

capabilities. The Commission further finds that the appropriate level of granularity for its analysis to be at the national level and its conclusions apply equally to the mass market and the enterprise market.

45. *Call-Related Databases.* The Commission finds that, competitive carriers deploying their own switches are not impaired in any market without access to incumbent LEC call-related databases, with the exception of the 911 and E911 databases. The Commission concludes that, for carriers deploying their own switches, there is evidence in the record of substantial numbers of competitive suppliers that competitive LECs can reliably utilize as an alternative to the incumbent LECs' services. In such instances where switching remains a UNE, however, the Commission finds that competitive carriers purchasing the switching UNE must be able to have access to signaling and the call-related databases that the signaling networks permit carriers to access, and if the incumbent LEC does not provide customized routing, to operator service and directory assistance. As with signaling, the Commission finds that the appropriate level of granularity for its analysis to be at the national level. The alternative call-related database networks are national and regional networks that competitive LECs will be able to use throughout the country. In addition, the Commission states that its conclusions apply equally to the mass market and the enterprise market.

46. With regard to the specific call-related databases, the Commission finds that carriers deploying their own switches are not impaired without access to the incumbent LECs' CNAM and LIDB databases. The Commission concludes that carriers can either self provision or use alternative providers to obtain CNAM and LIDB database services. The Commission similarly concludes that carriers deploying their own switches are not impaired without access to the Toll-Free and LNP databases. Like CNAM and LIDB, the Commission determines that there are third-party vendors available to provide competitive carriers access to Toll-Free and LNP databases. With regard to AIN databases, the Commission also concludes that competitive carriers are no longer impaired without unbundled access to those databases if the carrier deploys its own switches. However, the Commission determines that all competitive carriers continue to be impaired on a national basis without access to the 911 and E911 databases and, therefore, the Commission requires

that access to those databases continue to be unbundled.

47. *OSS Functions.* The Commission finds that competitive LECs providing qualifying services continue to be impaired on a national basis without access to OSS functions, including: pre-ordering, ordering, provisioning, maintenance and repair, and billing functions supported by an incumbent LEC's databases and information. Accordingly, the Commission requires incumbent LECs to continue to provide unbundled access to OSS. The Commission states that this requirement includes an ongoing obligation on the incumbent LECs to make modifications to existing OSS as necessary to offer competitive carriers nondiscriminatory access and to ensure that the incumbent LEC complies with all of its network element, resale and interconnection obligations in a nondiscriminatory manner. In reaching this conclusion, the Commission finds that the systems, databases, and personnel that the incumbent LEC uses to provide OSS functions represent an extensive infrastructure that would be difficult, if not impossible, for competitors to duplicate. Accordingly, the Commission finds that competitive LECs are impaired without access to incumbent LECs' OSS. The Commission adopts an unbundling requirement for OSS functions on a national basis that applies equally to the mass market and the enterprise market.

48. *Combinations of Network Elements.* The Commission reaffirms its existing rules requiring incumbent LECs to provide UNE combinations upon request where such combinations are technically feasible and do not undermine the ability of other carriers to access UNEs or interconnect with the incumbent LEC's network, and prohibiting incumbent LECs from separating UNE combinations that are ordinarily combined except upon request. The Commission concludes that incumbent LECs shall make UNE combinations, including unbundled loop-transport combinations, available in all areas where the underlying UNEs are available and in all instances where the requesting carrier meets the applicable eligibility requirements. Apart from the applicable service eligibility criteria for high-capacity circuits, incumbent LECs may not impose additional conditions or limitations, such as pre-audits or a requirement to purchase special access services which are subsequently converted to UNE combinations, to obtaining access to EELs and other UNE combinations.

49. The Commission concludes that requesting carriers are permitted to commingle UNEs and combinations of UNEs with other wholesale facilities and services obtained from an incumbent LEC. Incumbent LECs, however, are not required to implement any changes to their systems to bill a single circuit at multiple rates in order to charge competitive LECs a single, blended rate.

50. The Commission concludes that competitive LECs may both convert UNEs and UNE combinations to wholesale services and convert wholesale services to UNEs and UNE combinations, so long as the competitive LEC meets the applicable eligibility criteria. To the extent a competitive LEC fails to meet the eligibility criteria for serving a particular customer, the incumbent LEC may convert the UNE or UNE combination to the equivalent wholesale service in accordance with the procedures established between the parties.

51. The Commission declines to require incumbent LECs to provide requesting carriers an opportunity to supersede or dissolve existing contractual arrangements governing loop-transport combinations. The Commission concludes, however, that incumbent LECs may not assess termination charges, re-connect and disconnect fees, or non-recurring charges associated with establishing a service for the first time because such charges deter legitimate conversions from wholesale services to UNEs or UNE combinations and unjustly enrich an incumbent LEC. Further, because incumbent LECs are never required to perform a conversion in order to continue serving their own customers, the Commission concludes that such charges are inconsistent with an incumbent LEC's duty to provide nondiscriminatory access to UNEs and UNE combinations on just, reasonable, and nondiscriminatory rates, terms, and conditions, and that such charges unlawfully subject competitive LECs purchasing UNEs or UNE combinations to undue or unreasonable prejudice or disadvantage.

52. *Service Eligibility Criteria to Access UNEs.* The Order concludes that a carrier seeking access to an unbundled element of the incumbent LEC's network must provide qualifying service to a customer in order to obtain access to that facility pursuant to the Commission's section 251 unbundling rules. With respect to combinations of high-capacity (DS1 and DS3) loops and interoffice transport only, the Commission adopts additional