

1 **PROFESSIONAL INFORMATION**

2 **Q. Please state your name and your employer.**

3 **A.** My name is Michael J. Lehmkuhl. I am employed by Worldcom, Inc.
4 (“WorldCom”) as a Regulatory Specialist for Directory Assistance and
5 Operator Services. My current business address is 601 South 12th Street,
6 Arlington, Virginia, 22202.

7

8 **Q. Briefly describe your background and relevant experience.**

9 **A.** I have been an employee of WorldCom for over a year and have worked
10 as an independent contractor with WorldCom for another five months. I
11 practiced telecommunications law before various federal agencies,
12 including the Federal Communications Commission (“FCC”) for
13 approximately eight of the last ten years in both private practice and as a
14 consultant. I earned a Juris Doctorate and Master of Arts in Mass
15 Communications from Drake University Law School and was a member of
16 the Wisconsin State Bar. I earned my Bachelor’s Degree in Journalism
17 from the University of Wisconsin at Madison in 1987. My responsibilities
18 at WorldCom include supporting the business and regulatory efforts of
19 WorldCom through its ISN Services and Solutions Group.

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PURPOSE OF TESTIMONY

Q. What is the purpose of your testimony?

A. The purpose of this testimony is to support the position of WorldCom with regard to Qwest’s pricing of directory assistance listing (“DAL”) databases, and its calling name database (“ICNAM” or “CNAM”).

DAL DATABASE

Q. How are directory assistance and operator services (“OS/DA”) different from DAL database information?

A. DAL information is the underlying customer listing information that constitutes the directory assistance database. OS/DA is a service or services related to assisting callers in finding a customer’s listing or in completing a call. The two are not the same network elements. Although the FCC’s *UNE Remand Order*¹ reclassified OS/DA services as a UNE only in the absence of customized routing, the FCC identified the DAL database as a call-related database that must be unbundled.

Q. Does Qwest enjoy a monopoly with respect to DAL information in Washington?

A. Yes, because it controls the vast majority of lines in Washington. DAL information is generated by Qwest’s service order process when a customer initiates service. Because Qwest’s line share represents a majority of the marketplace, Qwest has bottleneck control over the vast

1 majority of DAL in the State of Washington. Other companies may offer
2 directory services that contain some of the listings, yet most, if not all, get
3 their information from Qwest. This is the only way providers can be
4 assured the information is complete and up-to date.

5
6 The FCC has confirmed that incumbents like Qwest enjoy a competitive
7 advantage with respect to the provision of critical directory assistance
8 service as a result of their legacy as monopoly providers and their
9 “dominant position in the local exchange and exchange access markets”²
10 and that they have “access to a more complete, accurate and reliable
11 database than its competitors.”³ These findings confirm that, as the ILEC
12 in Washington, Qwest maintains significant market power over the
13 provision of listing data and explain why a continued requirement for cost-
14 based prices for these services is consistent with FCC guidelines.

15
16 **Q. Is the DAL database a UNE?**

17 **A.** Yes. The FCC determined that the DAL database is a UNE under Section
18 251(c)(3) in its *Local Competition First Report & Order*. As such, QWEST
19 is obligated to provide nondiscriminatory access to the DAL database at

¹ *UNE Remand Order*, FCC 99-238 (released Nov. 5, 1999).

² *FCC Memorandum Opinion and Order, In the Matter of the Petition of SBC Communications Inc. for Forbearance of Structural Separation Requirements and Request for Immediate Interim Relief in Relation to the Provision of Nonlocal Directory Assistance Services, et al* CC Docket No. 97-172, DA 00-514, at fn. 42, (adopted April 11, 2000) (hereinafter, “*SBC Forbearance Order*”).

³ *Id.*, See also, *Provision of Directory Listing Information under the Telecommunications Act of 1934, As Amended, First Report & Order*, FCC 01-27, CC-Docket No. 99-273 (2001) at ¶ 3, (hereinafter, “*DAL Provisioning Order*”).

1 cost-based or TELRIC pricing. More recently, in the Executive Summary
2 of the *UNE Remand Order*, the FCC in a section titled “Network Elements
3 that Must be Unbundled” specifically stated, “LECs must also offer
4 unbundled access to call-related databases, including but not limited to,
5 the Line Information database (LIDB), Toll Free Calling database, Number
6 Portability database, Calling Name (CNAM) database, **Operator**
7 **Services/Directory Assistance databases...**”⁴ In that Order, the FCC
8 did not remove DAL databases from the list of UNEs. Additionally, the
9 Commission’s *Local Competition First Report & Order* defined call-related
10 databases as “databases, other than operations support systems, that are
11 used in signaling networks for billing and collection or the transmission,
12 routing, or **other provision of telecommunications service.**”⁵

13
14 Because Qwest has bottleneck control of the DAL information in
15 Washington, CLECs must be allowed just, reasonable, and non-
16 discriminatory access on an unbundled basis to the DAL information at
17 TELRIC to compete effectively.

18
19 **Q. Is DAL also subject to the nondiscriminatory access requirements**
20 **under Dialing Parity?**

⁴ *UNE Remand Order*, at ¶19.

⁵ *Local Competition First Report & Order*, at fn. 1126; see also, *UNE Remand Order* at ¶ 403 (emphasis added).

1 **A.** Yes. DAL is also subject to the 1996 Telecommunications Act's⁶
2 nondiscriminatory access requirement pursuant to Section 251(b)(3).
3 These two sections (47 USC §251(b)(3) and §251(c)(3)), however, are not
4 mutually exclusive. Section 251(b)(3) requires nondiscriminatory access
5 as between all LECs and DA providers, while the UNE requirements of
6 Section 251(c)(3) remain applicable as between ILECs and CLECs such
7 as Qwest and WorldCom.

8

9 **Q. Does nondiscriminatory access under Section 251(b)(3) extend also**
10 **to pricing for DAL?**

11 **A.** Yes. In the FCC's recent *DAL Provisioning Order*, the FCC recognized
12 that ILECs continue to charge CLECs and competing DA providers like
13 WorldCom, discriminatory and unreasonable rates for DAL. The FCC
14 found that Section 251(b)(3) prohibits ILECs from charging discriminatory
15 and unreasonable rates to CLECs and other eligible directory assistance
16 providers. Although it declined to adopt a specific pricing structure for
17 DAL as between all LECs under dialing parity, it encouraged states to set
18 their own rates consistent with the nondiscriminatory access requirements
19 of 251(b)(3). In doing so, the FCC specifically recognized that state
20 imposed rates based on cost-based models utilizing valid cost studies
21 were consistent with dialing parity. The Commission specifically cited a
22 decision of the New York Public Service Commission that analyzed cost

⁶ 47 U.S.C. §151 et.seq.

1 studies from the ILEC and other LECs to arrive at a cost-based price
2 model for the nondiscriminatory provision of directory assistance.⁷
3

4 **Q. Why are cost-based rates for DAL appropriate?**

5 **A.** Because anything higher is discriminatory. Whether the Commission finds
6 that DAL is a UNE or not, the result should be the same because
7 nondiscriminatory access applies not only to what Qwest might charge all
8 other carriers, it must also be seen in the context of what Qwest charges
9 or imputes to itself. A price can hardly be called “nondiscriminatory” if it
10 allows Qwest to charge everyone else in the marketplace a higher rate
11 than what it would charge itself.
12

13 The FCC recognized this in its *Local Competition Third Report & Order*,
14 when it stated:

15 “Because an incumbent LEC would have the incentive to
16 discriminate against competitors by providing them with
17 less favorable terms and conditions that it provides to itself,
18 we conclude that the term “nondiscriminatory”, as used
19 throughout section 251, applies to the terms and conditions
20 an incumbent LEC imposes on third parties as well as on
21 itself.”⁸
22

23 Indeed, the FCC recently reaffirmed that incumbents must “make available
24 to unaffiliated entities all of the in-region telephone numbers they use to

⁷ *Id.* at ¶ 38, fn. 99, citing *Opinion and Order in Module 1 (Directory Database Services)*, Case 98-C-1375, Opinion No. 00-02, State of New York Public Service Commission (Feb. 8, 2000).

⁸ *Local Competition Third Report & Order*, FCC 99-227, ¶ 129 (1999), citing *Local Competition Second Report and Order*, at ¶¶ 100-05, and *Local Competition First Report and Order*, at ¶ 217.

1 provide nonlocal directory assistance service at the same rates, terms and
2 conditions they impute to themselves”⁹ and “comply with the
3 nondiscrimination requirements set forth in section 272(c)(1).”¹⁰

4

5 Because Section 251(b)(3) mandates nondiscriminatory access between
6 all competitive providers, Qwest must provide DAL at the same price it
7 imputes to itself or put another way, at cost.

8

9 **Q. What other states besides New York have adopted cost-based rates**
10 **for DAL?**

11 **A.** In Texas, based on a cost study submitted by SWBT, the Texas
12 Commission set a cost-based price for initial listings at \$0.0011 and
13 \$0.0014 for updates.¹¹ Similarly, the California Public Utilities Commission
14 agreed with WorldCom in an arbitration with Pacific Bell and ordered that
15 the appropriate cost-based rate for DAL be considered in one of its cost
16 proceedings.¹²

17

18 **Q. What should the Commission use to determine pricing for DAL in**
19 **Washington?**

⁹ *SBC Forbearance Order*, DA 00-514 at ¶ 2 (2000).

¹⁰ *Id.* at ¶ 15 (citations omitted).

¹¹ See, Texas 1998-2000, *Directory Assistance Listing Cost Study, Total Element Long Run Incremental Cost Study*, Form 2; cited in, MCI Texas Arbitration Award, Texas Commission Docket 19075, at pages 12-14.

¹² See, *Application by Pacific Bell Telephone Company (U 1001 C) for Arbitration of an Interconnection Agreement with MCI Metro Access Transmission Services, L.L.C. (U 5253 C) Pursuant to Section 252(b) of the Telecommunications Act of 1996*, California PUC, Decision 01-09-054 at pp. 6-10 (September 20, 2001).

1 **A.** WorldCom understands that at least as late as fourth quarter 1999, the
2 average TELRIC pricing for DAL over the 14 state Qwest region ranged
3 between \$0.0073 per listing for initial loads and \$0.0171 per listing for
4 daily updates.¹³

5
6 This rate shows that there is no basis for imposing a “market rate” of 2.5
7 cents per initial listing and for each update. If a true market were to exist,
8 then the rates would drive toward the cost of each listing, which is almost
9 345 times less than the price Qwest proposes in this proceeding. Such
10 inflated prices threaten to barricade any meaningful competition in the
11 market place and have the potential to cause competitors to drop out of
12 the market where there would exist no incentive for further innovation.

13
14 While WorldCom recognizes that this TELRIC rate may not be current,
15 these rates provide a start in developing a cost study to determine what an
16 appropriate cost-based rate would be in Washington.

17
18 **Q. What is the price WorldCom charges QWEST for listings it provides**
19 **to Qwest?**

¹³ See, Letter of October 22, 1999 from John A. Kelly, president of US West, to Gilbert E. Mark, president of Excell Agent Services, L.L.C., included as Exhibit A in an Ex parte communication filed August 23, 200, from Kathryn Marie Krause, Esq. to the FCC’s Common Carrier Bureau in FCC Docket Nos. 96115, 96-98 and 99-273.

1 **A.** WorldCom does not charge any ILEC for the listings it provides to carriers
2 at the present time.

3

4 **Q. Please discuss Qwest's transport fee identified at Section 10.6.5.1 of**
5 **Qwest's SGAT Exhibit A.**

6 **A.** WorldCom objects to Qwest's insertion of a transport fee of \$0.002 per
7 listing for DAL. WorldCom has already expended financial and capital
8 resources to build and maintain its own electronic system for receiving
9 DAL information from Qwest known as NDM or "network data mover."
10 Asking WorldCom to pay Qwest to transport the data over WorldCom's
11 own facilities would be asking WorldCom to pay twice for transport and
12 would unjustly enrich Qwest in this regard.

13

14 **Q. Is Qwest's proposed rate for a re-load or re-refresh appropriate?**

15 **A.** No. For the most part, the only time WorldCom requests a re-load of the
16 database is when WorldCom receives corrupted data from Qwest.
17 WorldCom should not have to pay for Qwest's mistakes.

18

19 Even if WorldCom needs a refresh through no fault of Qwest's, however,
20 WorldCom should not have to pay for the data twice. A re-load is merely a
21 back-up or "snapshot" of the data WorldCom has already received from
22 Qwest. Because WorldCom has already purchased the data when it paid

1 for the initial load and the subsequent updates, extracting a fee for each
2 listing when the data is refreshed is unreasonable and discriminatory.

3

4 WorldCom understands that Qwest incurs programming costs when
5 reloads are furnished since the data needs to be extracted from Qwest's
6 databases. Qwest does not, however, incur other costs associated with
7 setting up a new account—charges that Qwest presumably recoups when
8 it charges for an initial listing. Therefore, WorldCom proposes that in
9 situations where WorldCom may need a reload through no fault of Qwest,
10 WorldCom should reimburse Qwest for reasonable programming fees and
11 computer time to extract the reload data. Qwest should continue to
12 provide reload data at no charge when the need for the reload is
13 attributable to Qwest's provision of corrupted data.

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ICNAM DATABASE

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18 **Q. How does Qwest describe the ICNAM service?**

19 **A.** Qwest states that the ICNAM service allows CLECs to query Qwest's
20 ICNAM database in order to secure the listed name information
21 associated with the requested telephone number in order to deliver that
22 information to the CLEC's end users. Qwest states that recurring charges
23 for ICNAM are billed on a per query basis and a nonrecurring charge

1 (CCSAC Options Activation Charge) will apply for a CLEC to activate
2 ICNAM Database Query Service.

3

4 **Q. Is ICNAM a UNE?**

5 **A.** Yes. This much is not disputed between the parties. As with DAL, ILECs
6 have exclusive control over the generation of the information that
7 comprises this databases through the service order process. CNAM is
8 essential to allowing WorldCom to offer telecommunications services such
9 as caller-ID.

10

11 As the FCC concluded in the *UNE Remand Order*, “there are no
12 alternatives of comparable quality and ubiquity available to requesting
13 carriers, as a practical, economic, and operational matter, for the
14 incumbent LEC’s call-related databases.” *UNE Remand Order* at ¶ 410.

15 As the ILEC in Washington with a clear majority of subscribers in
16 Washington, Qwest has a clear monopoly on the information that
17 comprises these databases.

18

19 Because ICNAM has been identified as a UNE, Section 251(c)(3) of the
20 Act requires Qwest to provide access on just, reasonable and
21 nondiscriminatory terms. In addition, Qwest may not restrict WorldCom’s
22 use of this database in the provision of a telecommunications service.

23

1 In the Act, Congress mandated that ILECs have a duty to provide any
2 requesting carrier nondiscriminatory access to network elements on an
3 unbundled basis at any technically feasible point on rates, terms, and
4 conditions that are just, reasonable, and nondiscriminatory. Section
5 51.319(e)(2)(A) of the FCC's rules also requires that ILECs provide
6 nondiscriminatory access to all call-related databases as UNEs. 47
7 C.F.R. §51.319(e)(2)(A). Qwest therefore has a duty to provide access to
8 the databases in at least the same manner that Qwest provides it to itself
9 and to other carriers. The FCC has stated repeatedly that any standard
10 that would allow an ILEC to provide access to any competitor that is
11 inferior to that enjoyed by the ILEC itself is inconsistent with Congress'
12 objective of establishing competition in all telecommunications markets.
13 *Local Competition Order* at ¶¶ 100-105. This means not only that Qwest
14 is obligated to treat all carriers the same, but must provide those carriers
15 with the same nondiscriminatory access to these databases that it
16 provides itself in order to level the playing field with respect to providing
17 competing services to customers in Washington.

18 **Q. As a matter of policy, should the Commission require Qwest to allow**
19 **WorldCom full access to the Qwest ICNAM database?**

20 **A.** Yes. The ICNAM database is a UNE and as such, Qwest is obligated to
21 provide ICNAM just, reasonable and nondiscriminatory access to this
22 element. WorldCom requests the transfer of Qwest's CNAM database to
23 WorldCom as a "batch" file instead of being relegated to "per-query" or

1 “dip” access, because batch access allows WorldCom use of the database
2 in exactly the same readily accessible manner as Qwest enjoys.
3 Conversely, Limiting access to a per-query or "dip" basis discriminates
4 against WorldCom and other CLECs by giving Qwest an unfair advantage
5 over costs, service quality and the provision of new and innovative
6 services.

7

8 **Q. Can you give some examples of how “per-query” access is**
9 **discriminatory?**

10 **A.** Yes. When a Qwest caller makes multiple calls to a WorldCom customer
11 with caller-ID, WorldCom must query Qwest’s database for the same
12 caller-ID information each and every time that call is terminated. In doing
13 so, WorldCom must pay for that query each and every time that call is
14 terminated. But when a Qwest customer calls another Qwest customer
15 within Qwest’s operating territory, Qwest may query its own database, but
16 certainly does not pay for that information each and every time it
17 terminates the call. If WorldCom had bulk access to the CNAM database
18 in a downloadable format, it would only pay for the data once for the listing
19 and then for any updates made to that listing.

20

21 Just as in the case of directory assistance listings, a competitive carrier
22 may wish to obtain the full database in order to avoid the required dip for
23 each and every query. For some CLECs such as WorldCom, the cost of

1 obtaining the full contents of the database and maintaining its own
2 database may be more economical than access that is restricted to a per-
3 dip or per-query basis. Providing the alternative of bulk data provides
4 potential cost savings to CLECs and provides an incentive to Qwest to
5 avoid setting its database query price too high.

6

7 The economics of per query versus batch access is not difficult to
8 demonstrate. For example, each WorldCom subscriber typically has a few
9 people that are repeat callers to their WorldCom household. For example,
10 spouses call each other every day from work. Since WorldCom's access
11 is limited to per query for CNAM information, it would possibly dip and pay
12 Qwest for access to its CNAM database 20 times a month for the same
13 information. With download access, WorldCom might pay for that same
14 information once.

15

16 A more extreme scenario happens every day. If a Qwest customer is a
17 high volume caller like a telemarketer, an opinion pollster or charity, it may
18 make calls to a thousand WorldCom customers with caller ID across
19 Washington one evening. On that day alone, WorldCom would incur
20 charges for a thousand dips to Qwest's CNAM database for the same
21 caller ID information.

22

1 **Q. What other increased costs must WorldCom bear with per-query**
2 **access?**

3 **A.** From a practical standpoint, requiring WorldCom to dip Qwest's database
4 or access the database on a "per query" basis only, rather than access its
5 own database, forces WorldCom to incur development costs associated
6 with a complex routing scheme within WorldCom's UNE platform to
7 provide quality service to its customers. As Qwest already has its own
8 database, it does not incur the same costs associated with implementing
9 and maintaining this routing scheme.

10

11 **Q. Does full access to the CNAM database result in increased quality of**
12 **service to WorldCom customers?**

13 **A.** Yes. Allowing full access to the CNAM database means that WorldCom
14 has more control over the quality of the service it offers. For example,
15 CNAM allows the called customer's premises equipment, connected to a
16 switching system via a conventional line, to receive a calling party's name
17 and the date and time of the call during the first silent interval in the ringing
18 cycle. This is a very limited time frame within which to determine the
19 name associated with the calling number. As the call reaches the
20 terminating switch and a Caller ID request is made, the request must route
21 through the network to reach the database holding the "name" information.
22 WorldCom must first determine which LEC owns the number, then route
23 the call out to that LEC and back to make the dip. If the LEC does not

1 have the name, then exception handling procedures must be used to find
2 the name and the result is finally returned to the called party. The time it
3 takes to route the number request to the correct LEC's database to make
4 the dip, return the request, and provide exception handling when the
5 number is not found in the database cannot always be completed within
6 the short ring cycle required. If, however, WorldCom maintains its own
7 database, a lengthy step of the process can be eliminated, allowing
8 WorldCom to provide service at least as well as Qwest provides for itself.

9

10 **Q. Does full or batch access to Qwest's CNAM database help to**
11 **increase innovative and competitive offerings?**

12 **A.** Yes. Not only does limited access to the CNAM database, such as per-
13 query access only, prevent WorldCom from controlling the service quality
14 and management of the database, but such a limitation also restricts
15 WorldCom's ability to offer other innovative service offerings that may be
16 provided more efficiently, quickly, and cheaply. Without competition in this
17 regard, Qwest has no incentive to upgrade its CNAM service or the
18 technology that drives it.

19 For instance, if WorldCom could operate its own database to support
20 services for its end users, it would not be bound by Qwest's restrictions
21 and could develop the capability to offer CNAM database services to other
22 carriers via other signaling methods that could be more efficient and less
23 costly. For example, it could offer CNAM over TCP/IP rather than on the

1 costly SS7 network. The provisioning of CNAM through TCP/IP might also
2 facilitate the development of new services and the integration of this
3 service with emerging voice over Internet applications. Thus, by enjoying
4 superior access to its CNAM data—data that cannot be accessed or used
5 anywhere else except through access to Qwest’s database on a per-query
6 basis—Qwest limits WorldCom to an inferior service.

7

8 **Q. What about the FCC's definition of call-related databases? Does that**
9 **definition not require that such databases be used over signaling**
10 **networks?**

11 **A.** In the *Local Competition First Report & Order*, and in the *UNE Remand*
12 *Order*, the FCC defined call-related databases as those “databases, other
13 than operations support systems, that are used in signaling networks for
14 billing and collection or the transmission, routing, or other provision of
15 telecommunications service.”¹⁴ Certainly CNAM and LIDB are used over
16 signaling networks like the SS7 no matter where the databases reside. In
17 fact WorldCom currently uses SS7 on its own network to deliver caller-ID
18 and call validation from its own LIDB and CNAM databases. But this
19 definition does not confine these databases to one company’s SS7
20 network for the purpose of accessing the information therein. Rather, I
21 believe the FCC’s definition is more descriptive than definitive.

22

¹⁴ *UNE Remand Order* at ¶ 403 (citation omitted).

1 **Q. Has the FCC determined that query-only access to other databases**
2 **is discriminatory?**

3 **A.** Yes. An analogy can be made between access to the CNAM database
4 and another call-related database, the directory assistance listing (DAL or
5 DALI) database. With respect to DALI databases, the FCC specifically
6 found that “LECs must transfer directory assistance databases in readily
7 accessible electronic, magnetic tape, or other format specified by the
8 requesting LECs, promptly on request. . .”¹⁵ The FCC specifically held
9 that LECs may not restrict competitive access to the DALI database by
10 restricting access to per-query access only:

11 Although some competing providers may only want per-
12 query access to the providing LEC’s directory assistance
13 database, per-query access does not constitute equal
14 access for a competing provider that wants to provide
15 directory assistance from its own platform. With only per-
16 query access to the providing LECs database, new entrants
17 would incur the additional time and expense that would arise
18 from having to take the data from the providing LEC’s
19 database on a query-by-query basis then entering the data
20 into its own database in a single transaction. *** Such extra
21 costs and the inability to offer comparable services would
22 render the access discriminatory.

23 *1999 Directory Listing Order* at ¶ 152.

24

¹⁵ *In the Matters of Implementation of the Telecommunications Act of 1996, Telecommunications Carriers’ Use of Customer Proprietary Network Information and Other Customer Information, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Provision of Directory Listing Information*, Third Report and Order in CC Docket No. 96-115, Second Order on Reconsideration in CC Docket No. 96-98, and Notice of Proposed Rulemaking in CC Docket No. 99-273, at ¶ 153 (September 9, 1999) (hereinafter, “*1999 Directory Listing Order*”).

1 Similarly, the CNAM database is also a call-related database and
2 competitors' access to this database should not be limited to a per-query
3 or per-dip basis only. To allow such a restriction to stand allows Qwest to
4 discriminate against competing carriers through limited access to the
5 CNAM database.

6

7 **Q. What information does WorldCom seek when it seeks download**
8 **access to the ICNAM database?**

9 **A.** WorldCom seeks access to the line number, 15 digit name identifier, and
10 the privacy indicator associated with the record. Any other information
11 that Qwest may hold in its ICNAM database is irrelevant for purposes of
12 providing caller-ID services. The fact that Qwest may hold the ICNAM
13 data in its line information database ("LIDB") is also irrelevant since the
14 pertinent data can be extracted from whichever database Qwest is holding
15 the information.

16

17 **Q. What about protecting customer privacy?**

18 **A.** WorldCom, as a telecommunications carrier, is bound by the same laws
19 as Qwest in protecting proprietary customer information. Any assertion
20 that a download of the CNAM data would somehow violate Qwest's duty
21 to protect proprietary customer information under Section 222 of the Act is
22 misleading and ignores the fact that Section 222 of the Act imposes the
23 same duty on all telecommunications carriers, including WorldCom.

1 Allowing WorldCom to make full use of the data as a UNE as defined
2 under the Act, however, will not change its obligations to comply with the
3 law and similarly protect customer information in the same manner as
4 Qwest.

5
6 It is also important to note that as long as WorldCom has the privacy
7 indicator associated with the CNAM record, it will be able to block release
8 of the caller-ID information at the switch the same way Qwest would. For
9 those customers who have not requested a privacy indicator, they can do
10 so on a per-call basis by dialing *67, the same way Qwest's customers
11 may do presently.

12 **Q. Have any state commissions found that the ILEC is obligated to**
13 **provide full or batch access to the CNAM database in a**
14 **downloadable format?**

15 **A.** Yes, there are at least two. The state commissions in Michigan and
16 Georgia have ordered that the ILECs must provide the CNAM database in
17 a downloadable format.¹⁶

18
19 **Q. Please summarize your testimony regarding ICNAM.**

¹⁶ See *In the Matter of the Application of SWBT Michigan for Approval of Cost Studies and Resolution of Disputed Issues Related to Certain UNE Offerings*, Case No. U-12540 at 21 (March 2001) and *Petition of MCImetro Access Transmission Services, LLC and MCI MCI Communications, Inc. for Arbitration of Certain Terms and Conditions of Proposed Agreement with BellSouth Telecommunications, Inc. Concerning Interconnection and Resale Under the Telecommunications Act of 1996*, Order of Georgia Consumers' Utility Counsel, Docket No. 11901-U at 9 (February 2001)

1 **A.** In summary, because CNAM is a UNE, the Act requires Qwest to make
2 this element available in a manner for WorldCom to use it to provision any
3 service it wants to consistent with the Act. This database and the
4 information it contains must also be made available to WorldCom in the
5 same manner as Qwest makes the information available to itself and other
6 telecommunications carriers. WorldCom respectfully urges the
7 Commission to find that Qwest cannot act in a discriminatory manner and
8 restrict access to its CNAM database to a per-query or per-dip basis only.
9 Competitors, such as WorldCom, need access to the CNAM database in a
10 bulk, downloadable format that allows for efficient competition and
11 improved service quality to customers.

12

13 **Line Information Database (“LIDB”), ICNAM, and 8XX Databases**

14

15 **Q. What about the rate Qwest proposes for per-query access to the**
16 **LIDB, ICNAM and 8XX databases?**

17 **A.** There is an apparent inconsistency between the TELRIC rate and that
18 proposed by Qwest for these rates. Qwest proposes a rate of \$0.00147
19 per query for access to each of the LIDB, ICNAM and 8XX databases.
20 See, Qwest Exhibit A, Lines 9.16.3, 9.18, and 9.17.1 respectively.
21 According to Ms. Malone, these rates are not new and are taken directly
22 from the rates the Commission adopted in Docket Nos. UT-960369, et al.

1 in the Fourteenth Supplemental Order, at ¶ 59. See, Direct Testimony of
2 Ms. Kathryn Malone, page 15, lines 8-12. Paragraph 59 of that Order,
3 however, specifies the TELRIC rate appropriate to US West (Qwest) as
4 \$0.00131, not the \$0.00147 proposed by Qwest. Qwest has offered no
5 further justification for this rate or this inconsistency. Accordingly, and
6 notwithstanding WorldCom's arguments with respect to download access
7 to the ICNAM database, WorldCom requests that the Commission change
8 the per-query rates for these databases to reflect the appropriate TELRIC
9 rate of \$0.00131 as authorized in the Fourteenth Supplemental Order.

10

11 **Q. Does this conclude your testimony?**

12 **A.** Yes, it does.

13