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May 16, 2000

Guy M. Hicks
General Counsel

VIA HAND DELIVERY

David Waddell, Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37238

Re: *Generic Docket to Address Performance Measurements and Enforcement Mechanisms*
Docket No. 00-00392

Dear Mr. Waddell:

Enclosed are the original and thirteen copies of BellSouth Telecommunications, Inc.'s Petition to Convene Generic Docket and to Resolve Pending Arbitration Issues. Copies of the enclosed are being provided to counsel of record for all parties involved in Docket No. 97-00309, *BellSouth Telecommunications, Inc.'s Entry into Long Distance (InterLATA) Service in Tennessee Pursuant to Section 271 of the Telecommunications Act of 1996*.

Very truly yours,

Guy M. Hicks

GMH:ch
Enclosure

**BEFORE THE TENNESSEE REGULATORY AUTHORITY
Nashville, Tennessee**

In Re: *Generic Docket to Address Performance Measurements and Enforcement Mechanisms*

Docket No. _____

**BELLSOUTH TELECOMMUNICATIONS, INC.'S
PETITION TO CONVENE GENERIC DOCKET
AND TO RESOLVE PENDING ARBITRATION ISSUES**

I. INTRODUCTION

BellSouth Telecommunications, Inc. ("BellSouth") respectfully petitions the Tennessee Regulatory Authority ("Authority") to convene a generic docket to address performance measurements and enforcement mechanisms for the competing local exchange carrier ("CLEC") industry in Tennessee. BellSouth also petitions the Authority to resolve issues raised in pending arbitration proceedings concerning performance measurements and enforcement mechanisms by referring those issues to the generic docket. In this manner, the Authority can address performance measurements and enforcement mechanisms in a single proceeding, rather than on a piecemeal basis, which is consistent with principles of administrative efficiency and reasoned decision making.

II. DISCUSSION

In *In Re: Petition for Arbitration of ITC^DeltaCom Communications, Inc. with BellSouth Telecommunications, Inc. Pursuant to the Telecommunications Act of 1996*, Docket No. 99-00430, the Arbitrators adopted BellSouth's Service Quality

Measurements ("SQMs"), with various additions and modifications, as the performance measurements that should be incorporated into the new interconnection agreement between BellSouth and ITC^DeltaCom Communications, Inc. ("DeltaCom"). See Transcript of the Proceedings, Docket 99-00430, at 18-19 (April 4, 2000). While directing the parties to submit final best offers on certain issues regarding performance measurements and enforcement mechanisms, the Arbitrators made clear that these measurements and mechanisms were "interim" in nature that "should remain in effect until this Authority conducts a generic proceeding to adopt permanent performance measurements with standards and enforcement mechanisms applicable to all CLECs." *Id.* at 16. The Authority should convene that generic proceeding now.

A generic proceeding will allow the Authority to address performance measurements and enforcement mechanisms in a single proceeding rather than on a piecemeal basis. In addition to DeltaCom, at least three other CLECs have requested that the Authority arbitrate issues concerning performance measurements and enforcement mechanisms – Intermedia, AT&T, and MCI WorldCom.¹ Each of these CLECs has requested something different in the way of performance measurements and enforcement mechanisms. For example, Intermedia has asked the Authority to adopt the performance measures, standards,

¹ ICG originally sought arbitration of performance measurements and enforcement mechanisms. However, BellSouth and ICG subsequently resolved this issue, and BellSouth has since entered into or soon will enter into similar agreements on performance measurements and enforcement mechanisms with e.spire Communications, Inc. and KMC Telecommunications, Inc. These agreements are available to all CLECs in Tennessee.

and penalties imposed by the Texas Public Utility Commission on Southwestern Bell Telephone. See Answer and New Matters of Intermedia Communications, Inc., Docket 99-00948, at 17. By contrast, AT&T and MCI WorldCom have proposed their own unique set of performance measurements and enforcement mechanisms for inclusion in their respective interconnection agreements. See AT&T Arbitration Petition, Docket 00-00079, at p.2; MCI WorldCom Arbitration Petition, Docket 00-00309, at p. 90-93 (proposing adoption of "MCI WorldCom Measurements and Performance Standards, Version 1.3").

As the Authority has recognized, "performance measures should be applied consistently between all CLECs." *Id.* at 16. The only way the Authority can ensure such consistency is to convene a single proceeding in which all interested parties can participate. Otherwise, the Authority will have to revisit this issue again and again in individual arbitrations and will be deprived of a full and complete record upon which to base decisions on which measurements and mechanisms should be adopted.

III. CONCLUSION

For the foregoing reasons, consistent with the Arbitrators' decision in Docket No. 99-00430, the Authority should convene a generic docket to address performance measurements and enforcement mechanisms. The Authority also should refer all issues relating to performance measurements and enforcement mechanisms currently pending in the various arbitrations to this generic docket, which would include: Issue 48 in the Intermedia arbitration, Docket 99-00948;

Issue 2 in the AT&T arbitration, Docket 00-00079; and Issue 105 in the MCI WorldCom arbitration, Docket 00-00309.

Respectfully submitted,

BELLSOUTH TELECOMMUNICATIONS, INC.

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CERTIFICATE OF SERVICE

I hereby certify that on May 16, 2000, a copy of the foregoing document was served on the parties of record, via hand delivery, facsimile, overnight or US Mail, addressed as follows:

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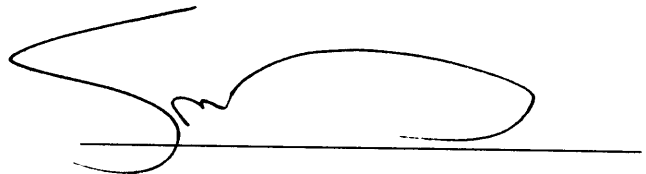
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A handwritten signature in black ink, appearing to read 'Donald L. Scholes', is written over a horizontal line.