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### ORDER DENTING MOTIONS FOR CLARIFICATION AND/OR MODIFICATION

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The Commission's Arbitration Order addressed each issue presented by the parties, which included setting certain rates for the subject interconnection agreement. Under the federal Telecommunications Act (the Act) the Commission has broad authority to request

information from the parties or to consider the best information available from whatever source when information is not reasonably or timely available from the parties.

The interconnection agreement is for a term of approximately one year. This short term does not warrant a true-up mechanism. The Commission anticipates that these or other parties will present similar cost issues in the future. The Commission ordered the cost studies so that the Commission will have better information on a timely basis to carry out its duties in these matters as they arise. The issues presented, the record and the short term of the agreement do not support adding a new requirement to the agreement for a true-up.

Under the Act, the parties are required to negotiate in good faith and to cooperate with the Commission. The Commission did not order manual loop qualification after August 1, 2000, because Covad's position and its evidence, which the Commission must assume was offered in good faith, is that the relevant data that it requires exists in SWBT's mechanized databases. Covad has not, in its motions, stated that the evidence it offered was wrong.

The Commission likewise relies on SWBT's good faith to comply with the Arbitration Order and make relevant mechanized data available. The Commission ordered access to only the relevant mechanized data so that other sensitive data could be protected. SWBT has an obligation to provide only the relevant information that exists in any of its mechanized databases. SWBT has an express duty under the Act to provide interconnection on rates, terms and conditions that

are just, reasonable and nondiscriminatory. The Commission declines to order SWBT to provide manual loop qualification for a \$0.00 charge.

Having considered Covad's requests, SWBT's responses and the Arbitration Order, the Commission determines that no clarifications or modifications are required. Covad's motions will be denied.

**IT IS THEREFORE ORDERED:**

1. That the Motion for Clarification and/or Modification filed by DIECA Communications Inc., d/b/a Covad Communications Company, on April 3, 2000, is denied.

2. That the Supplemental Motion for Clarification filed by DIECA Communications Inc., d/b/a Covad Communications Company, on April 24, 2000, is denied.

3. That this order shall become effective on May 11, 2000.

**BY THE COMMISSION**



**Dale Hardy Roberts**  
**Secretary/Chief Regulatory Law Judge**

( S E A L )

Lumpe, Ch., Drainer, and Murray,  
CC., concur.  
Crumpton and Schemenauer, CC.,  
not participating.

Thornburg, Regulatory Law Judge