DOCKET NO. 22168

PETITION OF IP COMMUNICATIONS CORPORATION TO ESTABLISH EXPEDITED PUBLIC UTILITY COMMISSION OF TEXAS OVERSIGHT CONCERNING LINE SHARING ISSUES	§ § § § § §	PUBLIC UTILITY COMMISSION OF TEXAS

DOCKET NO. 22469

PETITION OF COVAD COMMUNICATIONS COMPANY AND RHYTHMS LINKS, INC. AGAINST SOUTHWESTERN BELL TELEPHONE COMPANY FOR POST-INTERCONNECTION DISPUTE RESOLUTION AND ARBITRATION UNDER THE TELECOMMUNICATIONS ACT OF 1996 REGARDING RATES, TERMS, CONDITIONS AND RELATED ARRANGEMENTS FOR LINE SHARING	§ § § § § § § § § § § § §	PUBLIC UTILITY COMMISSION OF TEXAS

ARBITRATION AWARD

quickly to be able to determine whether a particular loop will support xDSL service.[516]

The Arbitrators are not convinced that the loop qualification process for line sharing is any different than for stand-alone loops, nor should it be provided in a different manner. The Arbitrators find nothing in the record to indicate that line sharing creates a unique situation in terms of loop qualification.[517] The Arbitrators agree with SWBT that this Commission has already ordered SWBT to provide real-time access to all loop qualification information that SWBT possesses.[518] Therefore, the Arbitrators find that SWBT must continue to provide loop qualification in the same manner that this Commission ordered in the xDSL Arbitration, that is, real time access to all loop qualification information contained in SWBT's databases or backend systems. Any outstanding concerns of CLECs regarding SWBT's failure to properly provide the required information should be addressed in the audit, as described in DPL Issue No. 24.

24.   **Should SWBT be required to allow CLECs to audit their backend systems, databases and records to determine what loop provisioning and loop plant information is available to SWBT?**

CLECs' Positions

Rhythms believes that SWBT should be required to allow CLECs to audit their backend systems.[519] Rhythms asserts that CLECs are entitled to all information about the loop or loop plant that is useful for provisioning xDSL services and that is available to any SWBT employee.[520] However, Rhythms points out that CLECs do not know precisely how much of this information exists or where it is contained in SWBT's records, backend systems and databases.[521] While SWBT has agreed to provide 45 data fields from all of its OSS backend systems and databases, Rhythms points out that just one of SWBT's OSS – LFACS -- has more

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[516] *UNE Remand Order* ¶ 431.

[517] Tr. at 866-876.

[518] In addition, the Commission has established a metric for SWBT to provide actual loop makeup information through a manual process, within 3 business days when the information is not contained in SWBT's databases. If SWBT can provide its retail ADSL personnel with actual loop makeup information in a shorter time frame, then the interval for CLECs should be parity with that timeframe.

[519] Ayala Direct at 22.

[520] *UNE Remand Order* ¶ 426.

than 100 data fields.[522] Thus, Rhythms believes the Commission should order SWBT to allow CLECs to audit on an ongoing basis the company's records, backend systems and databases in Texas, including but not limited to: LFACS, FACS, TIRKS, LEAD/LEIS, ASON, ACIS, SWITCH, WFA/C, WFA/DO, SOAC, LMOS, MARCH, Premis, LASR, FOMS/FUSA, and ARES.[523] IP and Sage support Rhythms' position on this issue.

SWBT's Position

SWBT indicated that it has already agreed in principal to an audit so that CLECs will able to verify that SWBT is indeed providing them with all appropriate information.[524] SWBT stated that the following language was added to the Plan of Record POR, which should alleviate any questions:

> To ensure CLECs that SBC's EDI and DataGate pre-order functions have access to and return all information related to loop make-up information that is contained in SBC's systems and databases, SBC will allow CLECs to review/audit SBC's systems and processes to establish the fact that SBC has made all data fully available.[525]

Arbitrators' Decision

Because SWBT has agreed to an audit in principal, the Arbitrators believe that this issue is generally resolved. The Arbitrators do not agree with SWBT however that a region-wide audit as part of the POR will be sufficient to ensure that CLECs in Texas are receiving the appropriate information. To the extent any systems and/or databases are unique to Texas, SWBT is ordered to allow CLECs to include such systems in the audit. Anything less would not be a proper barometer of what information is available to CLECs in Texas. It will be up to SWBT to show how certain systems/and or databases are or are not similar to the ones on a region-wide basis. The Arbitrators agree with Rhythms that minimally SWBT shall allow CLECs to audit the company's records, backend systems and databases in Texas, including but not limited to:

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[521] Ayala Direct at 22.

[522] Tr. at 813.

[523] Ayala Direct at 23.

[524] Jacobson Direct at 11.

[525] *Id.*

LFACS, FACS, TIRKS, LEAD/LEIS, ASON, ACIS, SWITCH, WFA/C, WFA/DO, SOAC, LMOS, MARCH, Premis, LASR, FOMS/FUSA, and ARES. The Arbitrators believe that allowing CLECs to audit SWBT's backend systems will provide CLECs assurances that SWBT is indeed providing the required information.

25. Should SWBT be required to update its databases permanently with loop provisioning information compiled during a manual loop qualification request?

CLECs' Positions

Rhythms argues that SWBT should be required to update its databases permanently when it performs a manual loop qualification on behalf of the CLEC. Rhythms cites the FCC's directive in UNE Remand Order, "that incumbent LECs will be updating their electronic database for their own xDSL deployment and to the extent their employees have access to the information in an electronic format, that same format should be made available to new entrants.[526] Rhythms is concerned that SWBT may not permanently update its records, as SWBT utilizes a temporary storage database for a period of 90 days.[527] Rhythms believes that the Commission should order SWBT to permanently update its records and specify terms and conditions to avoid confusion on this issue.[528] IP and Sage support Rhythms' position on this issue. IP also alleges that SWBT is not permanently updating databases with information gained as a result of manual loop qualification requests as SWBT had pledged. IP argues that this information is "dropping off" SWBT's databases 90 days after it is entered.[529]

SWBT's Position

SWBT has committed to updating its records in LFACS database for any manual loop qualification that performs for CLECs.[530] SWBT indicated that a temporary database was used

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[526] Rhythms Initial Brief at 91, citing *UNE Remand Order* ¶ 429.
[527] Ayala Direct, Att. C.
[528] *Id.*
[529] Tr. at 931-932.
[530] Tr. 823-824.