

CERTIFICATE OF SERVICE
DOCKET NO. 000121-TP

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via U.S. Mail to the following parties of record on this 21st day of March 2001:

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**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

REBUTTAL TESTIMONY OF

KAREN KINARD

ON BEHALF OF

**AT&T COMMUNICATIONS OF THE SOUTHERN STATES, INC.
WORLD COM, INC.
DIECA COMMUNICATIONS COMPANY D/B/A COVAD COMMUNICATIONS
COMPANY
NEW SOUTH COMMUNICATIONS CORP.
MPOWER COMMUNICATIONS CORP.
E.SPIRE COMMUNICATIONS, INC.
ITC^DELTA COM COMMUNICATIONS, INC.
RHYTHMS LINKS INC.
Z-TEL COMMUNICATIONS, INC.**

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FPSC-RECORDS, REPORTING

1 **Q. PLEASE STATE YOUR NAME.**

2 A. My name is Karen Kinard.

3

4 **Q. DID YOU FILE DIRECT TESTIMONY IN THIS PROCEEDING ON**
5 **BEHALF OF THE ALEC COALITION?**

6 A. Yes.

7

8 **Q. WHAT IS THE PURPOSE OF YOUR REBUTTAL TESTIMONY?**

9 A. The purpose of my testimony is to respond to the Direct Testimony of
10 BellSouth witnesses Coon and Cox relating to Issues A, 1(a), 1(b), 24(a), 25,
11 27(a), 30(a) and 30(b).

12

13 **ISSUE A: HOW SHOULD THE RESULTS OF KPMG'S REVIEW OF**
14 **BELLSOUTH PERFORMANCE MEASURES BE INCORPORATED INTO**
15 **THIS PROCEEDING?**

16

17 **Q. MR. COON PROPOSES THAT THE RESULTS OF KPMG'S**
18 **PERFORMANCE MEASUREMENT REVIEW BE ADDRESSED IN**
19 **THIS PROCEEDING IF IT IS COMPLETED IN TIME FOR THE**
20 **HEARING, BUT OTHERWISE HE PROPOSES THAT THE REVIEW**
21 **BE ADDRESSED AS PART OF THE NEXT PERFORMANCE**
22 **ASSESSMENT PLAN REVIEW CYCLE. HOW DO YOU RESPOND?**

1 A. I agree that KPMG's performance measurement review should be addressed
2 in the hearing in this proceeding if possible. If the review is not completed
3 by then, however, the ALEC Coalition would not want to foreclose the
4 possibility of addressing KPMG's conclusions before the end of six months.
5 Particularly if KPMG recommends substantial changes, no purpose would be
6 served by waiting six months to address them.

7

8 **ISSUE 1(a): WHAT ARE THE APPROPRIATE SERVICE QUALITY**
9 **MEASURES TO BE REPORTED BY BELLSOUTH?**

10

11 **Q. WHAT MEASURES SHOULD BE ADDED TO BELLSOUTH'S**
12 **REVISED SQM?**

13 A. BellSouth included the additional measures ordered by the Georgia Public
14 Service Commission (listed in my Direct Testimony at page 6), except for
15 Percent Completions/Attempts without Notice or less than 24 hours notice,
16 BFRs processed in 30 business days, and BFR Quotes provided in X days.
17 Otherwise, BellSouth did not add any of the other metrics proposed in
18 Exhibit KK-4 and pages 10-24 of my Direct Testimony, including the Service
19 Order Accuracy measure that also exists in Georgia. For the reasons
20 discussed in my Direct Testimony, those measures also should be included in
21 the SQM.

22

1 **ISSUE 1(b): WHAT ARE THE APPROPRIATE BUSINESS RULES,**
2 **EXCLUSIONS, CALCULATIONS, AND LEVELS OF DISAGGREGATION**
3 **AND PERFORMANCE STANDARDS FOR EACH?**

4
5 **Q. WHAT ADDITIONAL COMMENTS DO YOU HAVE CONCERNING**
6 **THE REVISED SQM?**

7 A. For the most part, the comments expressed in the body of my Direct
8 Testimony and in Exhibits KK-1, KK-2 and KK-3 remain the same. I have
9 noted additional points concerning BellSouth's revised measures in Exhibit
10 KK-5 attached to this testimony.

11
12 **Q. DO YOU HAVE ANY ADDITIONAL COMMENTS REGARDING**
13 **BELLSOUTH'S DISAGGREGATION AND RETAIL ANALGS?**

14 A. For the most part, the comments expressed in the body of my Direct
15 Testimony and in my Exhibits, KK-2 and KK-3 remain the same. There are a
16 few areas that I would like to highlight for the Commission.

17
18 Dispatch/Non-Dispatch

19 For many of its provisioning and maintenance and repair measures,
20 BellSouth inappropriately compares UNE Loops to retail dispatch services.
21 Physical work done in a central office, which is all that is required of many
22 UNE migration orders, should not be compared to work done in the field,
23 including at the customer premises. If the provisioning of a UNE loop

1 required field work as well as central office work, then of course it would be
2 classified as a dispatch out. Provisioning and repair measures should be
3 divided into three categories: 1) Switch-based orders, 2) central office or
4 “dispatch in,” and 3) field work or “dispatch out.”

5

6 Loop Disaggregation

7 A few additional points concerning loop disaggregation should be
8 noted:

- 9 * DS1 loops should not be included with DS3 loops because
10 BellSouth has different intervals for DS1 and DS3 loops.
- 11 * The various types of xDSL services likewise should be
12 disaggregated to detect discrimination in the DLECs’ chosen
13 mode of service delivery or problems in checking facilities for
14 certain types of DSL products.
- 15 * Line splitting should be disaggregated from line sharing in
16 order to detect discrimination when the ILEC is not the voice
17 provider on the loop.

18

19 EEL Migration Benchmarks

20 e.spire has submitted testimony describing problems concerning
21 converting special access circuits to EELs. The standard interval for
22 migrations from special access to EELs should be 95% within 10 days from
23 receipt of an error-free request for conversion. The benchmark for firm order

1 confirmation timeliness and completion notices should be 95% in 5 hours for
2 electronic and 24 hours for manual for each metric. e.spire also is proposing
3 a new measure of how quickly BellSouth would change billing rates from
4 special access to EELs charges. The proposed benchmark for this measure is
5 95% within 30 days from receipt of an error-free order.

6

7 Retail Analogs

8 BellSouth offers as its retail analog for “UNE Combo Other” the
9 combination of retail residence, business and design dispatch. Obviously a
10 combination of every service offered by BellSouth is not the appropriate
11 analog for any service.

12

13 **ISSUE 24(a): SHOULD PERIODIC THIRD-PARTY AUDITS OF**
14 **PERFORMANCE ASSESSMENT PLAN DATA AND REPORTS BE**
15 **REQUIRED?**

16

17 **Q. MR. COON STATES THAT AUDITS SHOULD BE REGIONAL IN**
18 **NATURE. DO YOU AGREE?**

19 **A.** No. First, many of BellSouth’s processes, such as provisioning, repair and
20 collocation, are handled at the state level. Further, BellSouth states that the
21 Commission should be involved in determining the scope of the audit, but
22 such involvement would be difficult if not impossible to implement on a
23 regional basis.

1 **ISSUE 25: IF PERIODIC THIRD-PARTY AUDITS ARE REQUIRED, WHO**
2 **SHOULD BE REQUIRED TO PAY THE COST OF THE AUDITS?**

3

4 **Q. MR. COON PROPOSES THAT BELLSOUTH AND ALECS SPLIT**
5 **AUDIT COSTS. DO YOU AGREE?**

6 A. No. As I stated in my Direct Testimony, BellSouth should bear the audit
7 costs. Audits are an integral part of a performance measurement plan
8 designed to ensure BellSouth's compliance with the Telecommunications Act
9 of 1996 ("Act"). It is therefore appropriate for BellSouth to pay such costs,
10 as Staff has proposed.

11

12 **ISSUE 27(a): SHOULD AN ALEC HAVE THE RIGHT TO AUDIT OR**
13 **REQUEST A REVIEW BY BELLSOUTH FOR ONE OR MORE SELECTED**
14 **MEASURES WHEN IT HAS REASON TO BELIEVE THE DATA**
15 **COLLECTED FOR A MEASURE IS FLAWED OR THE REPORT**
16 **CRITERIA FOR THE MEASURE IS NOT BEING ADHERED TO?**

17

18 **Q. MR. COON CONTENDS THAT BELLSOUTH SHOULD NOT BE**
19 **REQUIRED TO PROVIDE MINI-AUDITS BECAUSE IT PROVIDES**
20 **ACCESS TO RAW DATA. PLEASE COMMENT.**

21 A. Access to raw data does not obviate the need for mini-audits. For example, if
22 an ALEC has reason to believe that BellSouth's method of capturing the data

1 is flawed, the only way it can root out the problem is through an audit.

2 Access to corrupted raw data would be of no use in resolving the problem.

3

4 **ISSUE 30(a): SHOULD BELLSOUTH BE REQUIRED TO PROVIDE**
5 **“AFFILIATE” DATA AS IT RELATES TO THE PERFORMANCE**
6 **ASSESSMENT PLAN?**

7

8 **Q. FOR WHAT AFFILIATES SHOULD BELLSOUTH PROVIDE**
9 **PERFORMANCE MEASUREMENT DATA?**

10 A. BellSouth should include all affiliates that buy interconnection or unbundled
11 elements or that resell BellSouth’s services. Such affiliates would include
12 any future BellSouth long distance affiliate, to ensure it is not being given
13 more favorable treatment than BellSouth’s combined local and long distance
14 competitors. Any affiliate, as affiliate is defined by the Communications Act,
15 that buys services similar to those purchased by ALECs should be included.

16

17 **ISSUE 30(b): IF SO, HOW SHOULD DATA RELATED TO BELLSOUTH**
18 **AFFILIATES BE HANDLED FOR PURPOSES OF (1) MEASUREMENT**
19 **REPORTING? (2) TIER 1 COMPLIANCE? and (3) TIER 2 COMPLIANCE?**

20

21 **Q. WHY MUST BELLSOUTH AFFILIATE DATA BE REPORTED?**

22 A. The Act requires BellSouth to provide interconnection with its network “that
23 is at least equal in quality to that provided by [BellSouth] to itself or to any

1 subsidiary, affiliate, or any other party to which [BellSouth] provides
2 interconnection.” Act, § 251(c)(2)(C). The Act also requires BellSouth to
3 provide nondiscriminatory access to network elements. Act, § 251(c)(3).
4 The FCC has interpreted this requirement to mean that the quality of a UNE
5 and the quality of access to the UNE that an incumbent local exchange carrier
6 provides to a requesting carrier must be the same for all requesting carriers.
7 *See* 51 C.F.R. § 311(a).

8 The FCC has confirmed that for Section 271 purposes, a Bell
9 Operating Company must establish that for functions that it provides ALECs
10 that are analogous to the functions it provides itself, the BOC must provide
11 access that is substantially the same as the level of access the BOC provides
12 to itself, its customers or its affiliates. *In re: Application by Bell Atlantic*
13 *New York for Authorization Under Section 271 of the Communication Act to*
14 *Provide In-Region, InterLATA Service in New York*, CC Docket No. 99-295,
15 Memorandum Opinion and Order (rel Dec. 22, 1999), ¶ 44 (“Bell Atlantic
16 New York Order”).

17
18 **Q. MS. COX CONTENDS THAT THE FCC HAS NOT LOOKED TO**
19 **AFFILIATE DATA TO ASSESS ILEC PERFORMANCE. IS THAT A**
20 **FAIR ASSESSMENT?**

21 A. No. Ms. Cox contends that the FCC only looks to performance data that a
22 BOC provides to itself and its retail customers to assess parity, based on the
23 FCC’s analysis in the Bell Atlantic New York Order. The FCC does not state

1 that it would not consider affiliate data, and there is no basis for believing the
2 FCC would not consider such data if available. The New York PSC had not
3 addressed affiliate reporting when it first developed its carrier-to-carrier
4 guidelines and New York CLECs did not press the issue because Verizon had
5 virtually no affiliates with which they competed. Since then, Verizon has
6 entered the long distance business in New York through two affiliates and
7 has established a separate data affiliate. In fact, recently the New York
8 Commission has required that Verizon report its affiliate data separately from
9 CLEC data for study on how it will be used in determining parity in the
10 future.

11 In some limited cases for line sharing metrics, Verizon's data affiliate
12 already is designated by the PSC for use in determining parity performance.
13 Specifically, in the *Case 97 C 0139 Order Adopting Revisions to Inter-*
14 *carrier Service Quality Guidelines*, issued and effective December 15, 2000,
15 the New York Public Service Commission stated:

16 To provide meaningful information on parity
17 performance of the ILEC, the ILEC affiliate data should
18 be reported separately. That is if affiliate data is reported
19 together all other competitor data, the ILEC performance
20 to competitors may be masked. As these data may have
21 competitive significance, the separately reported affiliate
22 data should be provided to the Carrier Working Group

1 through the existing protective order under which data are
2 shared.

3
4 The Pennsylvania PUC agreed with the ALECs' broader definition of
5 affiliate when Verizon tried to limit reporting to ALEC affiliates that had
6 entered into interconnection agreements with it:

7 As noted by the ALJs, BA-PA does not have any
8 affiliates operating under interconnection agreements,
9 therefore, we find that BA-PA's definition actually
10 provides for no reporting at all. This proceeding must
11 provide this Commission, BA-PA, and the CLEC
12 community with sufficient information upon which to
13 objectively measure the delivery of nondiscriminatory
14 access to CLECs. In order for this metric to provide
15 any meaningful measurement, it must include a broader
16 definition than that proposed by BA-PA. We agree
17 with the ALJs that it is essential that BA-PA report on
18 the level of service it provides to its affiliates, and we
19 shall adopt the recommendation of the ALJs on this
20 issue. BA-PA shall report the service quality delivered
21 to all BA-PA affiliates and subsidiaries (CLEC and
22 non-CLEC) which order services, UNEs, or
23 interconnection from BA-PA.

24

1 Pacific Bell and Verizon California (legacy GTE) have been
2 voluntarily reporting all affiliate data for some time. The metric report
3 structure for the California Joint Partial Settlement metrics lists under
4 reporting structure for the various metrics “Individual CLECS, CLECs in the
5 aggregate, By ILEC (if analog applies) and *ILEC affiliates*.” (Emphasis
6 added).

7
8 **Q. MS. COX STATES THAT A BELLSOUTH AFFILIATE’S DATA**
9 **WILL BE INCLUDED IN AGGREGATE ALEC DATA. IS SUCH**
10 **INCLUSION APPROPRIATE?**

11 A. No. BellSouth has an incentive to discriminate in favor of its affiliate. To
12 include the affiliate’s data with other ALECs’ data potentially could improve
13 BellSouth’s overall performance, thus enabling BellSouth to benefit from
14 discriminatory treatment. Further, in its response to the CLEC Coalition’s
15 motion for Clarification and Reconsideration in Georgia in Docket 7892-U,
16 the Commission found that “BellSouth shall not include its Affiliate data in
17 the remedy calculation as it applies to industry-level remedies.”

18
19 **Q. MS. COX STATES THAT THE COMMISSION SHOULD NOT**
20 **UNNECESSARILY COMPLICATE THE PLAN BY ATTEMPTING**
21 **PREMATURELY TO TIE BELLSOUTH AFFILIATE**
22 **PERFORMANCE TO THE PERFORMANCE ASSESSMENT PLAN**
23 **BASED ON CONCERNS ABOUT THE HYPOTHETICAL**

1 **OCCURRENCE OF FUTURE DISCRIMINATION.” PLEASE**
2 **RESPOND.**

3 A. First, it is difficult to understand how adding affiliate reporting would
4 complicate the plan. Secondly, BellSouth’s affiliates provide a powerful
5 means to mask discrimination, and thus ALECs strongly disagree with
6 BellSouth’s contention that tying BellSouth-affiliate performance to the
7 Performance Assessment Plan is not needed. Finally, the ALECs do not
8 understand BellSouth’s dismissal of “concerns about the hypothetical
9 occurrence of future discrimination.” All future discrimination is
10 hypothetical. However, this Commission has decided to establish
11 mechanisms to proactively monitor for discrimination and to assess penalties
12 for non-compliance. The treatment received by BellSouth affiliates is a
13 critical aspect of any such performance plan.

14

15 **Q. DOES THAT CONCLUDE YOUR REBUTTAL TESTIMONY?**

16 A. Yes.

Additional Proposed Business Rule Changes

Revised measure	Comments
PO-1 Loop: Loop Makeup – Response Time - Manual	BellSouth does not disaggregate by type of loop, and its proposed benchmark of 3 business days is more lenient than the ALEC proposed 72 hour interval.
PO-2: Loop Makeup - Response Time - Electronic	<p>BellSouth proposes a benchmark of 90% in 5 minutes for now, with reassessment after 6 months. The Georgia Commission ordered a short-term benchmark of 90% within 5 minutes, and a benchmark after six months of 95% within 1 minute. At the least, this approach should be adopted. Better yet, the benchmark of 95% within 1 minute should be adopted immediately.</p> <p>Moreover, BellSouth should be required to provide this information (and meet this standard) via EDI as well as TAG.</p>
O-1: Acknowledgement Message Timeliness	<p>The following BellSouth business rule needs to be clarified: “If more than one CLEC uses the same ordering center, an Acknowledgement Message will be returned to the ‘Aggregator’, however, BellSouth will not be able to determine which specific CLEC this message represented.” Obtaining individual results is vital to ALECs. This issue is especially critical as this measure is a proposed Tier 1 measure in BellSouth’s remedy plan.</p> <p>BellSouth proposes a benchmark of 90% within 30 minutes at first for EDI (moving to 95% within 30 minutes after six months) and 95% within 30 minutes for TAG. The benchmark should be 98% within 15 minutes for both EDI and TAG immediately. The ALEC intervals are generous in that the acknowledgement response is part of the transmission “handshake” and should normally be returned in seconds from receipt of an order.</p>
O-3 to O-6: Flow-Through Measures	<p>Total flow-through and flow-through for orders designed to flow through should be measured separately.</p> <p>For orders designed to flow through, the benchmark for O-3 should be 98%.</p>
O-8: Reject Interval	BellSouth’s proposed benchmarks remain inadequate for partially mechanized and non-mechanized orders.

O-9: Firm Order Confirmation Timeliness	<p>Benchmarks should be at least 95% in 5 hours for partially mechanized orders and 24 hours for nonmechanized orders.</p> <p>BellSouth should be required to do electronic facilities checks to ensure that the due dates delivered in FOCs can be relied upon.</p>
O-10: Service Inquiry With LSR Firm Order Confirmation (FOC) Response Time Manual	The benchmark for this metric should combine the interval for Manual Loop Qualification with the appropriate FOC interval. At most, the benchmark should be 95% in 3 days for electronic orders and 4 days for manual orders.
O-11: Firm Order Confirmation and Reject Response Completeness	BellSouth should include partially and non-mechanized orders.
O-12: Speed of Answer in Ordering Center	This metric should not be diagnostic. The benchmark should be 95% in 20 seconds and 100% in 30 seconds.
O-13: LNP-Percent Rejected Service Requests	BellSouth has added manual LNP orders to its metric, which resolves one of the outstanding issues.
O-14: LNP-Reject Interval Distribution & Average Reject Interval	BellSouth has added manual LNP orders to its metric, which resolves one of the outstanding issues.
O-15: LNP – Firm Order Confirmation Timeliness Interval Distribution & Firm Order Confirmation Average Interval	Non-mechanized should be developed quickly and ALECs’ proposed intervals for FOCs should be applied.
P-4: Average Completion Interval	BellSouth’s proposed intervals for xDSL with and without conditioning are too long. Interval for conditioning should be no more than 5 days.
P-6A: Coordinated Customer Conversions -- Hot Cut Timeliness % Within Interval and Average Interval	<p>Metric should be clarified to make clear that an early cut would be included as a missed appointment if cut was restarted within original window. Thirty minute buffer is excessive. Different intervals for IDLC are inappropriate and unjustified.</p> <p>The benchmark should be 95% completed within</p>

	<p>cutover window. BellSouth only appears to be measuring whether the cut started on time, but does not measure whether it finished within the cutover window proposed by the ALECs.</p>
<p>P6-B: Coordinated Customer Conversions – Average Recovery Time</p>	<p>Only verified end user and ALEC caused reasons should be excluded. (i.e. the ALEC has to agree). Outages during and before the cut are included, not just those that can be reported after order completion through maintenance systems. BellSouth may separate out the later group of restorals and measure them as a disaggregation of Maintenance Average Duration with the same benchmark if it prefers.</p> <p>The benchmark should be 98% in 1 hour and 100% in 2 hours. These outages were caused by BellSouth’s cut-over errors and, thus, should be easy for it to diagnose and resolve.</p>
<p>P-6C: Coordinated Customer Conversions - % Provisioning Troubles Received Within 7 days of a completed Service Order</p>	<p>The benchmark should be 1%, not 5 % as BellSouth proposes.</p>
<p>P-7: Cooperative Acceptance Testing - % of xDSL Loops Tested</p>	<p>BellSouth should report the number of exclusions (ALEC caused failures monthly) so ALECs can determine whether their reports do not match up.</p> <p>The benchmark should be 99.5%.</p>
<p>M&R-3: Maintenance Average Duration</p>	<p>BellSouth should clarify what it means by a “correct” repair request and how an ALEC is informed that reporting of trouble is incorrect .</p>
<p>M&R-6: Average Time - Repair Centers</p>	<p>Benchmark should be the better of parity or at least the end user standard</p>
<p>M&R-7: Mean Time to Notify CLEC of Network Outages</p>	<p>Parity by design needs to be confirmed by KPMG. If confirmed, no metric is needed, just information on how to get the same notices at the same time as BellSouth.</p>

B-2: Mean Time to Deliver Invoices	Bills rejected because of BellSouth formatting or content errors should be included.
D-1: Average Database Update Interval	Parity by design needs to be confirmed by KPMG.
D-3: Percent NXXs and LRNs Loaded by LERG Effective Date	BellSouth's business rules should not define the interval by the completion of initial interconnection trunk groups when that happens after the LERG effective date. Otherwise, BellSouth could delay delivery of trunks to cover late LERG updates. The LERG effective date should be the end time in all cases.
CM-2: Change Management Notice Average Delay Days	Benchmark should be 95% in 5 days. For 30 days it should be a shorter delay day interval of no more than 3 days.
CM-3: Timeliness of Documents Associated with Change	<p>BellSouth's proposed exclusion for dates that slip less than 30 days "for reasons outside BellSouth control" is too broad.</p> <p>A Five day interval for documentation changes is too short for ALECs to be able to implement changes. ALECs recommend 30 days for documentation changes, unless it is for error correction, which should be provided within the five day timeframe. Further, if the documentation is associated with software changes, 90 days or more is needed for major releases.</p>
CM-4: Change Management Documentation Average Delay Days	Benchmark should be 98% in 5 days.
CM-5: Notification of CLEC Interface Outages	BellSouth should explain how it verifies outage and the interval between first notice of outage and verification. If this interval is long, the notice could be delayed and still appear to be on time because of "verification" condition.