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April 6, 2001

David Waddell
Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243

Re: *Docket to Establish Generic Performance Measures, Benchmarks and Enforcement Mechanisms for BellSouth Telecommunications, Inc.*
Docket No. 01-00193

Dear David:

Enclosed please find the original and thirteen copies of the comments of AT&T Communications of the Southern States, Inc. ("AT&T"), ACCESS Integrated Networks, Inc. ("ACCESS"), the Association of Communications Enterprises ("ASCENT"), Birch Telecom of the South, Inc. "("Birch"), Brooks Fiber Communications of Tennessee, Inc. ("Brooks Fiber"), DIECA Commmunications d/b/a COVAD Communications Corporation ("COVAD"), ICG Communications, Inc. ("ICG"), MCI Metro Transmission Services, LLC ("MCImetro"), Mpower Communications Company, Inc. (" Mpower"), the Southeastern Competitive Carriers Association ("SECCA"), Time Warner Telecom of the MidSouth, LP ("Time Warner"), and XO Tennessee, Inc. ("XO"), collectively the "CLEC Coalition," in respone to the TRA's March 12, 2001, request in the above-captioned proceeding.

Very truly yours,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

Henry Walker by WLM w/permission

By:
Henry Walker

HW/wlm

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BEFORE THE TENNESSEE REGULATORY AUTHORITY
Nashville, Tennessee

IN RE: *Docket to Establish Generic Performance Measurements, Benchmarks and Enforcement Mechanisms for BellSouth Telecommunications, Inc.*	)	Docket No. 01-00193

COMMENTS OF THE CLEC COALITION

COME NOW, AT&T Communications of the Southern States, Inc. ("AT&T"), ACCESS Integrated Networks, Inc. ("ACCESS"), the Association of Communication Enterprises ("ASCENT"), Birch Telecom of the South, Inc. "("Birch"), Brooks Fiber Communications of Tennessee, Inc. ("Brooks Fiber"), DIECA Commmunications d/b/a COVAD Communications Corporation ("COVAD"), ICG Communications, Inc. ("ICG"), MCI Metro Transmission Services, LLC ("MCImetro"), Mpower Communications Company, Inc. (" Mpower"), the Southeastern Competitive Carriers Association ("SECCA"), Time Warner Telecom of the MidSouth, LP ("Time Warner"), and XO Tennessee, Inc. ("XO"), (collectively the "CLEC Coalition"), and respond to the Tennessee Regulatory Authority's ("TRA") March 12, 2001, request for comments regarding Docket No. 01-00193. Specifically, the CLEC Coalition will respond to the following question posed by the TRA: Should the performance measurements, benchmarks and enforcement mechanisms as adopted be revised? If so, specify what changes should be made and provide supporting rationale.

INTRODUCTION

The work done by the TRA in adopting performance measurements, benchmarks/performance standards and enforcement mechanisms in the ITC^DeltaCom arbitration, Docket No. 99-00430 represents a significant step toward ensuring nondiscriminatory treatment of competitive carriers in Tennessee. By building upon the important achievements in that docket, the TRA can continue to develop and update mechanisms to ensure BellSouth's compliance with its contractual obligations, to accurately measure BellSouth's performance, and to enforce through appropriate penalties BellSouth's failure to meet its legal obligations. To achieve those goals, the TRA decided to open this Generic Performance Measurement docket to develop a common set of performance measurements, performance standards/benchmarks and enforcement mechanisms to ensure that BellSouth Telecommunications, Inc. provides nondiscriminatory access to its network elements as required by the Telecommunications Act of 1996, a decision which the CLEC Coalition strongly supports.

The CLEC Coalition comments below provide some general explanation of the types of modifications that would be appropriate to make in this docket. For example, BellSouth's SQM has been revised several times since it was originally filed in the ITC^DeltaCom arbitration, so modifications of that portion of the plan would be appropriate. Additionally, the numerous competitive carriers submitting comments as the CLEC Coalition have diverse business plans and

specialized performance needs. Thus, the CLEC Coalition brings a unique and fuller perspective to discussions on enforcement mechanisms, as well as appropriate benchmarks and analogs, so that accurate performance determinations are possible.

Finally, some additional measures are necessary to ensure that Tennessee's performance measures and enforcement plan capture and build upon the commercial experience of competitive carriers in others states, many of which have had performance plans in place for a sufficient amount of time to fine tune and develop additional measures where appropriate.

The CLEC Coalition respectfully requests that the TRA set a procedural and scheduling order in this docket that enables it to bring this information before the TRA in written comments, concluding with a hearing on the merits. The CLEC Coalition's comments generally illustrate where the TRA can better monitor BellSouth's performance and more effectively resolve discriminatory treatment, by incorporating and building upon the progress made in the ITC^DeltaCom order.

I. QUESTION: SHOULD THE PERFORFMANCE MEASUREMENTS, BENCHMARKS AND ENFORCEMENT MECHANISMS AS ADOPTED BE REVISED? IF SO, SPECIFY WHAT CHANGES SHOULD BE MADE AND PROVIDE SUPPORTING RATIONALE?

RESPONSE:

The TRA's February 21, 2001,Order in Docket No.99-00430 ("the February Order") put in place many, but not all, of the requirements necessary for an effective performance measurement methodology. While the TRA Order

contains many of the performance measurements, performance standards/benchmarks and disaggregation requirements needed by CLECs, they require some modifications based on the collective input of the CLEC community.

The CLEC community has gained a significant amount of experience in attempting to enter local markets. As a result of this experience, CLECs have gained a substantial amount of knowledge concerning BellSouth's actual performance and what requirements must be in place in order to have an effective performance measurement methodology. The February Order was a starting point for implementing a performance measurements framework for BellSouth. These comments highlight areas of the TRA's February Order that the CLECs would like to have modified in order to facilitate their entry into and ability to compete in Tennessee. The detailed modifications required for each specific measure will be addressed in future comment cycles. The CLEC Coalition looks forward to providing the TRA complete and detailed information as part of its participation in the generic docket established by the TRA.

II. PERFORMANCE MEASURES RECOMMENDATIONS

A. A COMPREHENSIVE SET OF COMPARTIVE MEASUEMENTS THAT MONITORS ALL AREAS OF SUPPORT IS REQUIRED.

Because significant gaps in coverage can make it extraordinarily difficult and time-consuming to detect and deter below-parity performance, it is critical that a performance measurement plan contain a comprehensive set of measures covering all aspects of CLEC and BellSouth activity. When an area of BellSouth's performance is not covered by a metric, the primary tool available to

a CLEC to remedy poor performance is an action to enforce the parties' interconnection agreement. Enforcement actions based on disparate treatment can be uphill battles because the CLEC must prove that BellSouth is providing better service to itself, its customers, or its affiliates than to the CLEC. To make its case, the CLEC must somehow obtain accurate internal BellSouth information concerning the service it provides to itself, its customers, or its affiliates. Even if this can be done, an enforcement case can take a year or more to complete (at least without the availability of expedited dispute resolution), which typically is far too long for a CLEC attempting to solve an immediate problem affecting its business. Comprehensive performance metrics therefore go hand in hand with the potential for broad scale entry into the local market. For this reason, CLEC coalitions in other proceedings such as Florida, Georgia, North Carolina and Louisiana have consistently expressed concerns relating to the inadequacy of measures proposed by BellSouth.

A comprehensive set of performance measurements should cover problems that can and have arisen through real market experience with:

(A) Service delivery methods such as resale and individual unbundled network elements (UNEs) (such as loops or transport); UNE combinations (such as enhanced extended loops and platform); and facilities interconnection.

(B) Products and processes such as coordinated conversions, various types of xDSL and line sharing and splitting services, local number portability, loop acceptance testing and loop conditioning.

(C) Retail-wholesale relationships management such as operational support systems (OSS) speed and connectivity, help desk and work center responsiveness, database update accuracy and timeliness, and change management processes and software error correction timeliness.

(D) Provisioning status notices such as acknowledgements, confirmations, rejections, completion notices, jeopardy notices and loss notices.

(E) Maintenance responsiveness and capability in resolving customer trouble reports.

(F) Billing accuracy and completeness for the end user customer and the CLEC.

This Authority has recognized the need for an appropriate set of measures to monitor performance. As part of the ITC^ DeltaCom arbitration ruling, the TRA ordered that specific metrics from the Texas performance measurement collaborative be included in the interconnection agreement between BellSouth and ITC^DeltaCom and also as part of the base performance measurements in this proceeding. The CLEC Coalition would like to applaud the TRA's adoption of these measures. Additional measures ordered by the TRA such as Average Response Time For Loop Makeup Information (Texas Plan Measurement No. 57), have been requested consistently by CLEC Coalitions in other proceedings.

The Georgia Public Service Commission has recognized the inadequacy of the BellSouth measures to provide essential information needed to make compliance determinations. On January 16, 2001, the Georgia Public Service

Commission issued an Order in its generic performance measurement docket that added the following seventeen metrics to BellSouth's recommended Service Quality Measures ("SQM"):

- Response Time for Manual Loop Make-Up (LMU) Queries Response Time for Electronic LMU Queries Acknowledgement Timeliness
- Acknowledgement Completeness
- FOC/Reject Response Completeness
- % Completions/Attempts w/o Notice or < 24 hours notice
- Average Recovery Time for Coordinated Cuts
- Cooperative Acceptance Testing Attempts vs. Requested by CLECs
- Recurring Charge Completeness
- Non-recurring Charge Completeness
- Mean Time to Notify CLECS of Network Outages
- Mean Time to Notify CLECS of Interface Outages
- Average Database Update Interval
- Percent Database Update Accuracy
- NXX and LRNs loaded and tested by LERG date
- BFRs processed in 30 business days
- BFR Quotes provided in X days

Additional metrics, including those ordered by the Georgia Commission, should be included in the measures set adopted by the TRA in this docket. The rationale supporting the adoption of these additional measures is discussed below.

1. Additional Ordering Measures

OP-Acknowledgement Timeliness
OP-Acknowledgement Completeness

CLECs need to know their orders are being received by BellSouth's operational systems. These acknowledgements are received before a confirmation

or rejection of the order can be established. The lack of such an acknowledgement message (known as a 997 message on EDI interfaces) is the first indication that an order submitted by a CLEC is jammed somewhere in BellSouth's systems and will not be processed without human intervention. This can mean that service to the customer will be delayed well beyond the requested interval. CLECs need metrics to monitor how quickly an order is acknowledged by BellSouth's systems and how many notices are missing once the acknowledgement interval has passed. These measures have been ordered by the Georgia Public Service Commission ("Georgia PSC").

OP-Firm Order Confirmation and Reject Response Completeness

This measure flags problems with orders trapped in BellSouth's systems. This can occur even after an acknowledgement notice is sent to the CLEC. The current confirmation and rejection metrics only capture information on Local Service Requests (LSRs) received by BellSouth. However, if the LSRs are lost in BellSouth's systems, and therefore not received, they would never be measured. Thus, the current metrics could show on-time performance because missing LSRs are never captured. Moreover, missing rejections and confirmations needed by the CLECs to complete service delivery, would go undetected. In New York, Verizon's metrics had the same deficiency and as a result Verizon reported excellent performance even though tens of thousands of orders were lost or mishandled. Ultimately, the FCC and New York Public Service Commission took action, which led to Verizon paying $10 million to CLECs and $3 million to

the U.S. Treasury for its poor performance. This measure also was ordered by the Georgia PSC.

OP-Mean Time to Provide Response to Request for BellSouth-to-CLEC Trunks
OP-Percent Responses to Requests for BellSouth-to-CLEC Trunks Provided within 7 Days
OP-Percent Negative Responses to Requests for BellSouth-to-CLEC Trunks

CLECs cannot expand without adequate trunk capacity inbound from the ILEC as well as outbound to the ILEC. ILEC delays in providing reciprocal trunks or delays in providing CLECs a due date for such trunks forces CLECs to delay installing new customers. CLECs would rather manage a single customer's expectation for a due date than install a customer that will cause further blocking on inbound calls to all CLEC local customers in the area. ILEC delays on trunk resizing keep CLECs from growing market share. The proposed measures in this area should apply regardless of how a CLEC sends its request, whether via fax, email or as an Access Service Request (ASR).

The Mean Time to Provide Response measurements is key when comparing service to affiliates for response to trunk requests. The Percent Responses to Requests for BellSouth-to-CLEC Trunks Provided Within 7 Days metric measures the response standard proposed by CLECs to be achieved 95% of the time.

Finally, the Percent Negative Responses to Requests for BellSouth-to-CLEC Trunks metric would allow tracking of BellSouth rejections of CLEC requests for more capacity. These are not rejections for CLEC errors but cases where BellSouth argues that additional trunks are not needed. BellSouth's policy

is that it is appropriate to begin trunk augmentation of a final trunk group when utilization reaches 75-85%. CLEC growth is more dynamic than BellSouth's and a 50% fill can quickly move blocking levels with the addition of one large customer. Thus, when utilization reaches 50%, it is prudent to plan for trunk augmentation because merely adding one large customer can easily bump up blockage levels to 85% or higher. The addition of customers with high inbound calling volumes can bump even lower fill rates than 50% up to blocking levels. These overall utilization rates also do not reflect blocking that would occur during busy hours but not other times of day.

2. Additional Provisioning Measures

OP- Order Accuracy

Tennessee CLECs also need to ensure that BellSouth provisions an order the way it was entered or submitted by the CLECs. An Order Accuracy metric would capture whether orders are changed through BellSouth's manual handling of partially mechanized or faxed orders and thus provisioned inaccurately.

OP-Percent Completions/Attempts without Notice or with Less Than 24 Hours Notice

Missed or late confirmations make CLECs appear disorganized to their customers since they have to scramble to meet the due date or are caught off-guard by a service delivery to their customer. Such absent or late notices can lead to "customer not ready" situations where late service delivery is wrongly blamed on the CLEC and excluded from the interval metrics. This metric was ordered by the Georgia Public Service Commission.

OP-Percent On-Time Hot Cut Performance

CLEC customers often suffer from degraded or lost service through ILEC mistakes or failure to adhere to established cutover procedures. An early cut of facilities can cause the customer to lose service. A late cut translation often means the customer cannot receive all or certain incoming calls. Either is harmful to a CLEC's reputation and can lead to costly lawsuits if service is lost unexpectedly during business hours. Moreover, if the cut time is during business hours, this can be devastating to the customer who relies on the telephone. Therefore, it is crucial that BellSouth's performance in this area be monitored.

OP-Percent of Orders Cancelled or Supplemented at the Request of the ILEC

This metric, adopted in the New York Carrier-to-Carrier proceeding, captures incidents where CLECs do not voluntarily extend the due date, but rather do so at the request of BellSouth in order to adjust for BellSouth-caused failures to complete the order. When a CLEC agrees to supplement the order at BellSouth's request, what would have been a missed due date gets a new due date in the future. Therefore, without this metric, BellSouth would meet the measure even though the customer and CLEC are frustrated with the later date.

OP-Percent of Coordinated Cuts Not Working as Initially Provisioned

This metric captures when loops are provisioned on time but are not working. Often CLECs cannot log a trouble report until the order is completed in the ILEC's billing system, and that may take many hours or days. Consequently, these provisioning troubles are undetected by BellSouth's current performance measures.

OP-Average Recovery Time

When early or late cuts occur, if there has been an outage, it is important to get the customer's service promptly restored and switched over to the CLEC. This metric measures how quickly service is restored to the CLEC. Both New York and Texas have similar measures. The Georgia PSC also adopted this measure.

OP-Mean Time to Restore a Customer to the ILEC
OP-Percent of Customers Restored to the ILEC

These metrics measure the speed of restoring service to BellSouth when a customer conversion fails and the percent of accurate port-backs to BellSouth when necessary. Customers need to have service and may not be able to wait for the conversion to work. Therefore, the customer would be ported back to BellSouth. Restorations due to CLEC errors would need to be excluded from this metric.

OP-Call Abandonment Rate - Ordering and Provisioning
MR-Call Abandonment Rate -Maintenance

BellSouth only captures the call center response time for customers who wait for their calls to be completed. The number of customers that abandon the call because of long waits in queue are not captured. That causes any problem in the call center answer time metrics to be understated. Adding this measure will allow for a more complete and accurate indication of BellSouth's performance in this area.

OP-Percent xDSL Lines Cooperatively Tested
OP-Percent Successful xDSL Service Testing

CLECs need to have cooperative testing done on xDSL loops to determine if BellSouth has done all the appropriate work to provide connectivity. This measure goes beyond that and reports on how many loops BellSouth actually did test. Cooperative testing saves both the ILEC and CLEC time and effort in resolving problems that should have been identified during the initial provisioning process.

Along the same lines, BellSouth should measure the percent of successful xDSL cooperative testing. Similar to the defective loop metric for coordinated cuts, this measure would pick up how often an xDSL loop that is not working is delivered to the CLEC. This metric could be disaggregated by reason codes for the loop not working, and while one remedy would apply for missing the standard for delivering working xDSL loops, the disaggregation would aid BellSouth in root cause analysis to address the problem area. The Georgia PSC ordered the Percent Tested metric proposed above.

OP- (disaggregation or new metric) - Percent Completion of Timely Loop Modification/Conditioning on xDSL loops

Some loops require modification or conditioning before they can be used to provide a customer with xDSL service. This metric measures BellSouth's timeliness in making the needed modifications or performing the necessary de-conditioning. Since xDSL is a growing area of service for CLEC's and

BellSouth, it is important that BellSouth modify and condition loops in a timely manner.

3. Additional Billing Measures

BL-Percent Billing Errors Correct in X Days

BellSouth delays in providing adjustments to carrier bills or correct daily usage feed errors can harm the CLEC and its customer in several ways. Errors that do not get corrected promptly in the daily usage file lead to CLEC's either holding up charges or passing on incorrect charges on to the customer. The CLEC must then expend its resources to later adjust customer invoices. BellSouth's invoice accuracy measure does not capture whether errors are corrected within a reasonable time.

BL- Usage Timeliness

BellSouth measures the percentage of recorded usage data that is delivered to the CLEC within six calendar days from the receipt of the original recording. CLECs also need to know how timely the usage records on average are delivered to CLECs, and therefore, request the TRA adopt this additional measure.

BL- Percent On-Time Mechanized Local Service Invoice Delivery

Not only do the charges on the bills need to be correct and complete but also the formatting must follow appropriate industry standards so that they can be electronically processed in the CLEC systems. Without properly mechanized bills, CLECs may be forced to reconcile boxes of paper bills for charges that cannot be accepted or audited by their electronic systems.

4. Other Additional Measures

MI- Percent Response Commitments Met On Time

Even more important than how quickly BellSouth representatives answer the phone is how quickly they answer questions or resolve problems. CLECs should not have to wait days for BellSouth to respond to a problem that has stalled production of orders for the CLEC. Help Desk responsiveness on missing notifier (confirmations, rejection, completion) problems is also crucial to CLECs. Verizon's problems in this area led to the introduction of a three-day standard for resolving such requests in the New York metrics. The TRA should adopt a measurement and standard for responsiveness to all help desk questions that impede an CLEC's ability to place orders or respond to a customer's status questions about their order.

MI- Mean Time To Notify CLEC of Network Outages

Knowing about an outage promptly as well as the estimated time of resolution can help CLECs address customer calls and concerns about disrupted service. If a CLEC's maintenance team must wait longer to learn of a network outage than Bellsouth's maintenance team, the CLEC is placed at a disadvantage because it has less time to devise alternatives for customers. When service to its customers has been affected, it is critical that CLECs be able to address those concerns in a timely manner and possess as much information as possible. BellSouth's performance in this area is crucial to CLEC customer satisfaction. Consequently, this measure should be ordered by the TRA. This metric was ordered by the Georgia PSC.

MI-Average Update Interval
MI-Percentage Database Update Accuracy

The lifeline of any business depends on the ability of potential customers to contact the business. Consequently, CLEC customers are rightfully concerned if after obtaining service from their new CLEC, their information is not placed in BellSouth's directory assistance and directory listings database promptly and accurately. The Georgia PSC ordered this metric.

OSS-Notification of Interface Outages

CLECs need to be informed promptly when BellSouth's systems are down so that they can make alternative work plans. Failure to timely inform CLECs of BellSouth outages can cause them to waste time troubleshooting their own interfaces. Timely notification also prevents BellSouth's help centers from being inundated with calls about an already known outage. This is also among the newly ordered Georgia metrics.

CM- Percent Change Management Notices Sent On Time
CM- Average Delay Days for Notices
CM- Percent Change Management Final Documentation Sent on Time
CM-Average Delay Days for Documentation
CM- Percent ILEC vs. CLEC Changes Made

BellSouth must measure its adherence to its change management notice commitments and definitions of emergency notices. This is necessary to avoid BellSouth's OSS software changes from harming competitors. Often ILEC failures to adhere to change management notice requirements have caused delays in the building, or have stopped the functioning, of CLEC OSS interfaces. CLECs must have timely notices of changes in order to plan and determine what changes are required on their side of the interface. At best, late notices require

CLECs to pull information technology personnel from other projects to keep the existing interface from going down. At worst, the CLEC cannot act quickly enough to stop the changes from harming its production. Thus, simply having a change management process is not enough. Reported data and enforcement of the process is needed to ensure the process is effective and being followed.

In addition, final documentation, to the change management notice, must be sent on time so CLECs can begin implementing necessary changes to their interfaces in order to be ready to conduct business on the date the change becomes effective. Without the documentation to support the changes, CLECs cannot begin the necessary work.

BellSouth has not yet included a metric in its SQM that tracks whether it responds fairly to CLEC requests for changes and new functionalities on its interfaces. Although CLECs prioritize their change requests, BellSouth ignores the prioritization and implements these changes whenever it chooses. Therefore, the TRA needs to order BellSouth to measure the percentage of BellSouth changes made versus the number of CLEC changes made to determine whether CLEC requests for interface changes are being implemented in a fair and equitable manner.

OSS- Percent Software Certification Failures

CLECs need to be sure that their existing systems still will be able to function when BellSouth introduces software upgrades. This measurement provides some assurance that BellSouth will sufficiently test before a system is rolled out. Knowing that software upgrades will not negatively impact CLEC

systems will eliminate potentially costly delays to CLECs and BellSouth. Therefore, this metric should be adopted by the TRA.

OSS- Software Problem Resolution Timeliness
OSS- Software Problem Resolution Average Delay Days

This metric examines how quickly BellSouth fixes software errors caused by changes to an existing interface, establishment of a new query type or other changes. Different standards are set based on whether there is a work-around for the problem. If a CLEC is prevented from entering orders, extremely prompt responses are required. The delay day measure captures the degree to which the problem is allowed to continue by BellSouth.

B. AN APPROPRIATE DEFINITION OF MEANING AND SCOPE OF THE PERFORMANCE MEASURES IS NECESSARY.

BellSouth has not implemented all the requirements in its SQM that were adopted by this Authority and that are necessary to have an effective performance measurement methodology. Therefore, many of the business rules, calculations, definitions and exclusions contained in the BellSouth SQM portion of the February Order adopted for this proceeding are not adequate and must be modified to facilitate derivation of accurate performance determinations.

Business rules are the heart of every measure. Business rules state the start and stop time of each metric. They also provide the details necessary to describe processes that occur in between start and stop times. The rules regarding the collection of data for CLECs and for BellSouth also are included. The business rules should be detailed enough to allow a third party to use them to recreate BellSouth's performance measurement reports using BellSouth's raw data. They

must also be structured to ensure that discrimination by BellSouth is not being masked. Many business rules associated with the BellSouth measures that were adopted by the TRA require changes to meet these criteria. As an example, the business rule for OSS Response Interval is inadequate. The BellSouth SQM business rule states that the interval starts when the client application submits a request to the legacy system and ends when the appropriate response is returned to the client application. The measurement time should begin when BellSouth receives the query from the CLEC and should end when BellSouth returns a response to the CLEC interface. Business rules from the Texas measures also need some modifications to reflect BellSouth's systems.

C. THERE SHOULD BE LEGITIMATE AND AGREED UPON REASONS TO EXCLUDE CERTAIN CIRCUMSTANCES FROM A MEASURE.

There may be several legitimate reasons to exclude certain circumstances from a measure. These need to be agreed upon by the CLECs and BellSouth in advance so that everyone understands what is included and excluded from a particular measure. Failure or delay caused by the CLEC or the CLEC's customer is an example of a reason for excluding a transaction from the data to be reported, at least for remedy purposes.

Exclusion of orders that fallout for manual processing from the Percent Flow Through Service Requests measure is illustrative of an inappropriate exclusion that requires modification. BellSouth's SQM should not exclude from the metric orders that, through no fault of the CLEC, fall out to manual processing. The purpose of this measure should be to measure the percent flow-

through capability of BellSouth's ordering systems. Thus, while BellSouth's Percent Flow Through Service Requests metric may measure whether the orders BellSouth has designed to flow through actually do, it should also provide a clear picture of those orders BellSouth has not designed to flow through. Only BellSouth, not CLECs, can improve the flow-through of error free orders. Therefore, BellSouth should be held accountable for its decision not to provide flow-through. Further, BellSouth is obligated to provide parity service. As it has provided no evidence that such orders fall out for manual processing for its retail operation, it should not be allowed to exclude such orders from its flow-through calculation for CLECs.

Another illustration of inappropriate exclusions in the BellSouth's metrics is the exclusion of non-mechanized orders from the Average Completion Notice Interval. Information regarding completion of non-mechanized orders is just as critical to the CLEC and its customers as it is for fully mechanized orders. Further, in some cases, for example enhanced extended loops (EELs), CLECs have no choice but to use non-mechanized ordering. This measure should be modified to require that completion notices be provided, regardless of the means of ordering.

D. DISAGGREGATE TO A LEVEL THAT RESULTS FOR SIMILAR OPERATIONAL CONDITIONS ARE COMPARED.

Disaggregation involves breaking down performance data into sufficiently specific categories so that like-to-like comparisons can be made. Proper disaggregation prevents the masking of discrimination by ensuring that poor performance in one area (such as xDSL) is not obscured by being lumped together

with other superior performance data in an unrelated area. Just as it is important for performance metrics to be comprehensive in scope, it is critical that performance reporting be required at a sufficiently detailed level to provide meaningful results. Disaggregation should be required by geography, interface type, pre-order query type, product, service order activity, volume category, trouble type, trunk design and type (for trunk blockage measurements), maintenance and repair query type and collocation category.

The disaggregation adopted by the TRA in its Order demonstrates the Authority's acknowledgement of the value of product specific disaggregation. Given the dynamic nature of the local market, product specific disaggregation needs to be further expanded. As an example, Line Splitting should be included as a level of disaggregation for Provisioning and Maintenance measures. Exhibit "A" specifies the disaggregation levels recommended by the CLECs.

Disaggregation should be by interface type. One interface may react quicker or slower than another. The only way to determine, for example, whether BellSouth's TAG interface meets the applicable standards is to review data specifically for that interface. If TAG data is lumped together with EDI data, the performance of the TAG interface will be obscured.

Disaggregation by Pre-order query type disaggregation is important because a request for something simple like a phone number may require less response time than a request for something more complex like a due date reservation or loop makeup information. Disaggregation for response time for error messages and percent time outs also needs to be included.

Product disaggregation is key because different performance can be expected based on the type of product being ordered. Lumping together one type of order that has a two day interval with another type of order that has a ten day interval and producing a report showing that on average the orders are provisioned in seven days tells one nothing about whether either type of order was provided at parity or met the benchmark. Such aggregate treatment masks disparities in service and should not be permitted. The basic principle of product disaggregation is that like products and processes product should be tracked separately.

Examples of product disaggregation include resale, UNEs and trunks, broken down by residential and business customer, where appropriate. Further disaggregation for resale and UNEs include DS1s and DS3s. DS1s and DS3s have differing provisioning and repair intervals and complexities that require separate reporting. Similar to what is specified in the February Order, different unbundled loop types, such as analog voice-grade loops, digital loops, ADSL loops, HDSL loops, UCLs and xDSL loops, also should be disaggregated because BellSouth's performance will vary for each loop type. Additionally, UNE-Platform needs to be reported separately because this product combines a loop with switching and transport and is different from just ordering a port without the switching and transport. Simply stated, CLECs require products disaggregated to the level where as few dissimilarities as possible exist to enable appropriate monitoring of BellSouth's performance.

Volume category disaggregation captures differences that may arise based on the number of lines being ordered. CLECs recognize that the appropriate interval for a particular metric may depend on whether, five or fifty lines are being ordered. CLECs recommend that BellSouth disaggregate by volume in accordance with the differing intervals it requires for various volumes. For example, if the interval is different for 1-5 lines, than it is for 6-10 lines, then BellSouth should have to disaggregate its performance based on those volumes. To do otherwise adds together short and long intervals, masking how long it actually takes to provide service, and makes meaningful comparisons to BellSouth's service provision to its retail customers meaningless.

Lumping together different kinds of trouble leads to meaningless results. For example, data for the mean time to restore service for a trouble requiring dispatch to the customer's premises should not be included in the same data set as the mean time to restore service for a trouble not requiring a dispatch. Disaggregation by trouble type may also highlight a repetitive problem and lead to a prompt lasting resolution.

Aggregating trunks designed at different blocking thresholds could hide serious blocking problems by averaging trunks designed to block at 2%, 1%, or 0.5% together. Disaggregation by type is also important so that blocking on crucial OS/DA or 911 trunks can be monitored by CLECs. BellSouth should at least disaggregate final dedicated trunks by the following trunk types and industry blocking standards:

Trunk Type

- OS/DA
- 911

Trunk Performance

- 2% Local and IntraLATA Toll Trunk Groups
- 1% Local Tandem, Local Direct Office Final, IntraLATA interexchange, 911, DA, DA Call Complete,
- 0.5% OS, IntraLATA Tandem Meet Point

Maintenance and repair query type disaggregation is important for the same reasons as pre-order query type disaggregation. Different types of queries can be expected to take different lengths of time to process.

Different types of collocations and augments take different amounts of time to provision. For example, provisioning a cageless collocation space should require substantially less time than provisioning a caged collocation space. Augments of collocation space also should generally take less time than installing the original collocation space.

III. PERFORMANCE STANDARDS

AN APPROPRIATE PERFORMANCE STANDARD SHOULD BE ESTABLISHED.

A retail analog is a service or function that BellSouth provides for itself, its customers, or its affiliates that is analogous to a service or function that BellSouth provides to CLECs. When a BellSouth retail analog exists, BellSouth's performance for itself, its customers, and its affiliates should be compared to its performance for CLECs to determine if BellSouth is meeting the Act's parity requirement. It is appropriate to choose a retail analog that is similar to the service or product being measured. If no retail analog exists, BellSouth's

performance must be gauged by a performance standard, known as a benchmark. A benchmark is a set level of performance, such as provisioning a particular UNE 95% of the time within three days.

Benchmarks should be based on the level of performance that can be expected to offer an efficient carrier a meaningful opportunity to compete. Benchmarks cannot be based simply on BellSouth's historical performance. The fact that BellSouth has provided a certain level of service to CLECs in the past does not mean that level of service provides CLECs a meaningful opportunity to compete or to even meet Tennessee's end user standard. It is appropriate to choose a retail analog that is similar to the service or product being measured.

The CLEC Coalition can support many of the performance standards adopted in this docket. The CLEC Coalition applauds the TRA's adoption of benchmarks associated with the Texas measures. For example, the Percent FOC Returned measure for Texas was adopted with the implied benchmark of 95% of FOC's returned within 5 hours. However, new experiences and more expanded disaggregation require that some modifications be made to the performance standards adopted in the February Order. As an example, some levels of disaggregation such as Line Splitting are not specified. Therefore, the corresponding retail analog is absent, but needs to be designated. Several of the retail analogs also need to be altered. In the provisioning and repair of services, BellSouth's personnel can perform work in three basic ways: 1) through software change entered into a computer; 2) via central office work; or 3) by dispatching a technician into the "field" at remote facilities or the end-users premises. These

three different types of work activities can require significantly differing amounts of time, and combining them or comparing one type of results to a different type, e.g. BellSouth's current practice of comparing UNE 2-Wire Analogy Loop Non-Design orders to dispatch only Retail Residence and Business (POTS), results in misleading information about the amount of time required to perform activities for the CLEC compared to itself. Although BellSouth currently reports by dispatch and non-dispatch activity, it improperly combines dispatch in and dispatch out performance that can mask non-parity performance.

IV. ENFORCEMENT MECHANISM

ENFORCEMENT PLAN STRUCTURE

While the enforcement mechanism adopted by the TRA as a base has differences from the CLEC Coalition' position, the TRA has done substantial work in this area and the CLEC Coalition believes the upcoming proceedings will focus on enhancements to the plan that will meet the needs of the entire CLEC community. The following components of the TRA adopted remedy plan structure are also incorporated in the CLEC Coalition plan:

A. A two tier enforcement mechanism program, as proposed by DeltaCom, comprised of Tier I payments paid directly to CLECs and Tier II payments paid directly to the Authority. This implies the following:

1. Remedies are paid at the measure level.
2. Quadratic formula is used to determine exact amount of the remedies for each non-compliance determination (both Tier I and Tier II).
3. Remedies would increase based on the severity of the violation.
4. Additional remedies are incurred for chronic violations.

B. BellSouth triggers Tier I if BellSouth fails to perform according to the designated performance standard.

C. The value of the delta parameter is .25.

D. Use benchmark and retail analogs proposed by DeltaCom.

E. Measures adopted by the TRA are in the remedy plan.

There are some aspects of the plan that concern CLECS that the TRA should consider.

1. The Tier II methodology adopted from BellSouth's plan could result in some non-compliant performance not being sanctioned. The TRA modifications to BellSouth's methodology definitely reduces this possibility. However, aggregating results across CLECs within a single month makes detection of discrimination more difficult, due to likely greater variation in the underlying data. To further dilute the ability to detect discrimination with the possibility of additional averaging across months in a quarter can cause performance which deserves consequences to be avoided. Linking Tier II remedies to quarterly reporting, as opposed to monthly reporting, needlessly delays self-enforcement of consequences for what are even more flagrant violations of the performance requirements (i.e., the entire industry is being impacted rather than just an individual CLEC). As an example, BellSouth could actually provide discriminatory support for two consecutive months and provide compliant service during the third month. If the volume for month three is greater than that of months one and two, BellSouth could get a compliance

determination for the aggregate three months even though CLEC customers experienced horrible service during the first two months.

2. An overall cap of 36% of net return after 271 approval and an overall cap of 20% prior to 271 approval based on the ARMIS data. It is important for the Authority to consider the fact that caps serve to limit the remedies paid by BellSouth for bad performance. Absolute caps send the signal that once BellSouth's performance deteriorates to a particular level, then further deterioration is irrelevant. Absolute caps also provide BellSouth with the means to evaluate the cost of market share retention through the delivery of non-compliant performance.
3. Use truncated z statistic. Use of this methodology for compliance determination requires that the disaggregation be properly defined. Otherwise, performance results for dissimilar products such as DS1 Service, DS3 Service and ISDN could be inappropriately aggregated together which is allowed in the BellSouth plan.

CONCLUSION

In conclusion, the CLEC Coalition commends the TRA for its efforts to adopt a well-defined, effective and meaningful set of performance measures, benchmarks and enforcement mechanisms for BellSouth. The TRA has taken important steps to not only establish a set of measures and benchmarks but also create an appropriate remedies plan to provide BellSouth with incentives to meet the standards.

In this docket, the TRA has the opportunity to build on the base performance measures, benchmarks and enforcement mechanisms ordered in the ITC^DeltaCom arbitration. In this filing, the CLEC industry has provided the Authority with a general explanation of the types of modifications to the measures, performance standards and the enforcement mechanism that would ensure non-discriminatory access to BellSouth's network. By giving the industry an opportunity to provide comments in greater detail, the TRA will make certain the issues are fully aired. With this in mind, the CLEC coalition respectfully requests the TRA to set a procedural schedule in this docket, enabling the industry to provide detailed written comments and participate in a hearing on the merits.

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ALEC Proposed Disaggregation
(Process Level)

Disaggregation
A. Pre-Order OSS Responsiveness 1. Feature Function Availability/Service Availability 2. Facility Availability Qualification of Loops for Advanced Digital Services 3. Street Address Validation 4. Appointment Scheduling 5. Customer Service Records 6. Telephone Number 7. Rejected or Failed Queries (regardless of type) 8. Timeouts (measured as a percent not an interval) 9. Any new query type in 4 to 6 weeks of production.
B. Maintenance & Repair OSS Responsiveness 1. Create (or confirm logging of) a Maintenance Request 2. Obtain Status 3. Obtain Test Results 4. Cancel Request 5. Rejected of Failed Queries (regardless of type) 6. Clearance Notification 7. Closure Notification 8. Any new Query type in 4-6 weeks of production.
C. Collocation 1. Physical Caged 2. Shared Caged 3. Cageless 4. Adjacent On-Site 5. Adjacent Off-Site 6. Augment to Physical (Disaggregated by standard interval—i.e. 90 day vs. 45 day augments). 7. Virtual 8. Augment to Virtual (Disaggregation by standard interval—i.e. 90 day vs. 45 augments). 9. Remote Terminal
D. Multi-Functional Disaggregation 1. Interface type—for preordering, ordering, billing and maintenance and repair OSS, for some metrics the specific electronic interface is required, for others the general interface type fully electronic or mechanized, partially electronic or mechanized and manual (fax) are all that is required. 2. Dispatch in, dispatch out, and non-dispatch—for provisioning and maintenance measures 3. Volume—for ordering, provisioning, and maintenance measures (a) 1-5 lines, (b) 6-14 lines, and (c) 15+ lines 4. Geographic --All measures should be disaggregated to a state level, if the data is available. Additionally, provisioning and maintenance measures should be disaggregated to the MSA level 5. By ALEC, BST, and all BST affiliates for all measures 6. Center—for OS/DA, ordering & maintenance service center measures
E. Billing 1. Record Type (resale, interconnection, UNE)

Disaggregation, Analogs and Benchmarks		
G. Product Level Disaggregation for (Ordering, Provisioning, and Maintenance & Repair)	**Benchmark-- 95% within x Days unless otherwise noted (resale) for Order Completion Interval**	**Retail analog for other provisioning and maintenance and repair measures**
1. Resold Residence POTS	1. Retail Analog	1. Retail Analog
2. Resold Business POTS	2. Retail Analog	2. Retail Analog
3. Resold BRI ISDN	3. Retail Analog	3. Retail Analog
4. Resold PRI ISDN	4. Retail Analog	4. Retail Analog
5. Resold Centrex/Centrex-like	5. Retail Analog	5. Retail Analog
6. Resold Analog PBX trunks	6. Retail Analog	6. Retail Analog
7. Resold DID Trunks	7. Retail Analog	7. Retail Analog
8. Resold Voice-Grade Private Line	8. Retail Analog	8. Retail Analog
9. Resold DS1 Services	9. Retail Analog	9. Retail Analog
10. Resold DS3 Services	10. Retail Analog	10. Retail Analog
11. Resold >DS3 Services	11. Retail Analog	11. Retail Analog
12. Other Resold Services	12. Retail Analog	12. Retail Analog
13. UNE Platform	13. Retail POTS	13. Retail POTS
14. UNE Channelized DS1 (DS1 loop + multiplexing)	14. 3, 7, and 10 days, for a ,b, and c, volumes respectively	14. DS1
15. Unbundled 8 dB Analog Loops	15. Same as above	15. Retail POTS
16. Unbundled 2-wire Digital Loops	16. Same as above	16. Retail POTS
17. Unbundled 4-wire Digital Loops	17. Same as above	17. Retail POTS
18. Unbundled ADSL Loops	18. Same as above	18. Retail POTS
19. Unbundled HDSL Loops	19. Same as above	19. Retail POTS
20. UCL (short and long)	20. Same as above	20. Retail POTS
21. Unbundled xDSL Loops	21. Same as above	21. Retail POTS
22. Other Unbundled Loops	22. Same as above	22. Retail POTS
23. Unbundled UDC/IDSL loop	23. Same as above	23. ISDN
24. UNE Analog Switch Port (line side)	24. 2 days	24. POTS
25. UNE BRI Capable Switch Port (line side)	25. 3 days	25. ISDN
26. UNE DS1 Switch Port (line side)	26. 5 days	26. DS1
27. UNE PRI Switch Port (trunk side)	27. 5 days	27. ISDN
28. UNE DID-capable Switch Port (trunk side)	28. 5 days	28.
29. UNE Message Trunk Port	29. 5 days	29. DS1
30. UNE Dedicated DS0 Transport	30. 3, 7, and 10 days, for a ,b, and c, volumes respectively	30. DS1
31. UNE Dedicated DS1 Transport	31. Same as above	31. DS1
32. UNE Dedicated DS3 Transport	32. Same as above	32. DS3
33. Interconnect Trunks (DS0s, DS1s and DS3s,)	33. ILEC Trunks	33. ILEC Trunks

Disaggregation, Analogs and Benchmarks		
G. Product Level Disaggregation for (Ordering, Provisioning, and Maintenance & Repair)	**Benchmark-- 95% within x Days unless otherwise noted (resale) for Order Completion Interval**	**Retail analog for other provisioning and maintenance and repair measures**
34. Two-Way Trunking, Inbound Augments, separately) 35. ILNP 36. PNP or LNP 37. Line-sharing/High Frequency Spectrum UNE 38. Line-splitting/High Frequency Spectrum UNE 39. Sub-loop unbundling, e.g. network terminating wire 40. Loop Modification/Loop Conditioning 41. Special Access to EELs Conversion	34. ILEC Trunks 35. 3, 7, and 10 days, for a ,b, and c, volumes respectively 36. Same as above 37. 3, 5 and 7 days for a, b and c, volumes 38. 5, 7, 10 days for a, b, and c, volumes 39. 5, 7, 10 days for a, b, and c volumes. 40. 95% within 5 business days.	34. ILEC Trunks 35. Retail POTS **36.** Retail POTS **37.** Retail POTS **38.** Retail POTS **39.** N/A

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been forwarded via U.S. Mail, postage prepaid, to the following on this the 6th day of April, 2001.

Guy Hicks, Esq.
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Henry Walker by WRM w/permission

Henry Walker