

# **EXHIBIT 1**

**E-mail from Martin E. Grambow,  
Vice President & General Counsel,  
SBC Telecommunications, Inc., to  
Katherine Brown, Attorney, U.S.  
Department of Justice, Habeas  
Affidavit (Feb. 3, 2000)  
(with attachment).**

**From:** Grambow, Martin E (Legal)  
**To:** [REDACTED] katherine.brown [REDACTED]  
**Date:** 2/3/00 2:01pm  
**Subject:** Habeeb Affidavit

- > This is in response to your questions about John Habeeb's affidavit.
- >
- > 1. The number of lines ported comes from the PSOD database. The 448,220
- > lines reported is lower than the total number in the database because we
- > do not include the following cases:
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- > \* Ported numbers where ex-SWBT customers previously served by a CLEC
- > return to SWBT (Win-backs)
- > \* Ported numbers where a customer originally served by a CLEC changes
- > to SWBT service.
- > \* Additionally, approximately 30,000 lines are ported in non-mandatory
- > MSAs somewhere in SWBT's 5-state area. These records do not identify the
- > state name - since we cannot accurately allocate any of these to Texas we
- > do not include them in the count.
- >
- > 2. Between April 98 and October 99, SWBT-TX increased its retail business
- > line count by 148,653. During this same period, CLECs increased their
- > resold business line count by 94,306 and their facilities-based business
- > line count by 769,559. The total CLEC increase was 863,865. The combined
- > SWBT/CLEC increase in business lines was 1,012,518. CLECs account for
- > about 85% of the total increase, better than 4 out of 5 during this
- > period.
- >
- > In any given month, the percentage increase from the previous month may
- > vary considerably. The change from October 99 to November 99 shows the
- > CLECs with better than 90% of the increase. The change from July 99 to
- > August 99 shows the CLECs with only 67%.
- >
- > 3. Please see attached spreadsheet for access lines in Texas, Sep 99
- > through Dec 99.
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- > <<Lines in SWBT Serving Area-TX.xls>>
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- >

<b>Business</b>					
	SWBT Retail	CLEC Lines in SWBT's Serving Area			Total Business Lines in SWBT's Serving Area
		Resale	Facilities-based	Total	
Sep-99	3,488,638	145,851	850,194	996,045	4,484,683
Oct-99	3,492,435	147,956	925,143	1,073,099	4,565,534
Nov-99	3,501,417	150,847	1,011,604	1,162,451	4,663,868
Dec-99	3,504,767	152,593	1,148,173	1,300,766	4,805,533

<b>Residential</b>					
	SWBT Retail	CLEC Lines in SWBT's Serving Area			Total Residential Lines in SWBT's Serving Area
		Resale	Facilities-based	Total	
Sep-99	6,125,295	179,803	60,297	240,100	6,365,395
Oct-99	6,129,444	170,464	73,619	244,083	6,373,527
Nov-99	6,122,919	171,304	74,803	246,107	6,369,026
Dec-99	6,123,952	171,411	82,639	254,050	6,378,002

<b>Total Business and Residential</b>					
	SWBT Retail	CLEC Lines in SWBT's Serving Area			Total Lines in SWBT's Serving Area
		Resale	Facilities-based	Total	
Sep-99	9,613,933	325,654	910,491	1,236,145	<b>10,860,078</b>
Oct-99	9,621,879	318,420	998,762	1,317,182	<b>10,939,061</b>
Nov-99	9,624,336	322,151	1,086,407	1,408,558	<b>11,032,894</b>
Dec-99	9,628,719	324,004	1,230,812	1,554,816	<b>11,183,536</b>

**DOJ Exhibit 1, Attachment**

## **EXHIBIT 2**

**E-mail from Martin E. Grambow,  
Vice President & General Counsel,  
SBC Telecommunications, Inc., to  
Katherine Brown, Attorney, U.S.  
Department of Justice, Line Counts  
(Feb. 7, 2000).**

**From:** Grambow, Martin E (Legal)  
**To:** [REDACTED] "katherine.brown@[REDACTED]"  
**Date:** 2/7/00 4:08pm  
**Subject:** Line Counts

Katherine, the following are the line counts you requested this morning:

As of the end of September, 1999, CLECs had 32,452 UNE loops and 72,733 UNEP lines in service. As of October 8, CLECs had 306,071 interconnection trunks in service.

In addition, you have requested the "12/6/99 CLEC trunk actuals" referred to in paragraph 48 of the Deere affidavit. That number is 347,830.

Please call me if you have any questions.

# **EXHIBIT 3**

**E-mail from Martin E. Grambow,  
Vice President & General Counsel,  
SBC Telecommunications, Inc., to  
Luin Fitch, Attorney, U.S.  
Department of Justice, DSL  
(Feb. 7, 2000).**

**From:** Grambow, Martin E (Legal)  
**To:** [REDACTED] ("luin.fitch@swbt.com")  
**Date:** 2/7/00 5:34pm  
**Subject:** DSL

Luin, this is in response to your request for information relative to provisioning DSL capable loops.

1. PM 55.1 You have indicated that both Covad complained that their orders are rejected by SWBT for spectrum management reasons, which must then be supplemented and re-submitted. Further, they alleged that when supplemental orders are submitted, we will only accept the order if they change the due date to one that is outside the normal interval and 15 days after we receive the supplement. The result is that over half of their orders fall outside the normal interval and are not captured in PM 55.1.

Covad is incorrect, it has never been SWBT's policy to require CLECs to select a due date outside the standard interval. Covad raised this issue before the Texas PUC and was advised that they did not have to select a due date outside the standard interval.

If the CLEC requests that a loop meet industry standards for spectrum management -- i.e., a specific PSD -- and there is no loop available that meets the requested PSD, then SWBT will reject the order. The CLEC can then issue a supplement and ask for conditioning, change the PSD, accept the loop "as is," or cancel the order. In the case of a supplement, the CLEC can select a due date within the standard interval.

Today, SWBT also allows the CLEC to order the loop "as is" on the LSR prior to any loop qualification, regardless of whether it will meet the industry standards or not. In such a case, the CLEC can also select the standard interval.

CLECs also can request due dates that are outside the standard interval, which actually frequently occurs.

2. Maintenance and repair performance measurements. You have asked for an explanation why SWBT does not include DSL loops that do not meet industry standards in the maintenance and repair PMs, citing the Chapman Affidavit at p. 29.

This is correct, but for a very good reason. SWBT provides CLECs with the choice of deploying their DSL technologies in a manner that does not comply with industry standards. In many cases, this means the CLEC is attempting to reach customers beyond the recommended distance for the spectrum management class. The PMs relating to maintenance and repair were not designed to capture trouble related to whether or not the loop meets industry standards for DSL. Accordingly, they do not differentiate between trouble related to a DSL loop that does not meet industry standards, and other trouble on the line unrelated to whether the DSL loop meets industry standards.

Although the CLEC may be able to provision their service over a loop outside the industry standard; in many cases, the CLEC is unable to provide the level of service desired because of the loop's length or condition. For example, the industry standard may state that a particular spectrum management class (PSD) can be deployed over loops up to 7,000 feet. The CLEC, however, may choose to attempt to offer service to an end user served by an 11,000 foot loop. SWBT does not prevent the CLEC from attempting to provide this service. Yet, in many cases, the CLEC will not be able to achieve the level of service desired, because the facilities serving the end user do not meet the parameters specified by the industry for the CLEC's chosen spectrum management class. Consequently, this results in a high number of trouble tickets for non-standard loops. Since these difficulties are not caused by an failure on SWBT's part but by the CLEC's business decision to attempt to provide DSL service in a manner outside that recommended by the industry standards, the volumes of trouble tickets associated with the non-standard deployment of DSL should not be held against SWBT in the calculation of performance measures.

3. PMs 5, 10.1 and 11.1 You asked whether these measurements capture FOCs and rejects for DSL, since they are not broken down for DSL.

The business rule for FOC was developed prior to August 1999, and did not contemplate DSL. For IDSL, CLECs purchase a Basic Rate Interface (BRI) loop, for which the FOCs are included in the PM 5 UNE Loop category (1-50). Rejects on DSL are included in PM 10 and 11 for those LSRs submitted electronically.

4. PM 57-01 You have asked if SWBT has implemented the change to this PM ordered by the Texas PUC.

The change in start and stop times for this measurement were implemented on January 1, 1999, and will be reflected in SWBT's reporting of January's performance results. The Texas PUC requested that SWBT begin to measure the time it takes to provide loop make-up information when it receives an accurate and complete Local Service Request, and end the measurement when the loop make-up information is sent back to the CLEC.



# **EXHIBIT 4**

**Letter from Paul A. Crotty, Group  
President, Bell Atlantic - New York,  
to the Honorable Maureen O.  
Helmer, Chairman, New York State  
Public Service Commission  
(Feb. 4, 2000).**

Bell Atlantic - New York  
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Room 4143  
New York, NY 10036  
212 395-1078 Fax 212 597-2560

Paul A. Crotty  
Group President  
New York/Connecticut



February 4, 2000

Hon. Maureen D. Helmer  
Chairman  
New York State Public Service Commission  
Three Empire State Plaza  
Albany, New York 12223-1350

Dear Chairman Helmer:

I want to provide you with a detailed update of the status of the OSS issues now being resolved under the guidance of the Department of Public Service staff. These issues are commanding the full attention of Bell Atlantic-New York and its outside vendors. Our aim is to employ whatever near term solutions are necessary to ensure that our wholesale customers continue their successful mass marketing efforts and at the same time eliminate the root causes of the current issues. I am pleased to report that progress has been made, and that we are working closely with our wholesale customers to meet their needs.

I also want to assure you that BA-NY will ensure that its reported metrics and market adjustments for January (and going forward if necessary) include the impact of the issues discussed below. In addition, BA-NY recognizes that the Amended Performance Assurance Plan permits the Public Service Commission to reallocate market adjustment funds and would not object to such a reallocation related to the issues discussed here.

#### Status Notifiers

The recent requests for expedited dispute resolution that are now under resolution deal principally with missing acknowledgement, completion and confirmation notifiers that inform our wholesale customers of the status of their orders. These status messages are important and Bell Atlantic recognizes its obligation to provide them. Their absence, however, does not mean that an order failed to generate the appropriate service change. Our data shows that most of the orders related to the affected status messages are and have been proceeding through the provisioning and billing completion steps. Indeed, BA-NY has processed over 250,000 local service requests in January alone.

### Acknowledgements

Acknowledgements are sent to our wholesale customers to confirm receipt of an EDI order. The vast majority of the missing status notices reported has been acknowledgements not properly returned by the BA-NY side of the interface. These acknowledgement concerns have been traced to a third-party product, ECXpert, which generates the acknowledgements.

These issues have been escalated to the highest levels within the vendor, which has responded with on-site technical support and has made a number of recommendations. We have implemented a number these recommendations and have seen a dramatic improvement in acknowledgement receipt by one of our major wholesale customers. The vendor continues to investigate the root cause of the software problem.

In addition, beginning on January 17, BA-NY implemented processes and procedures to ensure that – until such time as the vendor fixes its software – our wholesale customers will receive daily information confirming receipt of the order they have sent us. The information is sent by noon each day for the previous day's activity. On Mondays, the information sent includes the activity for the previous Friday, Saturday and Sunday. We are customizing the form of this information based on feedback from our customers. We also are monitoring the EDI processing itself on an hourly basis (on a 7x24 basis) to ensure that orders that are affected by the vendor software are placed in the order processing flow.

We are also taking other steps that we believe will improve the performance of the vendor product. By this weekend, we will implement a new load-balancing arrangement for one wholesale customer, which will substantially increase overall hardware capacity. We are also investigating the existing FTP connectivity with another wholesale customer to eliminate this as a possible source of trouble.

### Confirmations and Completions

Confirmations inform our wholesale customers that a particular order is ready for provisioning and the date on which it will be provisioned. There are two types of completion notices. One indicates that an order has been provisioned; the other indicates that billing records changes associated with a provisioned order have been completed. As noted above, in the majority of instances the orders associated with the affected notifiers have in fact gone through the associated processing steps.

As with the acknowledgement issue, we are approaching this issue on two parallel paths. First, beginning on January 27, we began a daily file comparison process to ensure that our wholesale customers in fact receive the confirmations and completions sent by BA-NY. As with acknowledgements, the information is sent by noon each day for the previous day's activity. On Mondays, the information sent includes the activity for the previous Friday, Saturday and Sunday. This will ensure that any missing confirmations or completions are promptly resent. We are customizing the form of this information based on feedback from our customers. Second, a special team is

performing an extensive, end-to-end root cause analysis to resolve any other issues affecting confirmations and completions.

#### Status Notifier Recovery

We believe that the corrective actions and procedures we have put in place will ensure that our wholesale customers receive timely status notification, and that all orders sent to us are properly received and processed. In addition to these steps, BA-NY has committed to recover and return past missing status notifiers to our wholesale customers. This effort has – with the constructive input and cooperation of our wholesale customers – been differentiated depending on the type and vintage of the notifier. The bulk of this effort is directed to confirmations and completions (since most of the affected orders have proceeded to further stages of provisioning, we and the affected wholesale customers agree that returning an acknowledgement at this stage is not useful).

For December and earlier orders, we are returning basic information that enables our wholesale customers to update their records to show order status as either confirmed, provisioning-completed or billing-completed (the overwhelming majority of these orders have been completed through provisioning and billing). One major wholesale customer has approved the test file that will be used for these purposes, and another has approved the specifications for the file. This recovery process has begun, we are committed to completing this recovery process by February 15 and we believe we have the resources in place to do so.

For missing notifiers in January, we will provide information equivalent to that in the original notifier. We expect to complete this effort by February 18.

#### CORBA

CORBA is a new interface jointly developed by BA-NY and one wholesale customer and used by that customer for pre-order transactions. CORBA outages over the past few months have had a number of different causes. Late last year, we experienced issues with the CORBA software and the configuration, as well as a number of issues traced to our wholesale customer's systems. Those issues were addressed last year, except for one root-cause fix that was completed after the close of the Y2K moratorium. We believe that the changes made by BA-NY and the wholesale customer late last year had stabilized the CORBA environment by the end of December. The reported CORBA outages on January 18 were related to CORBA itself, and a software fix is scheduled for February 19. The outage on January 21 was related to a hardware failure in another system. This hardware failure was addressed and the affected system was restored by 8 a.m. We continue to monitor the availability of these systems to minimize the effects of hardware crashes.

#### Suspensions for Non-Payment

BA-NY has been able to identify a few hundred instances (out of the nearly 400,000 UNE-Ps now in service) in which a retail customer has been suspended for non-payment nearly contemporaneously with that customer's migration to a CLEC.

Although this problem appears to affect only a very small proportion of migrating customers, BA-NY is attempting to accelerate a software fix that is currently targeted for June. In addition, when these situations are identified, BA-NY restores service as quickly as possible, and is establishing a team focussed on and trained for rapid restoration in these situations.

Very truly yours,

  
Paul A. Crotty

cc: Paul Lacouture  
Virginia Ruesterholz  
Randal Milch