY TO CLECS: 9 MONTH CASE

RFIs to CLECS or Entities Identified by ILECS as Self Providers or Wholesale

Providers

Question 3a.

¹ The Commission ordered a deadline of October 10, 2003 for parties to file such petitions. *See*, Notice of Deadline to File Petitions Concerning Impairment Without Unbundled Access to DS1, DS3, and Dark Fiber Loops, Transport, and Mass-Market Switching issued September 30, 2003.

The details about the make, model, age, and current software upgrades of each switch are irrelevant until a petition identifies the geographic areas at issue. Further, these details are unnecessary to determine whether there is alternative wholesale provisioning of mass market switching.

Questions 4 and 5

These questions about switch details should be framed to be less burdensome on CLECs. Rather than taking this intensively quantitative approach, the discovery could meet the analyses objectives by simply calling for data on whether or not switch capacity is available today and further, what barriers, if any, might exist to expanding that capacity.

RFIs to CLECs Regarding Dedicated Interoffice Transport

Question 3

The capacity of facilities being provided by other suppliers is unknown to a requesting CLEC.

Question 8

The costs and other terms and conditions of these transport facilities are unnecessary for the analyses required by the TRO. The Commission may assume that, if a CLEC has self-provisioned or obtained facilities from a provider other than the ILEC that the costs and other terms are equal or better than those offered by the ILEC.

Questions 15 and 16

To the extent these questions are not redundant to the discovery requested by Question 9, Questions 15 and 16 are overly broad in asking for data about all ILEC wire centers prior to the ILEC petitioning and narrowing the inquiry.

RFIs to CLECS Regarding Collocation Issues

Allegiance would object to providing any detailed information regarding its collocation arrangements. The only information required for the analysis is determining whether a CLEC has collocation arrangements and what barriers may exist to expanding those arrangements to additional wire centers as requested in Questions 1a, 2a, and 3.

RFIs to CLECs and ILECs Regarding Switching

Questions 6 and 7

Allegiance would object to providing any information regarding its current revenues or costs. Such data is highly sensitive and should be requested only where it is critical to the inquiry. For example, if the analysis moved into the “potential” to provide stage, these financials could be relevant.

Questions 8 and 10

The question at issue is whether a CLEC is obtaining switching from another provider than the ILEC. The specific terms of that arrangement would not further the analysis. Further, Allegiance does not believe these kinds of switching details are relevant to the impairment analysis.

Question 9

Allegiance does not believe that a CLECs plans to deploy IP-based technology is necessary data to local circuit switching impairment analysis.

Respectfully submitted,

Mark A. Stachiw, Esq.
Jeffrey J. Binder, Esq.
Allegiance Telecom, Inc.
9201 North Central Expressway
Dallas, Texas 75231
Tel: (469) 259-2099
Fax: (469) 259-9122
jeff.binder@algx.com
mark.stachiw@algx.com

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