STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

FILED
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IN THE MATTER OF THE COMMISSION'S GENERIC INVESTIGATION OF INCUMBENT LOCAL EXCHANGE CARRIER'S PROVISION OF OPERATING SUPPORT SYSTEMS ("OSS")	)	CAUSE NO. 41324
IN THE MATTER OF THE PETITION OF INDIANA BELL TELEPHONE COMPANY, INCORPORATED D/B/A AMERITECH INDIANA PURSUANT TO I.C. 8-1-2-61 FOR A THREE PHASE PROCESS FOR COMMISSION PREVIEW OF VARIOUS SUBMISSION OF AMERITECH INDIANA TO SHOW COMPLIANCE WITH SECTION 271(C) OF THE TELECOMMUNICATIONS ACT OF 1996	)	CAUSE NO. 41657

Indiana Office of Utility Consumer Counselor's Responses to Questions in the Commission's May 26, 2000 Docket Entry

Q1. **Should the Commission transfer to this docket [41657] consideration of the Ameritech Indiana baseline OSS performance measures which are being developed in Phase 2 of Cause No. 41324?**

A1. The OUCC recommends that the Commission simply defer proceedings in Cause No. 41324 at this time, with an eye toward (1) adopting the OSS performance measures that are ultimately approved by the Commission for Ameritech Indiana in Cause No. 41657 in Indiana's generic OSS proceeding, Cause No. 41324, and (2) resuming work on any unresolved OSS standards applicable to

Sprint and GTE in Cause No. 41324 some time after this Ameritech Indiana Sec. 271 proceeding has been completed, or sooner, if ordered by the Commission.

The OUCC believes that generic OSS standards should be adopted for Indiana ILECs in a generic proceeding, such as Cause No. 41324. The OUCC believes that, over time, the original goal of having a single set of performance measures for all Indiana ILECs can still be achieved. However, as stated in the Joint Interim Settlement Agreement in Cause No. 41324, this result cannot be achieved instantly. If OSS performance measures applicable to Ameritech Indiana were developed in an Ameritech-specific docket, such as Cause No. 41657, and performance measures for GTE and Sprint-United are developed in Cause No. 41324, it would be much more difficult to develop a unified set of OSS performance measures for the State of Indiana in the future.

However, if the Commission postponed proceedings in Cause No. 41324 while OSS performance measures for Ameritech Indiana are developed in the Sec. 271 proceedings, the Commission could later adopt the standards from Cause No. 41657 in Cause No. 41324 – achieving the same result, even though a slightly different procedural approach would be used.

Regardless of whether the Commission ultimately adopts Ameritech Indiana's Sec. 271 standards from Cause No. 41657 in the Commission's OSS investigation, Cause No. 41324, there will still be a need for future OSS proceedings in Cause No. 41324. New issues will arise, long after Ameritech Indiana gets the Sec. 271 relief it is seeking in Cause No. 41657. It behooves the Commission to

have an open generic docket devoted to OSS that is applicable to all ILECs – not just to Ameritech Indiana – to smoothly and quickly implement future changes to existing OSS requirements.

To that end, the OUCC recommends that the Commission's agent in Cause No. 41324, Charlotte TerKeurst, continue to monitor and regularly report to the Commission and all Parties participating in Cause No. 41324, concerning (1) any progress that is made on OSS issues in Ameritech Indiana's Sec. 271 proceedings, regardless of whether such progress is Indiana-specific or regional, (2) whether there is a need to revise the GTE and Sprint-United standards to include new performance measures agreed upon in other states, and/or (3) to address other OSS issues raised by Indiana competitive local exchange carriers (CLECs) before the Commission has entered a final order concerning Ameritech Indiana's OSS requirements and/or its Sec. 271 application.

The approach suggested by the OUCC would also permit CLECs to seek additional relief from the Commission in Cause No. 41324, even if issues relating to Ameritech Indiana's OSS are also being addressed in Cause No. 41657.

Q2. **In addition to carrier-to-carrier performance measures, are there any other issues that are currently being discussed in Phase 2 of Cause No. 41324 which should be transferred to this docket? The Presiding officers ask parties to limit their responses to the unresolved issues identified in the Status Report following the March 13-14 workshops in Cause No. 41324, which include third-party testing, penalties, statistical testing, business rules and formulas, new performance measures, forecasting requirements, and operational issues.**

A2. Although the OUCC does not support outright "transfer" of OSS issues concerning Ameritech Indiana from Cause No. 41324 to Cause No. 41657, the OUCC believes that all of the issues listed in Ms. TerKeurst's Status Report for the March, 2000 technical workshops in Cause No. 41324 could be addressed in the context of state-specific or regional meetings conducted in Cause No. 41657, with any contested hearing on OSS-related issues being conducted jointly in Cause No. 41657 and Cause No. 41324, by consolidating the Causes for purposes of conducting hearing(s) on one or more common (*i.e.*, overlapping) issues.

Q3. If the Commission transfers Ameritech Indiana to this docket (as described above), what impact, if any, will this have on cause No. 41324? The Presiding officers ask parties to consider revisions to the existing procedural schedule in Cause No. 41324 in their responses.

A3. The OUCC does not support an outright transfer of issues from Cause No. 41324 to Cause No. 41657. However, if the Commission followed the approach outlined in the OUCC's responses to Questions 1 and 2, proceedings in Cause No. 41324 would be "on hold" until the proceeding was reactivated by one of the triggering events discussed above.

Q4. If the Commission transfers consideration of the OSS performance measures from Cause No. 41324 to this docket, would it be possible for the Commission to consider OSS cost-recovery for Ameritech Indiana in Phase 3 of Cause No. 41324?

A4. The OUCC does not support an outright transfer of issues from Cause No. 41324 to Cause No. 41657. However, if the Commission followed the approach outlined in the OUCC's responses to Questions 1 and 2, if an agreement on OSS cost

recovery was reached during negotiations in Cause No. 41657, it should be submitted for Commission approval under the Commission's generic OSS docket, Cause No. 41324. Such cost recovery would not be appropriate if the ILEC is already recovering its OSS costs through unbundled network element (UNE) rates or other compensation agreements between the ILEC and interconnecting CLECs. The OUCC is not prepared at this time to comment on potential benefits or problems associated with adopting different cost recovery standards or mechanisms for different Indiana ILECs.

Respectfully submitted,

Karol H. Krohn, Attorney No. 5566-82
Assistant Consumer Counselor

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing **Indiana Office of Utility Consumer Counselor's Responses to Questions in the Commission's May 26, 2000 Docket Entry** has been served upon the following counsel of record in the captioned proceeding by depositing a copy of same in the United States mail, first class postage prepaid, on this 8th day of June, 2000.

Michael J. Huston
Baker & Daniels
300 North Meridian Street, Ste 2700
Indianapolis, IN 46204

Dale E. Sporleder
GTE North Inc
One N. Capitol Ave. Ste 515
Indianapolis, IN 46204

Charles R. Mercer
United Telephone Company
D/B/A Sprint
One North Capitol; Ste 540
Indianapolis, IN 46204

Sue E. Stemen
Ameritech Indiana
240 N. Meridian St, Rm
Indianapolis, IN 46204

William B. Powers
For TDS Telecom
Bank One Center/Circle
111 Monument Circle, Suite 302
Indianapolis, IN 46204-5169

Douglas W. Trabaris
Clark M. Stalker
AT&T
222 W. Adams St., Suite 1500
Chicago, IL 60606

Pamela H. Sherwood
Sommer & Barnard,
4000 Bank One Tower
111 Monument Circle
Indianapolis, IN 46204

Mark E. Lewis
Indiana Michigan Pwr Co
One Summit Square
P.O. Box 60
Fort Wayne, IN 46801

Fred E. Schelgel
Baker & Daniels
3000 N. Meridian St., Suite 2700
Indianapolis, IN 46204

Ronald J. Broher
Kay Pashos
PSI Energy, Inc.
1000 E. Main Street
Plainfield, IN 46168

Bryan G. Taler
IPL
One Monument Circle
P.O. Box 1595
Indianapolis, IN 46204

Peter L. Hatton
Schiff Hardin & Waite
8585 Broadway, Suite 842
Merrillville, IN 46410

George A. Porch
Bamberger, Forman, Oswald & Hahn
708 Hulaman Bldg,
P.O. Box 657
Evansville, IN 47704-0657

Daniel W. McGill
Barnes & Thornburg
11 South Meridian
Indianapolis, IN 46204

John F. Wickes, Jr.
Todd A. Richardson
Lewis & Kappes
1700 One American Sqaure
Indianapolis, IN 46282-0003

Melissa Rhodes Garrard
Indiana Attorney General's Off.
Indiana Gov. Ctr South, Fifth Floor
402 W. Washington Street
Indianapolis, IN 46204

Marsha Rockey Schermer
Time Warner Telecom
250 Old Wilson Bridge Rd. #130
Columbus, OH 43085

John Dern
2300 N. Barrington Rd., Ste. 400
Hoffman Estates, IL 60195

Mr. Jack R. Boheim, President
MTG Consulting
P.O. Box 2448
Mendocino, CA 95460

Frank Darr
Natl' Regulatory Research Institute
1080 Carmack Road
Columbus, OH 43210

Karol H. Krohn

INDIANA OFFICE OF UTILITY CONSUMER COUNSELOR
Indiana Government Center North
100 North Senate Avenue, Room N501
Indianapolis, IN 46204-2215
317/232-2494 - phone
317/232-5923 - facsimile