BELLSOUTH

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VIA HAND DELIVERY

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

Re: *Docket to Determine the Compliance of BellSouth Telecommunications, Inc.'s Operations Support Systems with State and Federal Regulations*
Docket No. 01-00362

Dear Mr. Waddell:

Enclosed are the original and thirteen copies of BellSouth's Proposed Findings of Fact and Conclusions of Law. Copies of the enclosed are being provided to counsel of record.

Very truly yours,

Guy M. Hicks

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BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

In re: *Docket to Determine the Compliance Of BellSouth Telecommunications, Inc.'s Operations Support Systems with State and Federal Regulations*

Docket No. 01-00362

BELLSOUTH TELECOMMUNICATIONS, INC.'S PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW

I. Introduction

The Tennessee Regulatory Authority ("Authority") initiated the instant proceeding to determine the compliance of BellSouth Telecommunications Inc.'s ("BellSouth's") operations support systems ("OSS") with state and federal regulations. As part of this inquiry, BellSouth asks that the Authority reaffirm the conclusions of state regulatory commissions elsewhere in BellSouth's region that BellSouth has the same electronic systems and manual processes throughout its nine states that perform pre-ordering, ordering, provisioning, maintenance and repair, and billing functions for its CLEC customers.

II. Findings of Fact and Conclusions of Law

The Authority conducted hearings from December 3 through December 6, 2001. The Authority heard testimony from 10 witnesses and received into evidence 20 exhibits. Based upon all the evidence in the record, the Authority makes the following findings of fact and conclusions of law:

A. Overview: The FCC's Definition of "Regionality"

1. The FCC defined the concept of "regionality" to allow state regulatory agencies to rely on findings from an "anchor" state when reviewing Section 271 applications from other states in the BOC's region. The FCC held that, "[a]ppropriately employed, [regionality] can give us a fuller picture of the BOC's compliance with the section 271 requirements while avoiding, for all parties involved in the section 271 process, the delay and expense associated with redundant and unnecessary proceedings and submissions." *Application by SBC Communications Inc., Southwestern Bell Telephone Company, and Southwestern Bell Communications Services, Inc. d/b/a Southwestern Bell Long Distance for Provision of In-Region, InterLATA Services in Kansas and Oklahoma,* Memorandum Opinion and Order, 16 FCC Rcd 6237 , 6255 (2001) (*"SWBT-KS/OK Order"*). To facilitate subsequent applications, the FCC explicitly defined "the kind of evidentiary showing that will be expected of applicants in the future" who seek to make a regionality showing. *SWBT-KS/OK Order, 6287*. ("[b]y explaining clearly what types of evidence we have found to be persuasive in this instance, we are establishing a roadmap that can be followed by other applicants in the future that seek to rely in part, as SWBT has, on evidence presented in another application").

2. Because the FCC explicitly has defined the requirements of a regionality showing, BellSouth must follow the FCC's roadmap to prove that its OSS are regional. A BOC must show that it provides wholesale services to competing carriers in its various states through one OSS "using common

interfaces, systems, procedures and, to a large extent, common personnel." *Id., 6286*. A BOC may demonstrate either that competing carriers in its various states share the use of a single OSS (meaning "a common set of processes, business rules, interfaces, systems and, in many instances, even personnel") or that the OSS "reasonably can be expected to behave the same way in all three states." *Id., 6288*. BellSouth must make this showing for both the manual and mechanized aspects of its OSS. *Id.* On the mechanized side, BellSouth must show that the key interfaces used by CLECs to submit LSRs to the BOC are the same region-wide (in other words that a CLEC can use one interface to submit orders for any state in the region without state-specific modifications). *Id., 6289*.

3. For the manual aspects of its OSS, Southwestern Bell ("SWBT") was required to show that "the personnel involved in actual provisioning and maintenance/repair of CLEC orders in Kansas and Oklahoma will do their jobs in the same manner as those in Texas." *Id.* The FCC relied on evidence that certain functions were performed out of region-wide work centers; that state-specific operations use the same systems and same procedures region-wide; personnel receive the same training region-wide; and that there is a common organizational structure region-wide. The FCC concluded that, based on this evidence, "it is reasonable to conclude that the existence of these similarities will result in similar performance." *Id.*

4. Based on this explicit roadmap, the Authority concludes that BellSouth presented substantial evidence, much of which was uncontested, to the Authority

that its OSS are the same throughout its region. We note that the FCC has *never* required a BOC to present data demonstrating that its OSS performance is identical or substantially similar in its various states. In fact, as AT&T witness Mr. Bradbury acknowledged, the FCC did not look at *any* comparative data in support of its regionality finding in the Kansas/Oklahoma application. *Tr. Vol. IVC, 145-46 (Bradbury).* The evidence demonstrates that BellSouth has met the FCC's requirements for demonstrating regionality.

B. BellSouth's OSS

1. Pre-Ordering and Ordering

a. Electronic OSS

5. We find that BellSouth provides CLECs with one set of electronic interfaces for all CLEC resale and UNE service requests throughout BellSouth's nine-state region. We are persuaded that a CLEC in Tennessee uses the same interfaces for access to the same BellSouth OSS as a CLEC in any other state in BellSouth's region. *Direct Testimony of Ronald M. Pate, 10 (filed October 22, 2001) ("Pate").* "There is only one Telecommunications Access Gateway ("TAG"); RoboTAG ™; Electronic Data Interchange ("EDI"); Local Exchange Navigation System ("LENS"); Trouble Analysis and Facilitation Interface ("TAFI"); Electronic Communications Trouble Administration ("ECTA"); Optional Daily Usage File ("ODUF"); Enhanced Daily Usage File ("EODUF"); and Access Daily Usage File ("ADUF")." *Id.* The CLEC can use the same electronic interface (*i.e.* the same TAG) to submit local service requests ("LSRs") to any state in BellSouth's region;

the CLEC need not build a separate interface for each state. *Id., 15.* AT&T agrees that LENS, TAG and EDI had "high levels of regionality." *Tr. Vol. IVC, 194 (Bradbury)*. In addition, AT&T agrees that Local Exchange Ordering ("LEO") and Local Exchange Service Order Generator ("LESOG"), other systems used by CLECs, are "highly regional." *Tr. Vol. IVC, 194 (Bradbury).*

6. We further conclude that BellSouth provides CLECs with a comprehensive set of identical business rules, guides, procedures, information, and job aids for CLECs to use throughout its region. This information includes one regional set of user guides for BellSouth's electronic interfaces. For example, the *BellSouth Pre-Order Business Rules and BellSouth Business Rules for Local Ordering*, which serve as the basis for the CLEC's pre-ordering and ordering interactions with BellSouth, are used by CLECs regardless of the state for which they are submitting LSRs. *Pate, 14.* Moreover, AT&T agreed during the hearing that BellSouth's processes and its business rules are regional. *Tr. Vol. IVC, 194 (Bradbury)*.

7. BellSouth has established that it provides CLECs with region-wide training on the use of the electronic interfaces. The content of BellSouth's training programs is the same for all CLECs for all interfaces and forms, throughout BellSouth's region. *Pate, 15.* In addition, "BellSouth has no requirement that a CLEC be re-certified to submit LSRs in additional states after it has been certified to do business in the first state in [BellSouth's] region." *Id., 18.*

8. We also find that all transaction queries submitted by CLECs, irrespective of the state for which they are submitted, result in BellSouth's returning the same end-user information. As BellSouth explained, "the CLEC follows the same process in BellSouth's pre-ordering interface that it would when retrieving a CSR for an end user in any other state." *Id., 16.* The result of the request for a CSR is presented in an identical format, regardless of the state in which the end user is located. When submitting LSRs, CLECs use a single set of USOCs across its nine-state region. *Id., 18.* For example, BellSouth's testimony established that "1FR" indicates a flat rate residential line in all nine states and "UNETW" indicates an Unbundled Network Terminating Wire in all nine states.[1] *Id.*

9. In addition, the underlying legacy systems to which BellSouth provides CLECs access also are regional. We are persuaded that BellSouth provides CLECs with access to the same pre-ordering, ordering and provisioning OSS accessed by BellSouth's retail marketing and sales support systems, Regional Navigation System ("RNS") and Regional Ordering System ("ROS"). For example, although Mr. Bradbury of AT&T claimed that the Service Order Communication System ("SOCs") was "moderately regional" in his prefiled testimony, he could not explain why SOCs was not "highly regional" when asked about it during the hearings. *Tr. Vol.*

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[1] Certain state-specific USOCs or Field Identifiers may arise as a result of regulatory differences between the states. As the FCC found in its *Kansas/Oklahoma Order*, state-specific information does not mean that the OSS is not the same. SWBT, like BellSouth, demonstrated that "state-specific inputs, such as different product codes, [do not] require carriers to modify their interfaces or even their procedure for submitting orders." *SWBT KS/OK Order, 6290.*

IV D, 229 (Bradbury). In contrast, BellSouth's testimony made clear that CLECs and BellSouth retail units across all nine states use the same OSS such as regional street and address database, customer service record database, local facility assignment systems, and service order communications system. *Pate, 20-21.*

10. As part of pre-ordering, BellSouth provides region-wide access to loop makeup information ("LMU"). The source data for all LMU is contained in the Loop Facilities Assignment and Control System ("LFACS"), and LFACS is available region-wide. Although 100% of BellSouth's loops are populated in LFACS with certain basic information, not all will have the detailed loop makeup information necessary to qualify a loop. *Rebuttal Testimony of Ronald M. Pate, 7 (filed November 20, 2001) ("Pate Rebuttal").* Whenever a necessary component is missing from the loop makeup information residing in LFACS, BellSouth personnel use a combination of Engineering Work Orders, field visits, and the plats that contain records of BellSouth's Outside Plant Facilities to complete the loop makeup data that is stored in LFACS. *Id.* CLECs allege that because they rely on manual processing in Tennessee to a greater extent than in Georgia, the regionality of BellSouth's OSS are questionable. *Direct Testimony of Jay M. Bradbury, 7 (filed October 22, 2001) ("Bradbury").* BellSouth responds that the process to obtain the data in LFACS is the same region-wide, while the method of storing foundational network data (*e.g.,* cables, conduits, pole lines, etc.) within BellSouth differs somewhat within the region, in some states being stored on paper plats and in

some states on digital plats. *Pate Rebuttal, 7.* Because the underlying process is the same, we conclude that the storage method does not affect regionality.

b. Manual OSS

11. BellSouth has established that its manual pre-ordering and ordering processes are also the same throughout its nine-state region. As discussed above, to prove regionality of manual pre-ordering and ordering, processes, BellSouth must demonstrate "a common set of processes, business rules, interfaces, systems and, in many instances, personnel." *SWBT-KS/OK Order, 6288.*

12. BellSouth's Local Carrier Service Center ("LCSC") handles the pre-ordering and ordering portion of an LSR for resale, UNE, and complex services. The Data Customer Support Center ("DCSC") handles ordering functions for most wideband services. BellSouth's testimony established that each of these centers utilizes the same methods and procedures, accesses the same databases, and receives the same training in support of CLECs across all nine states of BellSouth's region. *Direct Testimony if Ken L. Ainsworth, 5-6 (filed October 22, 2001) ("Ainsworth").* We further note that AT&T agrees that BellSouth's manual service representatives receive the same training region-wide. *Tr. Vol. IVD, 224 (Bradbury).*

13. BellSouth's LCSCs are located in Atlanta, Birmingham, and Jacksonville. The Atlanta and Birmingham Centers handle the pre-ordering and ordering functions for CLECs across all nine states. CLECs are assigned to either the Atlanta or Birmingham LCSC in order to distribute the total CLEC workload

evenly between these two centers. In other words, as BellSouth's Mr. Ainsworth explained, "Tennessee CLECs are assigned to both the Atlanta and Birmingham LCSCs," and assignment to a particular LCSC is not done by state. *Ainsworth, 7.* The Jacksonville LCSC was added in the first quarter of 2001 in order to address CLEC order volume more efficiently, and it operates as a customer support center for CLECs across all nine states for calls dealing primarily with pre-ordering and ordering issues.

14. Each of the three LCSC locations operates on a nine-state basis. Moreover, the Authority finds that all three LCSCs utilized the same systems, methods and procedures for conducting CLEC pre-ordering and ordering functions. Specifically, the LCSC locations use the same systems to process LSRs, employs the same type of personnel, and follows the same processes. As BellSouth's Mr. Ainsworth explained, the LCSC that provides manual processes for a CLEC seeking to provide service to customers in Tennessee is the very same LCSC that provides processing for a CLEC seeking to provide service to customers in any of the nine states. *Id., 9.* Because the three LCSC locations are the same, BellSouth has the ability to allocate the workload among the three LCSCs as an immediate response to high volumes. *Id.*

15. BellSouth's testimony established that, once in the LCSC, LSRs are handled by product, not by state. *Id., 10.* Mechanized LSRs that require manual handling are received by the LCSC via the single LEO system regardless of the state for which the LSR is submitted. Once processed by LEO, the LSRs are

distributed to service representatives at the LCSC assigned to the submitting CLEC, and specifically to the work group within that LCSC that handles LSRs for that particular product type. A load manager assigned to that product type then monitors LSR activity via load reports to ensure LSRs are processed on a first-in/first-out basis and in accordance with evolving performance standards. The service representative then enters the request into BellSouth's legacy systems. *Id., 10.* We conclude that "[t]he 'sameness' of the LCSC's regional operations ensures that CLECs providing local exchange service in Tennessee will receive the same nondiscriminatory access to OSS provided by the LCSC to CLECs operating in any of the states within the nine-state BellSouth region." *Id., 10-11.*

16. The Data Customer Support Center ("DCSC") serves as an operating unit that provides support to CLECs working with the Complex Resale Support Group ("CRSG"). The DCSC offers support in the issuing of orders for broadband services including Asynchronous Transfer Mode ("ATM"), Native Mode LAN Interconnection ("NMLI), Fiber Distributed Data Interface ("FDDI"), and Video. The DCSC is located in Atlanta and serves CLECs in all nine states, utilizing the same methods, procedures, and processes. *Id., 12.* Thus, a CLEC submitting inquiries for its Tennessee end user receives the same support as it would for end users in other BellSouth states.

17. The CRSG, located in Birmingham, is responsible for processing manual service order inquiries for Complex Resale and Complex UNEs, including Asymmetrical Digital Subscriber Line ("ADSL"), High Bit Rate Digital Subscriber

Line ("HDSL"), and unbundled loops. The CRSG was staffed with 38 employees as of August 31, 2001. *Id., 14.* We are satisfied that this single center serves all CLECs across the nine-state area utilizing the same methods, procedures, and processes in providing this support.

18. CLEC accounts are handled on a region-wide basis by centralized account teams. Each CLEC is assigned an Interconnection Services Account Team, located in Atlanta and Birmingham. The Account Team provides day-to-day CLEC support and serves as the interface for the pre-ordering and ordering activities associated with complex services. The Account Teams also assist CLECs with their interaction with the service centers mentioned earlier. "The Account Teams are assigned by CLEC and not by state." *Id., 16.*

19. The processes used by BellSouth to hire employees for the CLEC support centers are the same for all center locations and mirror those that BellSouth uses to select personnel for the retail operations units in BellSouth. The training BellSouth provides to those personnel who perform manual pre-ordering and ordering functions is the same in all nine BellSouth states. *Rebuttal Testimony of Ken L. Ainsworth, 3 (filed November 20, 2001) ("Ainsworth Rebuttal").* AT&T acknowledged during the hearing that this training is the same. *Tr. Vol. IVD, 224 (Bradbury).*

20. The Authority finds that, in the entire manual pre-ordering and ordering process, there is only one system used in Tennessee that is not used in Georgia. Specifically, BellSouth uses two manual service order generation systems

in its region. The Direct Order Entry ("DOE") system is used for orders in Florida, Georgia, North Carolina, and South Carolina. The Service Order Negotiation System ("SONGS") is used for orders in Alabama, Kentucky, Louisiana, Mississippi, and Tennessee. The SONGS application used to process CLEC orders in Tennessee is the same SONGS application used in Alabama, Kentucky, Louisiana, and Mississippi. SONGS is used to process 4,000 to 5,000 orders per month in Tennessee and approximately 20,000 orders per month in these five states. *Ainsworth, 28-29.*

21. DOE and SONGS are input software programs that are used to provide SOCS with data necessary to generate service order requests. *Id., 29.* We are not persuaded by CLEC arguments that without more data on BellSouth's day-to-day commercial production experience, it will be difficult to assess whether differences in the systems have an impact on regional performance. *Rebuttal Testimony of Jay. M. Bradbury, 16 (filed November 20, 2001) ("Bradbury Rebuttal").* We find, as explained below, that there are no material differences in functionality between DOE and SONGS. Both systems use similar processes for creating a service order. This is because SOCS requires the same LSR screening and validating procedure. Once the LSR information is input into DOE or SONGS, it generates the same order in SOCS used to provide service to CLECs across all nine states in the BellSouth region. *Ainsworth Rebuttal, 4-5.*

c. PricewaterhouseCoopers' Regionality Assessment

22. In support of its assertion that its pre-ordering and ordering OSS are the same, BellSouth engaged PricewaterhouseCoopers ("PwC") to examine its assertions on regionality. An "attest engagement" occurs when a practitioner, such as PwC, is engaged to issue a written communication that concludes whether or not the written assertion of another party, such as BellSouth, is reliable. PwC conducted its examination in accordance with "attestation standards" established by the American Institute of Certified Public Accountants ("AICPA"). "Under the AICPA attestation standards, an examination is the highest level of assurance that can be provided on an assertion and, if positive, results in an opinion by the practitioner, PwC, that the assertions presented are fairly stated in all material respects." *Affidavit of Robert L. Lattimore of May, 2001, Revised Redacted Direct Testimony of Milton McElroy, Jr., 30 (filed December 4, 2001) ("McElroy")*.

23. PwC's attestation is modeled after SWBT's Five-State Regional OSS Attestation Examination, which the FCC viewed favorably. BellSouth used the model as a roadmap to establish the same facts. The only significant difference between the attestation examinations of SWBT and BellSouth is that BellSouth added a second assertion for two of its manual order input systems used by its LCSC. *Id., 31.*

24. PwC concluded that BellSouth's DOE and SONGS systems have no material differences in the functionality or performance for service order entry by the LCSC, based on the criteria established in the *Report of Management*

Assertions and Assertion Criteria on BellSouth Telecommunication's Operational Support Systems (Exhibit MM-14). *Id., 32.* PwC examined functionality and performance. The functionality assertion was based on the following criteria:

- The same LSRs, created from a single set of business rules are used for order entry.
- SOCS requires the same LSR screening and validating procedure.
- Similar processes are used for creating a Service Order.
- SOCS requires checking for and clearing order entry or initiation errors.
- Both systems' output must adhere to the service order edits housed in SOCS. *Id., 32.*

25. Based on PwC's findings, we conclude that BellSouth uses the same pre-order and order OSS throughout its nine-state region to support wholesale CLEC activity. "Sameness" is defined as the following:

> The applications and interfaces implemented and available are identical across the nine-state region. "Identical" is defined as one unique set of software coding and configuration ("version") installed on either one or multiple computer servers ("instances") that support all nine-states in an equitable manner.
>
> The processes, personnel and work center facilities are consistently available and employed across the nine-state region and there are no significant aspects to the processes, personnel or work center facilities that would provide one state a greater service level or benefit than the other states in the nine-state region. *Id.*

26. PwC further concluded that its examination provided a reasonable basis for its opinion, in which it determined that the BellSouth management assertions were fairly stated, in all material respects, as of May 3, 2001, based on the criteria set forth in the Affidavit of Robert L. Lattimore of May 21, 2001, and

the *Report of Management Assertions and Assertion Criteria on BellSouth Telecommunication's Operational Support Systems*. The PwC Report provides data and validated factual assertions that this Authority can rely upon to establish the regionality of BellSouth's OSS.

27. PwC validated the assertion that there are no material differences between the way data is input in DOE and SONGS. *McElroy, 32-33.* In a second phase of its work, PwC completed a performance comparability examination for DOE and SONGS with the following testing approach:

- Observed transactions input into DOE and SONGS and ensured that the process was not materially different. Transactions included each service type (*i.e.*, Resale, Complex, and UNE) and were for each state.
- Observed DOE and SONGS data validation controls and ensured that they were not materially different (*i.e.,* required fields). LSRs are created from a single set of business rules for the purpose of submitting transactions. LSRs are submitted to SOCS in the same format and subject to the same SOCS validations.
- Ensured that there are no material differences between DOE and SONGS based on the end-user state. This was completed via observation of LSRs from all states within the BellSouth region and ensuring the process for submission is consistent.
- Ensured that there are no material differences between DOE and SONGS launch, logon, and navigational commands via observation of service representatives completing daily work.
- Observed the process for submitting orders to SOCS and ensured that consistent processes are followed for DOE and SONGS for each state in BellSouth's region.

Id., 33-34.

28. PwC measured (via a stopwatch) the amount of time it took LCSC service representatives to successfully submit orders into SOCS via DOE and

SONGS. PwC found that based on a statistically valid sample, the average input time for DOE was 8 minutes and 22 seconds, while the SONGS input time was 5 minutes and 26 seconds. The less-than-3-minute difference between the two input times is not material. PwC depicted the relationship and the relative materiality of the time incurred inputting an order into DOE and SONGS compared to the FOC timeliness for the partially mechanized orders standard of 18 hours and for the manual orders standard of 36 hours. This depiction can be seen on pages 5 and 6 of the PwC report of July 20, 2001 (Exhibit MM-15). The pie charts demonstrate that the average time to process an order through either system is less than 1% of the overall process for the FOC interval for either partially mechanized or manually submitted orders. *McElroy, 35-36.*

29. Additionally, PwC defined its scope, methodology, and procedures used for the accuracy assessment for the transaction input in DOE and SONGS. This assessment can also be seen in the July 20, 2001 report (Exhibit MM-15): To determine the accuracy of orders input into DOE and SONGS, PwC reviewed the history log files maintained in SOCS. PwC documented the orders that experienced downstream system edit errors, which had to be subsequently corrected by a BellSouth service representative. PwC determined that 19.7% of the orders submitted through DOE and 20.0% of the orders submitted through SONGS experienced downstream system edit errors. Again, PwC was able to validate that BellSouth's assertion that there is no material difference in performance for service

order entry by the LCSCs through the DOE and SONGS systems is accurate and correct. *McElroy, 36-37.*

30. CLECs alleged that BellSouth's systems are not regional because of so-called "preferential treatment" given to LSRs from Georgia and Florida for a period of time to which PwC refers in one of its work papers. *Tr. Vol. ID, 235-36 (McElroy cross-examination by counsel for AT&T).*

31. PwC raised this issue during its April 2001 investigation into whether BellSouth's OSS used to provide pre-ordering and ordering functions to CLECs are regional in nature. During its examination, PwC conducted numerous interviews with personnel in the Local Carrier Service Centers located in Atlanta, Birmingham, and Jacksonville. As a result of these interviews, PwC prepared notes of the substance of the interviews as a part of its backup material. *McElroy, 38-39.*

32. In the summer of 2000, the Georgia Public Service Commission adopted a set of performance standards in its OSS Docket No. 8354-U. Also during this time, the Georgia Commission was in the process of hearing and deciding the performance metrics and standards that would be applied on a permanent basis in Docket No. 7892-U. Earlier in 2000, the Florida Public Service Commission had adopted performance standards to be applied to all CLEC performance in connection with the Florida Third-Party Test. *Id., 39.* These orders included tighter targets for the timeliness of many items, such as FOCs and Rejects that are worked by the LCSC personnel. *Id.*

33. As a result of the adoption of new performance standards, BellSouth took steps to increase the workforce in the LCSCs in order to be able to satisfy these tighter standards. Throughout the late summer and into the fall of 2000, BellSouth was training and deploying new service representatives into the LCSCs. In addition, and in order to meet the benchmarks for all CLECs in Georgia and Florida, for a short period of time, priority was given to manually submitted requests from these two states. *Id.*

34. Priority was given only to requests submitted manually, using fax machines. Mechanized requests are handled through the electronic systems and are handled on a first-come, first-served basis for the region. Partially mechanized requests, those that fall out for handling, are also processed using electronic systems. This treatment for manual requests from Florida and Georgia was started in August 2000 and was to have ended in December 2000. This priority applied to all manually submitted (faxed) CLEC requests in these two states. *Id., 39-40.*

35. In the course of its examination, PwC interviewed personnel at the Birmingham LCSC who had not yet ceased the priority treatment for Georgia and Florida manual requests. This was noted in the minutes of the interview and discussed during this proceeding. We recognize that BellSouth took action to correct this process in the Birmingham LCSC. PwC validated the correction and closed the issue, and this issue is no longer in the PwC Regionality Reports. *Id.* We are satisfied that the issue had no impact on the scope or reporting of PwC's Attestation on the Regionality of BellSouth's systems.

36. BellSouth publishes measures results on its interconnection website (http://www.interconnection.bellsouth.com/mss/index.html) for all nine BellSouth states utilizing the Georgia measurements and standards. The results for Tennessee along with the other states served by BellSouth can be found on this website. Priority treatment for manual requests in the LCSC for Georgia and Florida would primarily impact two measurements, Reject Timeliness and FOC Timeliness for manually submitted LSRs. The results for these two measures for all nine states can be seen in Exhibit MM-16 to Mr. McElroy's testimony. For the period July 2000 through July 2001, the results show a consistent improvement in all nine states beginning in October of 2000. For the four disaggregation categories with significant volumes, resale residence and business non-mechanized requests, UNE analog loops non-mechanized requests, and UNE-P combinations non-mechanized requests, the data show that, beginning in the January-March 2001 time period, BellSouth's performance has been consistent across all nine states, with all states exceeding the relevant benchmark on both measures for nearly every month. *McElroy, 41.* In short, the actual performance in all of BellSouth's states through July 2001 clearly demonstrates that the priority given to Georgia and Florida manual requests was short-lived and caused little disparity in the actual performance between or among states. Thus, this issue has no impact on the question of the regionality of BellSouth's OSS.

37. PwC has now completed two independent assessments on the two BellSouth assertions on regionality. *Id., 37.* Based upon these assessments, we

conclude that BellSouth's systems are regional and that there are no material differences between DOE and SONGS.

38. In conclusion, we find that: (1) BellSouth has the same pre-ordering and ordering OSS throughout its region; (2) PwC, an independent third-party auditor, verified BellSouth's assertions as to the regionality of its pre-ordering and ordering OSS; and (3) BellSouth has met each of the FCC's requirements for a regionality showing. We note that AT&T did not dispute the vast majority of the evidence supporting our findings. Thus, the Authority concludes that BellSouth's pre-ordering and ordering OSS are regional.

2. Provisioning and Maintenance and Repair

39. BellSouth has established that it provides CLECs with provisioning and maintenance and repair functions on a regional basis. BellSouth offers CLECs a single TAFI system that combines the complete functionality of the separate business and residence versions of TAFI used by BellSouth's repair attendants. TAFI is available on a region-wide basis. BellSouth also gives CLECs the machine-to-machine Electronic Communications Trouble Administration ("ECTA") Gateway, which provides access to BellSouth's maintenance OSS supporting both the telephone-number and circuit-identified services (*i.e.*, designed and non-designed services). As with TAFI, ECTA operates on a region-wide basis and can be used by a CLEC to submit maintenance and repair requests for all nine states. *Pate Rebuttal, 5-6.* We further note that AT&T acknowledged during the hearing that TAFI and ECTA are "highly regional." *Tr. Vol. IVC, 194 (Bradbury).*

40. We find that BellSouth's provisioning and maintenance and repair centers are the same throughout the BellSouth region. BellSouth's CWINS Center is housed in three facilities located in Atlanta, Jacksonville, and Birmingham. The CWINS Center is responsible for the provisioning of all coordinated resale/UNE services and maintenance of UNEs and resale services. The Jacksonville Center was established in the first quarter of 2001 in order to meet CLEC order volumes more efficiently. *Ainsworth, 7.* These three centers are assigned to handle the provisioning and maintenance functions for CLECs across all nine BellSouth states. CLECs are primarily assigned to each CWINS Center in order to evenly distribute the total CLEC workload between the three centers. We note that, at present, all resale provisioning and maintenance support for CLECs across all nine states is handled in the Atlanta CWINS Center. Again, as explained above, CLEC orders are divided between the centers by CLEC account, not by state, and these centers all utilize the same methods and procedures for processing CLEC provisioning and maintenance functions. Thus, if a CLEC submitting LSRs for the provision of UNEs to end users located in Tennessee also submits LSRs for end users located in other BellSouth states, the same BellSouth personnel, at the same center location, would provide the provisioning assistance needed for those orders. *Id., 7-9.* We, therefore, are persuaded that the provisioning and maintenance and repair centers are the same throughout BellSouth's region.

41. We further find that BellSouth's Network Operations Group, which is responsible for performing the actual provisioning and maintenance and repair of

customer services within the nine BellSouth states, also is the same throughout BellSouth's region. As discussed above, a BOC can demonstrate that its network operations are the same by showing that certain functions are performed out of region-wide centers; that state-specific operations use the same systems and follow the same procedures region-wide; personnel receive the same training region-wide; and that there is a common organizational structure region-wide. *SWBT-KS/OK Order, 6289*; *Direct Testimony of Alfred Heartley, 2-12 (filed October 22, 2001) ("Heartley").*

42. BellSouth has also established that its network operations throughout the states share a common organizational structure. *Heartley, 2-12.* Network Services is a single team of employees that reports to one corporate officer, the President of BellSouth Network Services, who in turn reports to the CEO of BellSouth. The network employees that handle provisioning and maintenance and repair of CLEC and BellSouth orders and/or troubles report to the same officer, namely the Executive Vice President – Network Operations. They are organized along geographical lines, based on span of control and service level demands. These network employees also are divided into common work functions, such as central office operations, engineering and construction, and installation and maintenance. For example, there are seven regionally-based Vice Presidents overseeing the Installation and Maintenance, Central Office Operation, and Engineering and Construction for BellSouth's nine states. Within these work functions, employees specialize in particular sub-processes in order to provide the

most effective use of BellSouth resources. Specifically, there are groups that handle Plain Old Telephone Service ("POTS") services and other groups that handle Special Services offerings. *Id., 2-5.*

43. The Network Vice President ("NVP") for the state and the NVP's team are responsible for implementing the methods and procedures developed by the regional staff and utilizing the regional systems and regional processes described below. The NVP has discretion to move personnel to respond to the demand of customers in his area. These personnel use the same systems, same methods and procedures, and same interfaces with the same centers. The regional staff works with the field forces and responds to new technologies and services demanded by BellSouth's customers. *Id., 5.*

44. The Central Office Operations Group includes installation and maintenance and repair of BellSouth switching and transport facilities and networks, as well as installation and maintenance and repair of customer services supported by switching and transport equipment and networks. Two centers are involved in the processing of work in this group – the Network Reliability Group and the Work Management Center ("WMC"). There is one region-wide Network Reliability Group for all nine states. The functions performed in the WMC are the same in all states in BellSouth's region. BellSouth has explained that, to take advantage of expertise developed at the local working level while maintaining consistency throughout the nine states, managers meet periodically with the Staff

to discuss issues related to the central office organization and agree on common methods and procedures. *Id., 5-6.*

45. The Engineering and Construction group includes planning, development, and construction of the BellSouth infrastructure and distribution network. The functions of this group are performed by centers identical to those utilized for performing such functions throughout the region. As with the other network groups, to ensure consistency throughout the nine states, managers meet periodically to discuss issues related to engineering and construction. *Id., 6-7.*

46. Finally, the Installation and Maintenance Group ("I&M") includes the installation, repair, and maintenance of customer and company services. The I&M centralized control functions identical to those utilized throughout the region. These centers include the WMC, discussed above, and the Address/Facility Inventory Group ("AFIG"). The AFIG and the WMC centers are managed within a single director level organization similar to corresponding centers in other states and also operate with systems, methods and procedures identical to the AFIG and WMC centers in other states. *Id., 7-8.*

47. We conclude that the provisioning flow and maintenance and repair flow for each of the BellSouth states is the same. The processes for each function are the same across all nine states, utilize the same systems across all nine states, and are also the same regardless of the type of customer – wholesale, access, or retail.

48. The Authority is convinced that the policies, methods, and procedures for the network organization are developed and applied on a region-wide basis. BellSouth's witness Mr. Heartley explained that BellSouth has a vice president responsible for developing the policies, methods, and procedures used by the Network department throughout BellSouth's nine states. *Id., 8.* They are prepared on a region-wide basis and are made available to all employees regardless of the state in which they work. BellSouth has a region-wide distribution plan for its methods and procedures that ensure all appropriate work groups have the latest documentation. *Id., 11.* Specifically, BellSouth has implemented two primary web-based distribution systems: the BellSouth Electronic Library Service ("BELS") and the Corporate Document and Interface Access ("CDIA") system. All employees have access to the web site to view or print any documents that they need to perform their functions in accordance with the approved methods and procedures. *Id., 11-12.*

49. BellSouth uses the same training for network personnel throughout its nine-state region. Subgroups of Network Services ensure that proper training is developed based on the standard methods and procedures and is delivered to the network department in the same format and content across all nine BellSouth states. Approximately 85% of BellSouth's technical training is provided at 5 locations throughout the region; the remaining 15% is "suitcased" to various locations in the nine states. Network personnel throughout the nine states attend training at any or all of these locations depending on the subject matter of the

course and the class size. Training is divided by subject matter, not by state. *Id., 9-10.* Because the training for a particular subject matter is identical, we agree with BellSouth's assertion that it is irrelevant which location is selected.

50. BellSouth has established that it also uses the same methods for procurement of its tools and test sets throughout the region. Procurement of tools and test sets is controlled by a centralized group in Supply Chain Services. A Network Advisory Board consisting of Supply Chain Services and Network Services personnel is charged with evaluating all tools and test sets. Supply Chain Services maintains a list of approved items and controls the introduction of new items to ensure, among other things, an effective common set of methods and procedures is used in the nine states. *Id., 10.* We are persuaded that this ensures consistency in work efforts and allows technicians to execute their work functions anywhere in BellSouth's territory.

51. Finally, the systems BellSouth uses for provisioning and maintenance and repair are the same throughout its nine-state region. Specifically, BellSouth uses: WFA/C; WFA/DO; WFA/DI; NSDB; FOMS/FUSA; TIRKS; FACS; COSMOS; SWITCH; LFACS; SOAC; RSAG; and ATLAS. BellSouth uses a single version of each software application run on these systems, each of which handles CLEC and BellSouth orders on a non-discriminatory basis throughout the nine states. *Id., 12-14.*

52. We believe that the best practical evidence of the regionality of BellSouth's network operations is the fact that in cases of emergency or unusual

workload, managers and technicians can be moved either physically (line operations forces) or virtually (centralized control functions) between geographical areas. Sometimes this movement is within a city, or state, or across states. *Id., 10.* We conclude that the use of the same systems, methods, and processes throughout the nine states promotes this flexibility.

53. The CLECs argue that because provisioning occurs at the local level and performance may vary from state-to-state, BellSouth's OSS cannot be considered regional. *Bradbury Rebuttal, 10.* Despite the use of common systems, methods and procedures, we are not convinced that performance will be, or reasonably could be expected to be, identical. As BellSouth's witness Mr. Heartley explained, actual performance is affected by many variables beyond BellSouth's control. For example, local and state government requirements and regulations often affect how and when services may be provisioned or repaired. Local permitting requirements also vary among states. Such local restrictions have a direct bearing on the time required to provision or repair service, affecting missed installation appointments as well as average installation interval and delay day appointments. Similarly, local weather conditions have a direct impact on trouble report rates and the ability to complete outside construction activities. Differences between states in economic growth, network topology, and customer preferences also can impact performance. *Heartley, 18-20.* For all these reasons, the FCC did not look at comparative performance data to determine sameness of network

operations; rather, the FCC considered whether the RBOC has common systems, methods, processes, and procedures. *See SWBT-KS/OK Order, 6289.*

3. Billing

54. The Authority is persuaded that BellSouth's billing systems are region-wide and are essentially the same systems BellSouth uses to bill its retail and IXC customers.[2] BellSouth uses three systems to provide CLECs with bills for services ordered from BellSouth: the Customer Record Information System ("CRIS"); the Carrier Access Billing System ("CABS"); and the BellSouth Industrial Billing System ("BIBS"). CRIS is used to provide billing for resale service requests, resale usage events, UNE service requests and UNE billing transactions for unbundled switch ports, and unbundled Service Level 1 loops. Billing for all other UNEs and interconnection services are channeled through CABS. BIBS processes the usage events associated with unbundled switch ports. *Scollard, 2-3.*

55. BellSouth uses the same processes and equipment for billing in Tennessee as it does in Georgia and in the remaining states in BellSouth's region. In CRIS, CABS, and BIBS, the same physical software that processes transactions and creates invoices in Georgia performs these same functions in Tennessee and all other states in BellSouth's region. The same group of personnel provides quality control functions for all nine states, and BellSouth has a central group that develops region-wide methods and procedures for accurate billing. Moreover, the

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[2] Mr. Scollard explained that BellSouth provides the BIBS system to bill for switch port usage for which there is no retail equivalent. *Direct Testimony of David P. Scollard, 4-5 (filed October 22, 2001) ("Scollard").*

maintenance of the various reference tables (such as product rates) used by the billing system is handled for all states by one group. *Scollard, 12-14.* In short, we are persuaded that the systems, processes, and procedures are the same for all states and are created, maintained, and executed by the same group of employees regardless of the state being processed.

56. BellSouth witness Mr. Scollard has explained that, as with the pre-ordering and ordering OSS, BellSouth segregates customer accounts into separate sets of databases depending on the state in which the account resides to manage effectively the massive amounts of data processing required to keep the daily billing cycles running. Because of this, multiple occurrences of CRIS, BIBS, and CABS run at the same time utilizing all of these databases. Importantly, however, we note that all of the software versions of CRIS, CABS, and BIBS are identical and are run on the same type of hardware for all states. These separate processing streams are running in two data centers located in Birmingham, Alabama and Charlotte, North Carolina. Regardless of which data stream is running, the software, controls, procedures, and processing steps required to create invoices for both CLEC and retail customers are the same. *Id., 14.* As discussed previously, the FCC has found such evidence, in this case uncontroverted, conclusive proof that a BOC's OSS are the same. *See SWBT KS/OK Order, 6288.*

57. Although the CLECs argue that BellSouth must present identical or substantially similar performance data from every state in its region to prove its OSS are the same, *Tr. Vol. IIA, 59 (Pate cross-examination by counsel for AT&T),*

we find that the cornerstone of the CLECs' case is inconsistent with FCC precedent. As Mr. Bradbury of AT&T conceded during the hearings, no BOC has ever presented identical or substantially similar performance data to prove a regionality case to the FCC. *Tr. Vol. IVC, 145-146 (Bradbury).* We note that nowhere in the *SWBT-KS/OK Order*, which the FCC itself described as its regionality roadmap, did the FCC ever suggest that SWBT needed to present performance data comparing Texas to Oklahoma and/or Kansas.

58. Similarly, we reject AT&T's argument that regionality only is relevant in the absence of state-specific performance data. *See Tr. Vol. IVC, 134 (Bradbury)*. We note that AT&T has argued that BellSouth must compare state-specific performance data between the states to prove regionality. *Tr. Vol. IIA, 5 (Pate cross-examination by counsel for AT&T).* Given the inconsistency between these two propositions, we reject these arguments.

59. We are also not persuaded by CLEC arguments that, when formulating the roadmap for demonstrating regionality in the *SWBT-Kansas/Oklahoma Order*, the FCC should have compared data from Texas with data from other states in SWBT's region, such as Arkansas or Missouri, to see if SWBT's performance was identical. *Tr. Vol. IVC, 159-160 (Bradbury).* No witness has presented evidence that such comparisons are an FCC requirement for regionality, and we find such a data comparison unnecessary.

60. Although AT&T has asserted that BellSouth's manual systems are not regional because there may be differences in performance among different LCSC

locations, *Bradbury Rebuttal, 15-16,* BellSouth has demonstrated that its centers are regional. *Ainsworth, 9-10.* In particular, we note that workload is divided between center locations by CLEC, not by state, and that, consequently, differences in performance between the centers have no impact on Tennessee as a whole. As PwC witness Mr. Lattimore explained during the hearings, "[E]ach representative is not dedicated to a state...[E]ach representative is trained to process orders, and it could be for any of the nine states...so whether they're a bad rep or a good rep, they're going to process the orders badly or well for all nine states." *Tr. Vol. IIIB, 96 (Lattimore).*

61. The Authority also disagrees with the CLECs' contention that BellSouth's electronic interfaces are not the same because they operate off different servers and the performance between the servers could be different. *Bradbury Rebuttal, 15, 17.* Rather, we are persuaded that the location or number of the servers does not impact the regionality of BellSouth's OSS. As Mr. Pate of BellSouth explained, "[t]o the extent that there are separate servers for processing CLEC requests via [BellSouth's] interfaces, the servers use the same programming code and are designed to operate in an indistinguishable manner." *Pate, 10-11.* Because BellSouth's servers use the same type of hardware and run identical software—the evidence the FCC requires to prove regionality—we are satisfied with the regionality of BellSouth's servers.

62. Despite CLEC claims to the contrary, in its *SWBT-Kansas/Oklahoma Order,* the FCC explicitly rejected the contention that different servers somehow

make the interfaces different. Rather, we note that the FCC held that a BOC can demonstrate "sameness" by showing that two different processing systems "use the same programming code and, moreover, are designed to operate in an indistinguishable manner." *SWBT-KS/OK Order, 6288.* The FCC found that SWBT's systems were region-wide because "its two SORD processors [located in Dallas and St. Louis] are the same type of hardware running identical software." *Id., 6290.* We conclude that BellSouth has made an identical showing to the Authority.

63. The Authority is not persuaded by AT&T's claims that BellSouth's OSS are not regional because the data in specific databases are "inherently geographic." *Bradbury Rebuttal, 10-12.* As Mr. Pate of BellSouth explained, "common sense demands that the data for each geographic location will match with the end user's data for that geographic location." *Pate Rebuttal, 3-4.* Mr. Bradbury of AT&T acknowledged the obvious during the hearing – that there is no doubt that SWBT customers in Kansas and Oklahoma have different street addresses and telephone numbers than do its customers in Texas. *Tr. Vol. IVD, 226-27 (Bradbury).* Indeed, the UNE rates at which CLECs purchase services from SWBT differ in Texas, Kansas, and Oklahoma. We note that AT&T has admitted that none of these differences precluded the FCC from concluding that SWBT's OSS are regional in the context of other Section 271 applications. *Id.*

64. We are also persuaded that the fact that the systems occasionally have outages does not impact the fact that they are regional. First, as PwC's Mr.

Lattimore explained during the hearings, outages are no more likely to occur for any one state over another. *Tr. Vol. IIIB, 72 (Lattimore)* ("it's not like you've got one particular set of technology that is foolproof...and then one that's not."). Second, precisely because BellSouth's OSS are the same region-wide, BellSouth has the ability to reroute transactions between servers to resolve outages. *Tr. Vol. IIB, 139 (Pate)*.

65. MCI asserts that certain LSRs require different formatting when submitted in different BellSouth states. We accept as reasonable BellSouth's response that if a CLEC complies with BellSouth's Business Rules, which are the same in all BellSouth states, it would receive the same response to the same query in each BellSouth state. *Tr. Vol. IIB, 166-74 (Pate cross-examination by counsel for MCI)*. In short, we conclude that there is no requirement to use an asterisk in some states and not in others.

66. Although a significant amount of time during the hearing was spent on the issue of state-specific flow-through data, we conclude that such data are not relevant to a determination of regionality. We note that the FCC did not require SWBT to submit comparative flow-through data for Kansas, Oklahoma, and Texas, nor would it have been possible for SWBT to do so. We are satisfied that, although the flow-through numbers for the different states are different, these differences have no bearing on the question of whether the systems are regional. As Mr. Pate explained, differences between states in flow-through numbers can be attributed to differences in product mix or volumes submitted. *Tr. Vol. IA, 132*

(Pate). Moreover, there are no Tennessee personnel who would, or should, have any knowledge of flow-through, as flow-through is managed on a region-wide basis. *Id., 134.*

67. With respect to provisioning and maintenance and repair, the CLECs argue that because the work is performed locally, it is inappropriate to assume the performance in Tennessee is substantially the same as performance in Georgia and Florida. *Tr. Vol. IVD, 235 (Bradbury).* However, we note that AT&T had no "evidence to dispute" BellSouth's testimony that the procedures, practices, and training for network operations are the same across the region. *Id., (Bradbury cross-examination by counsel for BellSouth).* With respect to billing, while Mr. Bradbury claimed BellSouth's manual billing functions were not regional, he did not know that BellSouth's manual billing functions were performed out of one work group for the entire region. *Tr. Vol. IVD, 238 (Bradbury).* When confronted with that fact, he attempted to argue that if one work group performed "multiple functions" that could impact regionality, but then admitted that "the fact that there are multiple functions doesn't mean it's not regional." *Id.*

68. We are not persuaded by AT&T's claims that BellSouth's billing systems are not regional because the content of the bills may vary from state to state. *Bradbury Rebuttal, 14.* BellSouth uses the same systems and processes to provide bills in every state in its region. Thus, while bills, by necessity, may contain state-specific information, the process for producing those bills is the same region-wide. For example, we note that in one state the pricing for a particular

service may include a recurring charge as well as a non-recurring charge when a service order is placed while in a second state only the recurring charge is used. *Rebuttal Testimony of David P. Scollard, 3-4 (filed November 20, 2001) ("Scollard Rebuttal").* As BellSouth witness Mr. Scollard explained, in this instance, the content of the bill may vary between the two states, but the process by which the rates for that product are placed on the customer's bill (whether or not the non-recurring charge is present) is the same. *Id.* Although the information maintained by the processes may be different, the processes by which the information is loaded and the systems into which the information is loaded are the same. *Id.* We note that it is this evidence of identical processes and procedures upon which the FCC relied to find SWBT's OSS regional. *SWBT-KS/OK Order, 6287.*

69. The Authority rejects AT&T's arguments that BellSouth's billing systems are not regional because inputs to the billing systems originate from a number of sources throughout the region. *Bradbury Rebuttal, 14.* BellSouth explained that AT&T is referring simply to circumstances where transactions contained an error due to the underlying source data. BellSouth witness Mr. Scollard showed that because any given transaction may have an error present on it (whether originating from a switch or a service representative), various region-wide edits and controls are in place to highlight that error and have it resolved. *Scollard Rebuttal, 4-5.* These edits and controls are the same for all nine states, and thus all errors, irrespective of where they originated, are treated the same. *Id.*

70. For the reasons given above and based on the evidence in the record, the Authority holds that BellSouth's OSS are regional.

C. The Georgia Third-Party Test

1. Introduction

71. As described above, we find that BellSouth's OSS are regional. Consequently, the Authority can rely on the results of the Georgia Third-Party Test ("TPT"), to the extent we deem necessary, as evidence of BellSouth's compliance with the requirements of the Act. As discussed below, we find that the Georgia TPT is thorough and complete enough, when used in conjunction with actual commercial data, to provide the Authority with all of the evidence needed to render a decision on BellSouth's performance.[3]

72. We reject the CLECs' argument that because not every system and process used to support operations in Tennessee was tested in Georgia and Florida, end-to-end testing of BellSouth's entire system in necessary. *Bradbury Rebuttal, 6.* The key point we consider when reviewing the sufficiency of any third-party test is to look at the test in conjunction with the other types of evidence that exists. In its Section 271 jurisprudence, the FCC has held that the most probative evidence

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[3] We reject the CLECs' argument that KPMG itself stated that the Georgia TPT was not intended for use in other states. *Rebuttal Testimony of Sharon E. Norris, 20-21 (filed November 20, 2001) ("Norris Rebuttal").* KPMG's witness Mr. Weeks testified that KPMG did no analysis of the regionality of BellSouth's systems and thus had no opinion as to whether the systems in Tennessee are the same as those in Georgia. *Tr. Vol. IA, 28 (Weeks).* Moreover, Mr. Weeks also stated that KPMG "would have the same reservations about" the use of the Florida test. *Id., 70.* Finally, Mr. Weeks indicated that KPMG included similar limiting language in its New York test report, which was relied upon in other states. *Id., 70-71*

of compliance with Checklist Item 2 is commercial usage, followed by carrier-to-carrier testing, and then third-party testing. *Application of Bell Atlantic New York for Authorization Under Section 271 of the Communications Act to Provide In-Region InterLATA Service in the State of New York*, Memorandum Opinion and Order, 15 FCC Rcd 3953, 3993 (1999) (*"Bell Atlantic-NY Order"*); *see also Application of BellSouth Corporation, BellSouth Telecommunications, Inc., and BellSouth Long Distance, Inc., for Provision of In-Region, InterLATA Services in Louisiana,* Memorandum Opinion and Order, 13 FCC Rcd 20599, 20655 (1998). Thus, we reject CLEC requests to look at the test in terms of whether it addresses every system, process, or aspect of the CLEC experience. Rather, the Authority views the test as one aspect of the entire evidentiary record. Thus, the question before the Authority is not whether Georgia tested everything being tested in Florida, but rather whether Georgia tested enough to supplement BellSouth's evidence of commercial usage in Tennessee and other states in its region. For example, the Georgia Commission did not test LENS. However, "LENS was and actually still is today [BellSouth's] most heavily used interface by CLECs." *Tr. Vol. ID, 122 (McElroy).* Consequently, the Georgia Commission had commercial volumes upon which to assess BellSouth's performance on LENS; it did not need third-party testing. Similarly, KPMG did not specifically test account management; again, however, the Georgia Commission "felt like having the CLECs and going through that account establishment process, using the help desk on a daily basis, established that there was commercial usage in place at that time [sic] and so they

did not order that those items be explicitly tested." *Id., 226*. We conclude that waiting to review the Florida TPT would unduly and unnecessarily delay this proceeding and BellSouth's entry into the long distance market, to the detriment of Tennessee consumers. The Georgia TPT is reliable and credible corroborating evidence of BellSouth's compliance with the requirements of the Act.

73. Moreover, we note that the FCC has held that there is no "cookie-cutter" approach to third-party testing. *McElroy, 13.* The Florida test includes things that were not tested in Georgia, just as there were things tested in Georgia that were not tested in New York and/or Texas, states where the FCC has approved Section 271 applications. *Tr. Vol. IIA, 29 (McElroy); Bradbury Rebuttal, 6-7; Norris Rebuttal, 3-4.* In fact, as BellSouth points out, each of the third-party tests the FCC has approved thus far has been different. *Tr. Vol. IIA, 29-30 (McElroy)*.

2. Content of The Georgia Test

74. On May 20, 1999, the Georgia Commission issued its Order of Petition for Third-Party Testing in Docket No. 8354-U. The record indicates that the Georgia Commission concluded that a focused third-party audit would be suitable for Georgia based on its substantial involvement in the development and operation of BellSouth's electronic interfaces and OSS. The Georgia Commission determined that the Georgia third-party audit should focus on the specific areas of OSS that had not yet experienced significant commercial usage, and about which CLECs had expressed concerns regarding operational readiness. *McElroy, 3.*

75. BellSouth showed that the Georgia third-party test specifically addressed the following elements of BellSouth's OSS infrastructure: electronic interfaces to the OSS (TAG, EDI, TAFI, ECTA, ODUF, ADUF, CRIS, and CABS); UNE analog loops (with and without number portability); UNE switched ports; UNE business and residence port-loop combinations; Local Number Portability ("LNP"); all five core OSS processes (pre-ordering, ordering, provisioning, maintenance and repair, and billing); and normal and peak volume testing of the electronic interfaces for pre-ordering, ordering, and maintenance and repair using a representative service mix of resale services and UNE transactions. The Georgia Commission also required an audit of BellSouth's Flow-through Service Request Report for the latest three months of data. *Id., 3-4.*

76. According to BellSouth's submissions, on June 15, 1999, two audit firms, KPMG and Hewlett-Packard, were approved by the Georgia Commission. On June 28, 1999, the Georgia Commission issued an order approving the initial third-party Master Test Plan ("MTP"). *McElroy*, Exhibit MM-1. The MTP sets forth all of the systems and processes that KPMG evaluated as part of the initial part of the TPT. *McElroy, 4.*

77. On January 12, 2000, the Georgia Commission issued an order requiring BellSouth to initiate additional testing of its OSS. The Supplemental Test Plan ("STP"), *McElroy*, Exhibit MM-2, includes: an assessment of the change management process as it applied to the implementation of Release 6.0 (also known as "OSS99"); an evaluation of the current pre-ordering, ordering, and

provisioning of xDSL compatible loops; a functional test of resale pre-ordering, ordering, provisioning, maintenance and repair, and billing transactions for the top 50 electronically orderable retail services available for resale that have not experienced significant commercial usage; and an evaluation of the processes and procedures for the collection and calculation of performance data. *McElroy, 4-5.* The Authority finds that, together, the MTP and STP provide a complete description of the processes, systems and procedures used by BellSouth to provide wholesale elements and services to CLECs in Tennessee.

78. KPMG filed its Final Report with the Georgia Commission on March 20, 2001. BellSouth showed that in that report, KPMG defines its evaluation criteria as "the norms, benchmarks, standards, guidelines used to evaluate items identified for testing. Evaluation criteria also provided a framework for identification of the scope of tests, and the types of measures that must be made during testing, and the approach necessary to analyze results." Throughout the test, KPMG analyzed over 1,170 criteria in eight functional areas. KPMG analyzed each criterion, and the results fell into five categories: satisfied, not satisfied, not complete, no result (also known as, "no report"), and not applicable. KPMG determined that 95.5% of the criteria were "satisfied," 1.8% are "not satisfied," 1.5% are "no report," and 0.3% are "not applicable." Eleven criteria (0.9%; all metrics) remain categorized as "not complete" at this time. *Id., 5-6.*

79. KPMG also tested 420 evaluation criteria related to performance measurements. BellSouth notes that of those 420 criteria, virtually all are closed

and satisfied. At the time of the Authority's hearing, there were 11 evaluation criteria for metrics that KPMG has not yet reconciled ("not complete criteria"). BellSouth states that work continues on these criteria, which should fall into either the "satisfied" or "not satisfied" classifications. *Id., 6-7.*

80. We note that the MTP, the STP, and the Final Report document every system and process tested in Georgia. Because BellSouth's systems are regional, as described above, we find that we can use the test as supporting evidence in addition to the commercial usage in Tennessee, which BellSouth will present in Phase II of this proceeding.

81. The Authority understands that the Georgia TPT, like any third-party test, did not occur in a vacuum. The testing occurred in live production environments, and those environments change. *Tr. Vol. ID. 213 (McElroy); Bradbury Rebuttal, 3.* We recognize that the tests are, by necessity, snapshots in time. The evidence shows that certain aspects of BellSouth's OSS evolved during the two years that the test spanned. *Tr. Vol. ID, 211-13 (McElroy).* However, we find that such evolution, in and of itself, does not invalidate the test. Any test will likely be outdated to some extent between the time it starts and the time it finishes. It is simply not possible to run a production test in a static environment.

82. We find further that the Georgia test is comparable in scope to the third-party tests conducted in New York and Texas, both of which received 271 approval. BellSouth detailed the similarities and differences between the Georgia test and those in New York and Texas. *McElroy,* Exhibit MM-8. That submission

showed that the Georgia test included the same functionality review of OSS business processes as the New York and Texas tests. In addition, all three tests assessed OSS scalability and included normal volume and peak testing of the interfaces. The Georgia test reviewed all documentation for maintenance, updates, and communication, as did the New York and Texas tests. Like in New York and Texas, the Georgia test assessed change management (including the notice and completion intervals), release versioning policy, defect management process, and OSS interface development review. All three tests included functional testing of pre-ordering and ordering. All three tests provisioned orders, evaluated provisioning processes, and tested the performance of specific provisioning measures. Georgia and New York tested basic functionalities of Maintenance and Repair (M&R), and included an M&R process parity evaluation. *McElroy, 14.* The Authority finds that in some cases, the Georgia test went beyond the tests in New York and Texas. For example, BellSouth showed that the Georgia test included manual ordering for xDSL loops while the New York test did not. Further, we agree with BellSouth that the Georgia test included a more extensive performance metrics evaluation than tests from either New York or Texas. *Id., 13-14.*

83. The Georgia test meets all of the criteria established by the FCC in its decision on Bell Atlantic's New York application. *Bell Atlantic-NY Order, 3997-99.* Specifically, in the Georgia test, like the New York test, KPMG was an independent tester, conducted a military-style test, made efforts to place itself in the position of an actual market entrant, and made efforts to maintain blindness when possible. In

compliance with FCC decisions, the Georgia test is a focused test that appropriately concentrates on the specific areas of BellSouth's OSS that had not experienced significant commercial usage. *McElroy, 13-14.*

84. We reject the CLECs' arguments that the differences between Florida and Georgia, in and of themselves, make the Georgia test invalid. *Norris Rebuttal, 4-20.* Instead, the Authority concludes that the differences merely reflect that the scope of the Georgia test differs from the scope of the Florida test. BellSouth has demonstrated that the Georgia test is comparable to those used in other states and approved by the FCC. *McElroy,* Exhibit MM-11. Moreover, while the Florida test is different from that conducted in Georgia, there is no evidence that one test is better than the other. The FCC has explicitly rejected the idea that third-party tests should be identical, and has approved at least three different tests – in New York, in Texas, and in Massachusetts. *McElroy, 13-14.* Thus, the differences in the Florida and Georgia TPTs do not require the Commission to wait for completion of the Florida TPT.

III. Conclusion

85. For the reasons set forth herein, the Authority finds that BellSouth's OSS satisfy the FCC's definition of regionality and therefore are regional.

This 15th day of March, 2002.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on March 15, 2002, a copy of the foregoing document was served on counsel for known parties, via the method indicated, addressed as follows:

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