



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE  
REFER TO OUR FILE  
I-00030100

November 6, 2003

DOCUMENT  
FOLDER

Re: Investigation into the Obligations of Incumbent Local Exchange Carriers to  
Unbundle Local Circuit Switching for the Enterprise Market  
Docket No. I-00030100

TO ALL PARTIES:

In our *Procedural Order* entered in this proceeding on October 3, 2003, the Commission permitted the filing of petitions by any interested CLEC who believed the Commission should itself petition to the Federal Communications Commission (FCC) to waive the national finding of no impairment regarding access to local circuit switching to serve enterprise customers under the FCC's *Triennial Review Order*.<sup>1</sup> CLEC petitions have been received and answered. Upon certification of the record, each party may file one brief. Briefs are due November 17, 2003.

The Commission hereby directs that the briefs shall be organized in sections corresponding to the specific criteria that the Commission must examine. These mandatory sections are taken from paragraphs 456-458 of the *Triennial Review Order*. The parties have the discretion to order the mandatory sections. Further, parties continue to have the discretion to address such other matters as they deem proper.

Each section shall contain specific references to the record evidence that the party wishes the Commission to consider. "Specific" means supply a reference to the relevant page and line number (or other pinpoint citation) of the written testimony or other record evidence.

The mandatory sections are:

Operational Criteria

1. ILEC's performance in provisioning loops.
2. Difficulties in obtaining collocation space due to lack of space or delays in provisioning by the ILEC.

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<sup>1</sup> *In the Matter of Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, CC Docket No. 01-338, Report and Order (rel. Aug. 21, 2003) (FCC 03-36), as corrected Sep. 17, 2003 (FCC 03-227).

3. Difficulties in obtaining cross-connects in an ILEC's wirecenter.
4. Any other operational criteria that make entry uneconomic for CLECs.
5. Discussion on whether the operational criteria factors identified in 1-4 above are significant enough to constitute impairment and how unbundling will overcome the alleged impairment.

Economic Criteria

6. The "particular market(s)" in which entry is uneconomic in the absence of unbundled local circuit switching.
7. CLECs' potential revenues from serving enterprise customers in each particular market identified in 6 above against the cost of entry into that market, including all likely revenues to be gained from entering the enterprise market (not necessarily any carrier's individual business plan). (All revenues includes revenues derived from local exchange and data services.)
8. Prices entrants are likely to be able to charge, after considering the prevailing retail rates the ILECs charge to different classes of customers in the different parts of Pennsylvania.
9. CLECs' cost of entry into each particular market identified in 6 above , including costs imposed by both operational and economic barriers to entry.
10. Any other economic criteria that make entry uneconomic for CLECs.

Very truly yours,

  
James J. McNulty  
Secretary

cc: ALJ Michael Schnierle  
Law Bureau  
Bureau of Fixed Utility Services