



## ILLINOIS

### **01-0539**

#### ***Carrier to Carrier Service Quality Rules***

At last update, a second notice order was pending for Part 731 "Wholesale Service Quality for Telecommunications Carriers." JCAR issued a recommendation of "no objection" for these rules on July 13, 2004, and on August 4, 2004, the ICC entered a Final Order in this docket adopting Code Part 731, which establishes Wholesale Service Quality rules (including remedy and reporting requirements) for carriers in Illinois. On September 3<sup>rd</sup>, SBC and Verizon filed petitions for rehearing, which are currently pending.

### **01-0662**

#### ***Investigation concerning SBC Illinois' compliance with Section 271 of the Telecommunications Act of 1996***

At last update, SBC had just provided its sixth progress report indicating that it had completed 55 of 57 commitments. On June 30, 2004, SBC filed its seventh status report indicating that all 57 commitments were complete and that the only remaining requirement for SBC pursuant to 271 commitments is a quarterly status report on "Special and UNE Circuit Repair Coding Accuracy Plan." SBC provided the most recent quarterly report on August 2, 2004, and this requirement is scheduled to sunset May 2006.

### **02-0864**

#### ***SBC Illinois TELRIC Docket***

On June 9, 2004, the Commission entered its order in this docket, which granted SBC a rate increase for UNE loops and non-recurring charges. Various parties filed petitions for rehearing that were denied by the ICC on July 27, 2004.

### **00-0812**

#### ***Verizon TELRIC Docket***

On May 26, 2004, the Commission entered a First Interim Order in this docket finding that Verizon's ICM model was appropriate for use in developing TELRIC-based rates. Verizon was granted several months time to update its data for developing rates.

### **00-0393**

#### ***Line Sharing Remand***

At last update, this case was before the Commission on remand due to the FCC's Triennial Review Order. After briefing the effect of the TRO, the Commission scheduled an additional round of briefs, filed in April 2004, to address the impact of the USTA II decision. The ALJ issued a proposed order that vacates the prior findings of the Commission in this docket, including access to the Pronto UNE and \$0 monthly recurring rate for HFPL. A post-exceptions proposed order is pending.

### **04-0312**

#### ***SBC Illinois Alternative Regulation Annual Review***

The Commission entered its order in this proceeding on June 23, 2004, which pertains to SBC's 10<sup>th</sup> Annual "Alt Reg" Review. The parties disputed only two issues in this docket: (1) grandfathered services and (2) service quality calculation. The ICC found SBC's filing appropriate.



**01-0120**

***SBC/Ameritech Merger Condition 30***

At last update, this issue was before the Commission on remand from the Appellate Court, Third District (Court No. 3-02-0738 consolidated with 3-02-0920). The ICC entered its order on remand on May 11, 2004, finding that the remedy plan expired on October 8, 2002, and that it should not be extended. The ICC also found that any disputes regarding penalty payments should be handled through the parties' dispute resolution processes. On June 29, 2004, the Commission denied the petitions for rehearing filed by CLECs. McLeod is appealing the ICC's Order on Remand.

**04-0165**

***Digital Divide Elimination Infrastructure Fund***

The Commission initiated this docket on 2/24/04, to amend Code Part 759 to expand the eligibility criteria for funding. Staff's proposal was entered into the record and the record was marked heard and taken on May 7, 2004. A proposed order is pending.

**03-0553**

***TDS complaint against SBC Illinois regarding termination liability***

This case pertains to a complaint filed by TDS against SBC for termination penalties SBC assesses for certain services. According to TDS, these charges are anti-competitive, unjust and unreasonable. This case is similar to the Ascent Case (00-0024). Staff suggests an industry-wide rulemaking to address competitive carriers' termination penalties (Staff Exhibit 2.0, p. 14; Staff Exhibit 1.0, pp. 14-15). A proposed order was issued on July 30, 2004 and exceptions and replies were filed in August 2004. The deadline for Commission action is 9/12/04, but the final order is not yet on e-docket.

***Wireline to Wireless LNP***

***e.g., 03-0730 (Madison Telephone)***

On May 11, 2004, the ICC entered an order granting Madison a temporary waiver of the wireline to wireless LNP requirements. Similar waivers were issued to other rural LECs.

**04-0071**

***Part 725 Standards of Service Applicable to 911 Emergency Systems***

On 2/4/04, the Commission initiated a proceeding to revise the 911 rules to address new issues dealing with competition in the telecommunications industry, as well as specific clarification issues and updated due to technological changes that have occurred in the years since the rule was previously revised. A second notice order was issued in this docket on August 18, 2004.

**03-0312**

***Nextel ETC Case***

This case pertains to Nextel's petition to become an Eligible Telecommunications Carrier in Illinois. On August 18, 2004, the Commission issued an order dismissing this docket because the petitioners had not obtained a certificate pursuant to Section 13-401 of the Public Utilities Act.

**04-0040**

***Wireless Termination Tariffs***

On April 7, 2004, the ICC entered an order in this docket finding that rural LECs did not provide sufficient notice regarding their wireless termination tariffs and cancelled said tariffs. Petitions for rehearing filed by the rural LECs were denied by the Commission on May 11, 2004. On July 1, 2004, the Appellate Court for the 5<sup>th</sup> District issued a ruling denying the rural ILEC motion to stay order pending appeal and to supplement the record on appeal.



## **04-0371**

### ***SBC/XO Arbitration***

On September 9, 2004, the Commission issued its Arbitration Decision in this docket, ruling on issues including, routine modifications, conversions, EEL eligibility, “declassified” UNEs, loop conditioning, UNE availability, etc.

## **04-0380**

### ***SBC/Sage Interconnection Agreement Amendment***

The ALJ issued a proposed order on July 1, 2004, which rejected the parties’ proposed contract amendment, finding that it was discriminatory and contrary to the public interest. The deadline for Commission action was August 4, 2004. However, rather than taking action on the proposed order, the Commission held the item, let the deadline expire, and the agreement went into effect as a matter of law.

### ***VoIP***

At this point, the Commission has not initiated a docket on this issue and appears to be taking a “wait and see” approach. On May 25, 2004, the ICC approved comments to be filed in the FCC’s VoIP NPRM that contained the following recommendation: the ICC sees no compelling rationale for extending the full panoply of traditional utility regulation to IP-enabled services and applications at this time.

### ***ICC Annual Report on Telecommunications Competition***

On May 26, 2004, the Commission issued its 2004 report on telecommunications competition. Among the ICC’s findings are: (1) No. of CLECs declined from prior report, (2) POTS lines decreased by 300,000 from prior report, (3) CLEC market share grew by 2.8%, (4) ADSL lines grew by 70%, (5) DSL providers gained market share, while cable modem providers lost market share.

## **Illinois Cases on Appeal**

98-0252/0335/00-0764: ICC Review of SBC’s Alternative Regulation Plan (appeal filed by SBC). On July 31, 2004, the Supplemental Appeal Record was forwarded to the Appellate Court, Third Judicial District. Court ruling is pending.

01-0609: Rates for COPTs ports (filed by Trucomm & Data Net Systems). Pending.

01-0614: Appeal of 13-801 and the ICC’s order implementing this section of the PUA (EELS and UNE-P Tariff). This case was remanded to the ICC and the proceeding was reopened on June 23, 2004. On August 30, 2004, CLECs filed a motion to suspend schedule pending the FCC’s final unbundling rules. Responses and replies have been filed and the ALJ’s ruling is pending.

00-0700: On August 20, 2004, Judge Hibbler issued a ruling (No. 02-C-6700) preempting the Commission’s July 10, 2002 Order, insofar as it required SBC to make certain modifications to its ULS/ST tariff.



## INDIANA

### **40611**

#### ***In the Matter of the Commission Investigation and Generic Proceeding on Ameritech Indiana's Rates for Interconnection, Service, Unbundled Elements, and Transport and Termination under the Telecommunications Act of 1996 and Related Indiana Statutes.***

Nearly an entire year after the remand of the Commission's January 18, 2001 order in this proceeding, the IURC issued a notice requesting comments on SBC's obligations to provide UNE combinations and various collocation power arrangements in light of the U.S. Supreme Court's *Verizon* decision, and directing the parties to identify all supplementation of the record (dating back to 1997) that would be necessary to hold further proceedings. Very few CLECs responded to the opportunity to comment.

### **40611-S1**

#### ***In the Matter of the Commission Investigation and Generic Proceeding on Ameritech Indiana's Rates for Interconnection, Service, Unbundled Elements, and Transport and Termination under the Telecommunications Act of 1996 and Related Indiana Statutes. Phase II.***

IURC stayed portions of February 17, 2003 order requiring end-to-end unbundling of Project Pronto, but otherwise left the order intact. On March 22, 2004, SBC filed a "Motion for Expedited Ruling on SBC Indiana's Renewed Motion for Stay and for Leave to Amend," which sought to have the Commission invalidate the CNAM download-related portions of its order, and to permit SBC to modify the terms of its CNAM tariff. MCI filed its opposition on April 1<sup>st</sup>, SBC replied on April 8<sup>th</sup>, and various supplemental submissions have been filed since that time. **The parties are still awaiting a ruling.**

### **42405**

***Opportunity Indiana III*** An order approving the SBC-Staff settlement issued on June 30, 2004 over the objections of the other parties.

### **42393**

#### ***SBC TELRIC case***

**AT&T and MCI's federal appeals of the IURC's January 5, 2004 order are presently pending and briefing will occur this fall.**

### **42530**

#### ***Wholesale Competition Docket***

The IURC opened this proceeding on October 29, 2003 "to consider developing appropriate regulatory guidelines for the telecommunications industry including, but not limited to, CSOs, promotions, bundling, winbacks and waiting periods in conjunction with line loss notification. On January 22, 2004, the IURC distributed a draft issues list for the proceeding and requested party comment thereon. Numerous parties filed comments on March 4<sup>th</sup>. **The IURC has not yet taken further action.**

### **41268-INJ123**

#### ***SBC/Sage Agreement***

Having previously rejected the originally-filed SBC/Sage ICA, the Indiana Commission is still deliberating on whether to approve the refiled proprietary version. Still unsatisfied with the record in terms of confidentiality issues and whether all or part of the unredacted LWC Agreement is an interconnection agreement subject to the Act, the IURC has scheduled two additional in camera proceedings **(September 20<sup>th</sup> and 23<sup>rd</sup>)**. The Commission has stated that other parties will have no opportunity to question SBC or Sage witnesses, and will be required to leave the room unless SBC and Sage consent to the presence of others during the in camera proceedings.



**42098**

## **211 Partnership Petition**

Pursuant to a docket entry issued in this Cause on April 28, 2004, a prehearing conference was convened in on May 12, 2004 to establish a procedural schedule for considering the request of the Indiana 211 Partnership, Inc. ("211 Partnership" or "Petitioner") to be designated a "recognized 211 service provider" within the meaning of I.C. 8-1-19.5. That statute will take effect on July 1, 2004. An off-the-record discussion was conducted to introduce the state agencies in attendance to the activities of the 211 Partnership to date. The 211 Partnership offered to make available to those state agencies a copy of the two annual reports that have been filed with the Commission in this Cause. Finally, a procedural schedule was discussed that would allow the issuance of a Commission Order by July 1, 2004, the effective date of the new statute. Based upon the agreement of the parties, the Commission entered the following Findings

1. Notice and Jurisdiction. Due, legal and timely notice of the prehearing conference was given and published as required by law. While not a "public utility" within the meaning of that term in Indiana Code 8-1-2-1, the 211 Partnership is subject to the jurisdiction of the Commission for the limited purpose of determining its entitlement to relief sought in this Cause. The Commission has jurisdiction over the subject matter of this Cause.
2. Petitioner's Prefiling Date. Petitioner indicated at the prehearing conference that it intended to rely for its case-in-chief on the 2003 and 2004 annual reports that are already in evidence in this Cause (although not yet the subject of any cross-examination). Petitioner indicated it might want to supplement those annual reports with additional testimony. The Commission finds that any such supplemental testimony should be prefiled with the Commission on or before May 26, 2004. Copies of same should be served upon all parties of record and should also be provided to the state agencies that participated in the prehearing conference.
3. Petitions to Intervene. Notwithstanding any procedural rule to the contrary, Petitions to Intervene from any state agency will be deemed timely filed if filed with the Commission by the close of business on June 2, 2004.
4. OUCC's and Intervenors' Prefiling Date. The OUCC and any Intervenors should profile with the Commission their respective cases-in-chief on or before June 2, 2004. Copies of same should be served upon all parties of record and should also be provided to the state agencies that participated in the prehearing conference.
5. Proposed Orders. Petitioner should submit to the Commission a proposed order on or before June 4, 2004. Proposed orders from all other parties will be due on or before June 14, 2004.
6. Evidentiary Hearing. An evidentiary hearing should be convened in this Cause on June 7, 2004, beginning at 10:00 a.m. in Room E-306 of the Commission's offices. At such time, the direct evidence of the respective parties should be presented and their respective witnesses examined. The Petitioner may then present appropriate rebuttal evidence, which need not be prefiled, to any evidence of record.
7. Intervenors. Any party permitted to become an Intervenor in this Cause should be bound by the record as it stands at the time its Petition to Intervene is granted, pursuant to 170 IAC 1-1.1-11.



## **42144-S1**

### ***Establishment of an Additional Lifeline/Linkup Fund***

The IURC issued an Order in a subdocket under this Cause that required within sixty (60) days an examination of the necessity and broad policy implications of establishing an additional Lifeline/Link-Up fund in the State of Indiana.

The IURC found that based on the available evidence they could not independently verify how the Companies eligible for federal Lifeline/Link-Up funding are in fact utilizing those funds, and what types of outreach educational efforts are being done in order to expand penetration rates in their service territories.

## **42529**

### ***Rural LEC LNP Petition***

A petition of several rural Indiana LECs for a suspension of obligations to support wireline-to-wireless local number portability was denied by the IURC.

## **42689**

### ***In the Matter of the Commission Investigation, on Its Own Motion, of Unbundling Rights and Obligations That Exist After June 15, 2004, and That Are Outside of the Non-Vacated Portions of the Federal Communications Commission's Triennial Review Order***

Other than the IURC order of 7/21/04 opening the investigation, nothing has transpired.

## **INDIANA Triennial Review Matters**

### **42500, 42500-S1 and 42500-S2**

IURC is considering what to do post-issuance of the FCC's interim rules in the suspended TRO dockets. **Status set for 10/27/04.**

*42500 (Mass Market Switching)*

*42500-S1 (Batch Hot Cut)*

*42500-S2 (Loop Transport)*



## MICHIGAN

### ***U-13531***

#### ***In the matter of the application of SBC Ameritech Michigan for approval of revised cost studies related to certain telecommunications services.***

At last update, 3<sup>rd</sup> Round Testimony was pending. Since that time, all evidence has been provided and numerous individuals and members of the legislature have filed comments with the MPSC. The MPSC's decision is pending.

### ***U-14121***

#### ***In the matter, on the Commission's own motion, to require SBC and Sage Telecom to submit their recently negotiated agreement for the provision of telecommunications services in Michigan for review and approval.***

At last update, the MPSC had set a deadline of 5/5/04 for the parties to file their agreement. The parties' filed said agreement and comments/replies were filed in June and July. On August 3, 2004, the MPSC approved the agreement subject to conditions.

### ***U-14073***

#### ***Investigation into VoIP issues***

On 3/16/04, the MPSC initiated an investigation into VoIP. Comments were filed on 4/21/04, and addressed the following issues: #/type of VoIP providers in Michigan, degree of regulation that should apply to VoIP, numbering resources, quality of service and virus potential, emergency services, USF issues, and access charges. There is no update to provide.

### ***U-14013***

#### ***Investigation, on Commission's own motion, into Verizon's wholesale rates***

On 1/22/04, the MPSC initiated this investigation to investigate Verizon's wholesale rates and directed Verizon to file new cost studies by 7/2/04. On 4/20/04, the MPSC granted Verizon's petition for rehearing, which extended the deadline for Verizon filing its cost studies to 11/29/04. On July 28, 2004, MCI filed a Motion to Stay or Dismiss. Verizon supported MCI's filing on August 17, 2004. A ruling is pending.

### ***U-13982***

#### ***In the matter, on the Commission's Own Motion, to consider the competitive implications of SBC Michigan's refusal to waive early termination fees for some but not all competitive local exchange carriers.***

The MPSC initiated this investigation on 12/18/03. Comments and replied were filed in January and February, respectively. No action has been taken since SBC's reply comments in March 2004.

### ***U-14004***

#### ***In the matter of the application and complaint of MCI metro Access Transmission Services LLC against SBC Michigan relative to improper charges for loops used in conjunction with UNE-P, local number portability surcharge and USOC NR9UV.***

This matter relates to SBC Michigan's excessive and improper billing of charges to MCI metro related to: 1) MCI metro's access to unbundled basic loops; 2) a \$0.28 per line per month local number portability charge applied to lines on which MCI metro uses UNE-P to provide service to end users; and 3) a \$3.18 charge associated with the USOC NR9UV. A proposed decision was issued in this proceeding on July 27, 2004, and exceptions and replies were filed in August. The MPSC's decision is pending.



## **U-14000**

***In the matter, on the Commission's Own Motion, to commence a contested case as required by 2003 PA 244 to establish the costs that local exchange providers may recover related to compliance with the wireless emergency service order***

This case was initiated on 1/15/04 for establishing costs eligible for LECs may recover related to wireless emergency service order in compliance with PA 244, 1/1/04. On June 29, 2004, the MPSC issued its order approving the settlement agreement.

## **U-14021/U-14099/U-14100 (consolidated)**

***SBC's notice of discontinuance of intrastate intraLATA toll service to customers in the local exchanges of Hiawatha Communications, Inc***

The parties filed a stipulated agreement on September 2, 2004.

## **U-14129**

***In the matter of the petition for arbitration of XO Michigan, Inc. of an amendment to an interconnection agreement with SBC Michigan, pursuant to Section 252(b) of the Communications Act of 1934, as amended***

The Commission entered an order on August 10, 2004, which dismissed this proceeding due to the uncertainty regarding federal unbundling requirements.

## **U-14152**

***In the matter of the application of Level 3 Communications for arbitration***

Level 3 filed testimony on September 2, 2004.

## **U-14175**

***In the matter, on the Commission's Own Motion, for establishing a policy on switched access rates pursuant to Section 310(2) of the Michigan Telecommunications Act, MCL 484.2310***

This docket was initiated on June 29, 2004, to examine the MPSC's policy on switched access rates, i.e., whether mirroring should continue or whether access should be priced at LRSIC.

## **U-14233**

***In the matter of the complaint of McLeodUSA Telecommunications Services, Inc. against SBC Michigan pursuant to the interconnection agreement***

On August 17, 2004, McLeod filed a complaint against SBC pertaining to SBC's refusal to input screening parameters and Global Title Translations into the SBC Gateway and LATA STPs as requested by McLeod, and the resulting loss of CLASS services and features including Automatic Redial and Automatic Callback in the Lansing LATA and the Saginaw LATA. A prehearing conference is scheduled for October 12, 2004.

## **MICHIGAN Triennial Review Matters**

### ***U-13796 (Mass Market Switching, Loop Transport)***

A proposed decision was issued on 5/10/04. Exceptions and replies thereto were filed in May and June. On June 29, 2004, the MPSC dismissed this proceeding and sent the non-confidential portion of the record to the FCC.

### ***U-13891 (Batch Hot cut)***

On June 29, 2004, the MPSC issued an order adopting an interim batch hot cut process and established a BHC collaborative. On August 10, 2004, the BHC Collaborative filed its Joint Test Plan.

On May 26, 2004, the MPSC issued its Status of Telecommunications Competition in Michigan. The data presented in this report include: 26.5% CLEC market share, 73% of CLEC lines are UNE-P, No. of CLECs decreased from prior report.



## OHIO

### **96-1310-TP-COI**

#### ***In the Matter of the Commission's Investigation into the Implementation of Section 276 of the Telecommunications Act of 1996 Regarding Pay Telephone Services***

An Opinion and Order in matter was released on 9/1/04. The Commission found SBC's payphone rates to be non-compliant with Section 276 of the Act and the FCC's New Services Test pricing standard. The Orders substantially reduced rates but refused to consider refunds. The most significant development is that payphone providers who previously paid \$0.08 per message will now pay only \$0.0088 per message (a ten-fold reduction).

### **02-1280-TP-UNC**

#### ***In the Matter of the Review of SBC Ohio's TELRIC Costs for Unbundled Network Elements***

On May 12, 2004, the Commission issued an order granting the CLEC motion to establish interim switching rates not subject to true-up (i.e., \$3.23 port charge and \$0.000718 ULS/ST charge). However, on July 28, 2004, the Commission granted SBC's requested rehearing and stay. Testimony and briefs were filed in June, July and August on appropriate TELRIC-based UNE prices. Final decision in Phase I pending. SBC provided its bi-monthly report on the status of competition on September 1, 2004.

### **03-950-TP-COI**

On 4/17/03, the Commission initiated an inquiry into VoIP services and the regulation, if any, that should apply. The only activity in this docket since last update is a VoIP questionnaire provided by Nuvio.

### **04-0428-TP-UNC, et al.**

On July 20, 2004, the Commission granted temporary waivers of the LNP requirements for rural LECs.

### **04-0663-TP-AEC**

On May 5, 2004, the Commission required SBC/Sage to provide support for their position that the SBC/Sage Agreement need not be approved by the Commission. There has been no posted action in this docket since late May.

### **99-998-TP-COI**

#### ***Reachout Local Service Rules***

No activity since last update.

### **OHIO Triennial Review Proceedings:**

#### ***03-2040-TP-COI (mass market)***

#### ***03-2041-TP-COI (loop transport)***

#### ***04-0034-TP-COI (SBC proceeding)***

#### ***04-0035-TP-COI (CBT proceeding)***

Comments were collected in June regarding the USTA II's effect on these dockets. The Commission issued an order ordering ILECs to comply with ordering paragraph 11 of the Commission's order (e.g., to continue to provide UNEs without unilateral price increases).



## WISCONSIN

### **6720-TI-161**

#### ***Investigation Into Ameritech Wisconsin's Unbundled Network Elements***

The Telecommunications Division Administrator rendered his order on May 27, 2004 and tariffs were filed by agreement of the parties. Subsequently, a federal judge found that the PSCW had violated the parties' due process rights by not permitting them to challenge the inclusion of OSS testing costs in the shared and common cost markup, and by not allowing them to argue against the imposition of an IDLC conversion charge. The Commission has opened remand proceedings on these issues and the first prehearing conference is set for September 15<sup>th</sup>.

The PSCW has notified parties that if they are having issues with SBC making the true-up payments required under the Final Decision in this proceeding, they will need to bring a complaint proceeding or some other form of new action in order to resolve those issues

This matter is a determination regarding the compliance of cost studies filed by Wisconsin Bell, Inc., d/b/a SBC Wisconsin (SBC), as a requirement of the Commission's March 22, 2002, *Final Decision* in this proceeding relative to the prices of Unbundled Network Elements (UNEs). In particular, this is a determination regarding the issues designated as Category 3 issues by the Commission's July 9, 2003, *UNE Compliance Order* in this proceeding, which were: (1) the discount on Digital Loop Carrier (DLC) electronics; (2) operational support system (OSS) testing costs in the joint and common mark-up; and (3) Integrated DLC (IDLC) conversion costs.

#### **Order Summary (pre appeal)**

1. No adjustment to the SBC cost studies is necessary relative to the amount of OSS testing costs in the joint and common mark-up.
2. The monthly rate for IDLC conversions is \$ 0.16 per month per loop.
3. SBC shall revise its cost studies based on the determination herein on the appropriate discount on DLC electronics and file the revised cost studies.
4. SBC shall place on file revised tariffs for the rate elements that were determined by this order. These revised tariffs shall be subject to the true-up process of the July 9, 2003, *UNE Compliance Order*, and March 22, 2002, *Final Decision*.
5. The cost study revisions and tariffs shall be filed with the Commission and served on parties to this proceeding, within two weeks of the mailing date of this order.
6. If no objections are received within two weeks of the filings referenced in order paragraphs 3 through 5, the filings are accepted. The Division Administrator will review any objections and take such further action as necessary.

### **6720-TI-160**

#### ***Investigation Into Ameritech Wisconsin Operational Support Systems***

The PSCW terminated the OSS test in late December 2003. **The PSCW is currently considering the disputed issues motions arising out of the second and third six-month reviews.**

### **6720-TI-177**

#### ***Investigation Into Loop Conditioning Procedures***

Because of concessions contained in SBC's Initial Brief in the 6720-TI-187 case regarding the double-recovery of loop conditioning costs in its ACFs, **this proceeding will likely be dismissed.** The case is essentially on hold for now, pending further Commission direction in light of the content of the parties' reply briefs in 6720-TI-187, which are to be filed on September 15<sup>th</sup>.

### **6720-T1-183**

#### ***Wisconsin Billing Docket***

Although the billing docket has not been formally closed, the PSCW essentially stopped doing anything in this proceeding once SBC obtained 271 authority from the FCC in October 2003.



## **6720-T1-187**

### ***SBC TELRIC Petition***

Hearings were held July 26-30th. Initial briefs were filed on August 27<sup>th</sup>; reply briefs are due on September 15<sup>th</sup>. **The Commission must rule by October 13<sup>th</sup>** unless it deems the record incomplete. The parties successfully settled all issues relating to the joint and common cost markup and the Commission has already approved their Settlement Stipulation.

## **05-TI-1054**

### ***SBC/Sage ICA***

After SBC and Sage filed the unredacted version of their LWC Agreement with the PSCW on August 6<sup>th</sup> under compulsion from a PSCW order, AT&T and MCI began the open records request process. **A status hearing is scheduled for September 15<sup>th</sup>** at which the ALJ will set a schedule for further filings and/or hearings. MCI and AT&T intend to advocate that the PSCW reject the refiled amendment if SBC and Sage are unwilling to give other parties access under an appropriate protective order since it is impossible to comment on the substance of the proposed ICA amendment otherwise. MCI and AT&T will also push for a ruling on their open records request.

## **6720-TA-118**

### ***SBC Discontinuance of IntraLATA Toll Service in Certain Rural Areas***

This is the final decision in the application by Wisconsin Bell, Inc., d/b/a SBC Wisconsin, (SBC) to discontinue intraLATA toll service in certain areas served by rural incumbent telephone companies. On January 27, 2004, SBC filed a Notice to discontinue intraLATA toll service in the exchanges of twenty-five rural incumbent local exchange carriers (ILECs). In a previous docket, 6720-TI-178, SBC had filed to relinquish the status of intraLATA toll provider of last resort in some rural areas. In that docket, the Commission found that service was available from other providers, so it eliminated toll provider of last resort requirements in those areas. The Commission considered this SBC application to discontinue intraLATA toll service at its open meeting of May 27, 2004. SBC initially filed notice to discontinue intraLATA toll service in the service territories of Belmont Telephone Company (Belmont), Bergen Telephone Company (Bergen), Bloomer Telephone Company (Bloomer), Bruce Telephone Company (Bruce), Chequamegon Telephone Coop., (Chequamegon), Citizens Telephone Coop., (Citizens), Cochrane Cooperative Telephone Company (Cochrane), Coon Valley Farmers Telephone Company (Coon Valley), Cuba City Telephone Company (Cuba City), Farmers Independent Telephone Company (Farmers Independent), Hager Telecom (Hager), Indianhead Telephone Company (Indianhead), La Valle Telephone Coop., (La Valle), Luck Telephone Company (Luck), Manawa Telephone Company (Manawa), Marquette-Adams Telephone Coop., (Marquette-Adams), Milltown Mutual Telephone Company (Milltown), Nelson Telephone Coop., (Nelson), Northeast Telephone Company (Northeast), Richland-Grant Telephone Coop., (Richland-Grant), Sharon Telephone Company (Sharon), Somerset Telephone Company (Somerset), Spring Valley Telephone Company (Spring Valley), Tri-County Telephone Coop., (Tri-County), and Wittenberg Telephone Company (Wittenberg). SBC's discontinuance of intraLATA toll service in the areas served by Belmont, Bergen, Bloomer, Bruce, Chequamegon, Citizens, Cochrane, Coon Valley, Cuba City, Farmers Independent, Hager, Indianhead, La Valle, Luck, Manawa, Marquette-Adams, Milltown, Nelson, Northeast, Richland-Grant, Sharon, Spring Valley, Tri-County, and Wittenberg is conditioned upon SBC making arrangements ensuring that customers are not charged for changing providers when SBC exits the market.

## **6720-TI-166**

### ***Temporary Suspension of Service Guarantee and Credit Program***

The Wisconsin PSC issued an order that approved a request by Wisconsin Bell to suspend its service guarantee and credit program because of a 4-day work stoppage by its Communications Workers of America (CWA) employees.



## 6720-TI-173

### **Petition of SBC for Suspension of Wisconsin Statute § 196.196(1) with Regard to Small Business Customers**

The commission issued a final decision in the proceeding on the petition of Wisconsin Bell, Inc. requesting the suspension of Wis. Stat. § 196.196(1) with respect to the price regulation of business customers with 1 to 3 access lines. Through discussion between SBC and Commission staff, modifications were crafted to SBC's petition to incorporate the conditions specified in the order. The Citizens' Utility Board (CUB) is the only other party in the proceeding. In its comments, CUB supported a Final Decision that reflected the conditions noted above, except that it requested that the Commission terminate relief to SBC after three years, or, in the alternative, eliminate the 3-year cap on retail rates in Rate Group C exchanges.

#### Order

1. Except to the extent expressly provided in this order, the Commission suspends Wis. Stat. § 196.196(1)(a)1. and § 196.196(1)(c)-(f) with respect to SBC's offering of "small business service," as defined in para. 2 below.
2. In these ordering clauses, "small business service" includes: a. The offering and provisioning of not more than three standard business access lines and accompanying local usage (including EAS and ECC) to a business. "Business" means a person or entity entitled or required to take the "Business Service" class of "Basic Exchange Service" as those terms are defined on April 1, 2004, in SBC's tariffs PSCW 20, Part 2, Sec. 1, 1st Rev. Sheet No. 1, eff. 8/15/96, and PSCW 20, Part 4, Sec. 2, Orig. Sheet 8, eff. 7/10/95, respectively; b. Alternative rate structures for the services described above in subparagraph a; and c. Packages as defined in Order para. 3.
3. In this order, "packages" are defined as multi-service offerings that include at least one of the small business services described in Order para. 2.a. and b., and in which separately available SBC regulated and nonregulated services, e.g., basic line and vertical features, are combined and offered by SBC at a price that reflects an overall discount from the price for services if obtained separately.
4. This order is conditioned on SBC voluntarily amending its petition seeking judicial review of the Commission's decision in its annual price regulation review docket, 6720-TI-184 (*Wisconsin Bell, Inc., d/b/a SBC Wisconsin v. Public Serv. Comm.*, Case No. 03-CV-10581 (Milw. Cty. Cir. Ct., filed Nov. 26, 2003)), to promptly dismiss its claims to the extent they pertain to small business service without prejudice to raising any similar claims regarding future Commission decisions concerning price regulation of small business service.
5. For all of its exchanges, SBC shall continue to provide and tariff separately the small business services described in SBC Tariff PSCW 20, Part 3, Section 1, Sheets 6-8 (nonrecurring charges); SBC Tariff PSCW 20, Part 4, Section 1 (EAS); and SBC Tariff PSCW 20, Part 4, Section 2, Sheets 10 (access lines), 10.1 (local messages, including EAS), and 11.1 (ECC). (All of the foregoing services shall be collectively referred to in these ordering clauses as "basic small business service offerings"). The foregoing does not preclude SBC offering the named services in its own packages, or offering them in bundles with services provided by third parties, including nonregulated affiliates. The rates for basic small business offerings shall not be regulated except to the extent expressly provided in this order.
6. For the exchanges in Rate Group C, the rates for SBC's basic small business service offerings that are contained in SBC Tariff PSCW 20, Part 3, Section 1, Sheets 6-8 (nonrecurring charges) and SBC Tariff PSCW 20, Part 4, Section 2, Sheets 10 (access lines) and 10.1 (local messages) and 11.1 (ECC), may not for 3 years after the effective date of this order exceed 130 percent of the lowest rate for each of those services as tariffed and provided in any of the exchanges in Rate Group A. SBC Wisconsin's current classification of exchanges to Rate Groups A, B, and C shall be tariffed, and such classifications may not be changed without an order of the Commission.
7. Subject only to nonavailability of component services (e.g., ISDN distance limitations), SBC shall make available and tariff across all its exchanges all its packages, regardless of whether a package may include nonprice regulated products or services. Packages shall be tariffed on a uniform basis across all of the exchanges in Rate Group C.



8. Except as provided in Wis. Stat. § 196.20(2)(am), changes in the terms and conditions of tariffed small business services shall be effective one day after filing with the Commission, unless the tariff specifies a later effective date.
9. SBC shall provide written notice via bill message, bill insert, or separate mailing, of price increases for small business services before the customer is billed at the increased rate.
10. This order shall have the effect of excluding all SBC revenues from small business services (regardless of whether they derive from basic small business service offerings or packages) from its annual price regulation filing due on or before September 1, 2004, (which pertains to revenues earned from July 1, 2003, through June 30, 2004).
11. SBC's basic small business services offerings and the basic service portion of its packages remain subject to provisions of Wis. Stat. ch. 196, including Wis. Stat. § 196.19 (1m), 196.219, 196.26, 196.37, nonsuspended portions of § 196.196(1), and Commission rules and regulations, such as those covering customer complaints and investigations and orders addressing service quality and adequacy.
12. This order shall be effective as of the first day of the second full month following mailing, but no later than August 1, 2004.
13. Within eleven (11) days of the mailing of this decision, SBC may reject this Final Decision by timely filing of notice letter to that effect, and return to the briefing of the case, but only if there is a substantive modification of the proposed decision text, not including insertions for Commission discussion of any party comments.

## **6720-TI-184**

### ***Infrastructure Investment Components***

The order in this case is a supplemental decision establishing for Wisconsin Bell company-specific infrastructure investment components together with benchmark ranges and component weights. The infrastructure investment components, together with benchmark ranges and component weights shall be used in calculating the adjustment to the productivity offset on SBC's anniversary date in the year 2005.

## **WISCONSIN Triennial Review Matters**

### **05-TI-824, 05-TI -908, 05-TI -909 and 05-TI -910**

PSCW is considering what to do post-issuance of the FCC's interim rules in the suspended TRO dockets. **Status set for 9/20/04.**

*05-TI-908 (Mass Market Switching)*

*05-TI-909 (Local Transport and Enterprise Loops)*

*05-TI-910 (Batch Hot Cut)*