

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into the establishment of operations support systems permanent performance measures for incumbent local exchange telecommunications companies.

DOCKET NO. 000121-TP
FILED: March 30, 2001

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RECORDS AND REPORTING

ALEC COALITION'S
PRE-HEARING STATEMENT

The ALEC Coalition, consisting of AT&T Communications of the Southern States, Inc. ("AT&T"); WorldCom, Inc. ("WorldCom"); DIECA Communications Company d/b/a Covad Communications Company ("Covad"); New South Communications Corp. ("New South"); Mpower Communications Corp. ("Mpower"); e.spire Communications, Inc. ("e.spire"); ITC^DeltaCom Communications, Inc. ("ITC^DeltaCom"); and Rhythms Links Inc., ("Rhythms Links") hereby submits its Prehearing Statement in the above-referenced docket pursuant to Rule 25-22.038, Florida Administrative Code, and order of the Florida Public Service Commission (hereinafter the "Commission").

(A)/(B) ALEC Coalition Witnesses, Subject Matter Issue(s), and Exhibit(s)

The ALEC Coalition intends to sponsor the testimony of the following witnesses:

<u>Witnesses:</u>	<u>Testimony Filed</u>	<u>Issues:</u>
1. Dr. Robert M. Bell	(Direct and Rebuttal)	11(c1-2), 12(c1-2)

Bell Exhibits:

- RMB-1 Local Competition Users Group Report "Statistical Tests for Local Service Parity"
- RMB-2 Permutation Analysis Procedural Steps

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Witnesses:

2. Cheryl Bursh

Testimony Filed

(Direct and Rebuttal)

Issues:

2(a), 2(b), 3(a), 3(b), 4(a), 4(b), 4(c), 5(a), 5(b), 6(a), 6(b), 7, 8, 9, 10, 11(a), 11(c3-5), 12(a), 12 (c3-5), 13, 14(a), 14(b), 15, 16, 17, 18, 19(a), 19(b), 20, 21, 22, 23

Bursh Exhibits

- CLB-1 Performance Incentive Plan, Version 2.0
- CLB-2 Sample Benchmark Adjustment Table
- CLB-3 Sample ILEC PM Results Summary Report

3. Karen Kinard

(Direct and Rebuttal)

A, 1(a), 1(b), 24(a), 24(b), 25, 26, 27(a), 27(b), 28, 29, 30(a), 30 (b)

Kinard Exhibits

- KK-1 Arguments for ALEC Business Rule Changes
- KK-2 ALEC Proposed Disaggregation (Process Level)
- KK-3 ALEC Performance Standards by Measure
- KK-4 Additional Measures Proposed by ALECs
- KK-5 Additional Proposed Business Rule Changes

4. Thomas E. Allen

(Direct)

No Exhibits

5. James C. Falvey

(Direct)

No Exhibits

6. Michael Iacino

(Direct)

No Exhibits

(C) ALEC Coalition’s Basic Position

Improved OSS functionality, enhanced performance measurements, appropriate performance standards and remedies will be critical factors in enabling ALECs to enter the Florida local market, particularly the residential market. Many of the metric revisions and new metrics proposed by the ALEC Coalition are geared toward ensuring that ALECs’ market entry does not run into many of the same impediments encountered elsewhere.

The performance measurement plan adopted by this Commission should be comprehensive because significant gaps in coverage can make it extraordinarily difficult and time-consuming to detect and deter below-parity performance. Measurements should cover all problems that can and have arisen through real market experience. When an area of BellSouth's performance is not covered by a metric, the primary tool available to an ALEC to remedy poor performance is an action to enforce the parties' interconnection agreement. An enforcement case can take a year or more to complete, which typically is far too long for an ALEC attempting to solve an immediate problem affecting its business. Therefore, in addition to adopting a comprehensive set of measures that covers all aspects of ALEC and BellSouth activities, this Commission should adopt a self-executing remedy plan designed to incent BellSouth to meet its obligations under the Telecommunications Act of 1996 to provide ALEC with parity service and open its local markets to competition.

The remedy plan proposed by the ALEC Coalition incorporates each of the criteria identified by the FCC for designing an effective remedy plan and is the appropriate plan for this Commission to adopt in this proceeding.

(D), (E) and (F) Questions of Fact, Law and Policy

ISSUE A: How should the results of KPMG's review of BellSouth performance measures be incorporated into this proceeding?

ALEC Coalition Position:

Some of the additional measures under review by KPMG have been ordered in other jurisdictions and should be adopted by the Commission as part of this proceeding. Additionally, KPMG is reviewing the appropriateness of BellSouth's existing measures. ALEC Coalition testimony identifies critical changes that the Commission should make to BellSouth's existing measures. To the extent KPMG recommends changes to BellSouth's SQM or additional measures beyond those requested by the ALECs, those measures should be reviewed as part of the first six-month review cycle. (Kinard)

ISSUE 1(a): What are the appropriate service quality measures to be reported by BellSouth?

ALEC Coalition Position:

Although BellSouth's direct testimony includes some additional measures proposed by the ALEC Coalition in Karen Kinard's testimony, there are still some problems with BellSouth's proposed metrics. (See Exhibit KK-5). BellSouth should be required to implement the changes proposed by the ALEC Coalition (See Direct Testimony of Karen Kinard, pp. 6-7, and 10-24, and Exhibits KK 1-5). (Kinard)

ISSUE 1(b): What are the appropriate business rules, exclusions, calculations, and levels of disaggregation and performance standards for each?

ALEC Coalition Position:

The appropriate business rules, calculation formulas, disaggregation levels and standards for the additional metrics proposed by the ALEC Coalition are described in Exhibit KK-4 of Karen Kinard's testimony. Exhibit KK-1 of Karen Kinard's testimony identifies changes that should be made to the business rules, calculation formulas, disaggregation levels, and standards of metrics currently included in BellSouth's SQM. (Kinard)

ISSUE 2(a): What are the appropriate Enforcement Measures to be reported by BellSouth for Tier 1 and Tier 2?

ALEC Coalition Position:

Because the sub-measures proposed by the ALEC Coalition monitor key areas of ALEC and BellSouth activity, all sub-measures proposed are included Tier 1 and Tier 2 of the ALEC Enforcement plan. Consequently, BellSouth should report all proposed sub-measures in both Tier 1 and Tier 2. (Bursh)

ISSUE 2(b): What are the appropriate levels of disaggregation for compliance reporting?

ALEC Coalition Position:

The ALEC Coalition believes that performance data must be broken down into categories that are sufficiently specific to allow for like-to-like comparisons.

The ALEC Coalition proposes that disaggregation be required by interface type, pre-order query type, product, volume category, work activity type, trouble type, trunk design and type (for trunk blockage measurements), maintenance and repair query type and collocation category. The required disaggregation for each specific measure is included in Karen Kinard's direct testimony. (Bursh)

ISSUE 3(a): What performance data and reports should be made available by BellSouth to ALECs?

ALEC Coalition Position:

BellSouth should be required to make available sufficient performance data and reports to allow ALECs to make performance determinations. The reports should include data reporting on BellSouth's provision of services to BellSouth's retail customers in aggregate, services and facilities provided to any BellSouth local exchange affiliate and carriers purchasing interconnection, unbundled network

elements or resale individually and in the aggregate. BellSouth should also report results for benchmarks.

Additionally, ALECs should be given access to all raw data used to create performance reports to allow them to validate the information reported by BellSouth. BellSouth should maintain a current and accurate user's manual to support ALECs in accessing and interpreting the raw data, and also should provide a knowledgeable single point of contact with whom ALECs can confer to resolve questions about accessing the raw data. (Bursh)

ISSUE 3(b): Where, when, and in what format should BellSouth performance data and reports be made available?

ALEC Coalition Position:

Performance data and reports should be made available on an Internet web site in a format that can be accessed by use of standard database management tools such as Excel, Access, or Oracle. The performance reports should be reported in a summarized spreadsheet format and include, at a minimum, those fields of information specified on the attached spreadsheet. (See Exhibit CLB-3) The performance data and reports should be made available by the 15th day of each month. If any data is excluded, BellSouth must be required to justify all exclusions before they are made. (Bursh)

ISSUE 4(a): Does the Commission have the legal authority to order implementation of a self-executing remedy plan?

ALEC Coalition Position:

This issue will be addressed by counsel in greater detail in the ALEC Coalition's post-hearing brief. It is the ALEC Coalition's position, however, that the Commission does have the legal authority to order the implementation of a self-executing remedy plan under the Telecommunication Act of 1996, with or without BellSouth's consent. (Bursh)

ISSUE 4(b): With BellSouth's consent?

ALEC Coalition Position:

See response to Issue 4(a) (Bursh)

ISSUE 4(c): Without BellSouth's consent?

ALEC Coalition Position:

See response to Issue 4(a) (Bursh)

ISSUE 5(a): Should BellSouth be penalized when BellSouth fails to post the performance data and reports to the Web site by the due date?

ALEC Coalition Position:

Yes. The ALECs' remedy plan calls for payments to be made when BellSouth is late posting performance data and/or associated reports. (Bursh)

ISSUE 5(b): If so, how should the penalty amount be determined, and when should BellSouth be required to pay the penalty?

ALEC Coalition Position:

If performance data and/or associated reports are not available to the ALEC by the due date, BellSouth would be liable for payments, to a state fund, of \$5,000 for each day following the due date that the performance data and/or reports are not posted. BellSouth's payment amount is determined based upon the date the latest report is delivered to an ALEC. BellSouth should be required to make the penalty payment no later than the fifteenth (15th) day after the latest report is filed. (Bursh)

ISSUE 6(a): Should BellSouth be penalized if performance data and reports published on the BellSouth Web site are incomplete or inaccurate?

ALEC Coalition Position:

Yes. The ALECs' remedy plan calls for payments to be made when the performance data and/or an associated report posted by BellSouth is incomplete and/or inaccurate. (Bursh)

ISSUE 6(b): If so, how should the penalty amount be determined, and when should BellSouth be required to pay the penalty?

ALEC Coalition Position:

If performance data and/or associated reports are inaccurate or incomplete, BellSouth would be liable for payments, to a state fund, of \$1,000 for each day following the original due date that complete and/or accurate performance data and/or associated reports are not posted. BellSouth's payment amount is determined based upon the date the latest complete and/or accurate report is delivered to an ALEC. BellSouth should be required to make the penalty payment no later than the fifteenth (15th) day after the latest report is filed. (Bursh)

ISSUE 7: What review process, if any, should be instituted to consider revisions to the Performance Assessment Plan that is adopted by this Commission?

ALEC Coalition Position:

A collaborative work group, including ALECs, the Florida Public Service Commission and BellSouth, should be established to review the Performance Assurance Plan for additions, deletions and modifications. A review cycle should start six months after the date of the Florida Public Service Commission's Order. BellSouth and the ALECs should file any proposed revisions to the Performance Assessment Plan one month prior to the beginning of each review period. (Bursh)

ISSUE 8: When should the Performance Assessment Plan become effective?

ALEC Coalition Position:

The remedy plan should go into effect as soon as it is ordered by the Commission so that the benefits of its effect on the marketplace can be realized. The plan can be used to measure compliance, so that the state regulators can make the appropriate recommendation to the FCC. Also, the systems can be tested and burned in prior to acceptance, so that backsliding can be discouraged, and/or prevented. (Bursh)

ISSUE 9: What are the appropriate Enforcement Measurement Benchmarks and Analogs?

ALEC Coalition Position:

Because the sub-measures proposed by the ALEC Coalition monitor key areas of ALEC and BellSouth activity, all sub-measures proposed are included in Tier 1 and Tier 2 of the ALEC Enforcement plan. The appropriate performance standards for the sub-measures are set forth in Exhibit KK-2 attached to Karen Kinard's direct testimony. (Bursh)

ISSUE 10: Under what circumstances, if any, should BellSouth be required to perform a root cause analysis?

ALEC Coalition Position:

Root cause analysis is a useful procedure for building action plans for correcting unacceptable performance and should be incorporated within a performance measurement system. A root cause analysis should be required for any measure that fails twice in any 3 consecutive months in a calendar year. Performance of a root cause analysis, however, should not delay the payment of remedies for identified performance failures. (Bursh)

ISSUE 11(a): What is the appropriate methodology that should be employed to determine if BellSouth is providing compliant performance to an individual ALEC? (Tier 1)

ALEC Coalition Position:

The ALECs' plan contains two calculation methods. The first remedy calculation methodology is applied to parity sub-measures. The second remedy calculation methodology is applied for benchmark sub-measures.

For parity sub-measures, Tier 1 payments are paid to individual ALECs if the difference in a given month between BellSouth's performance for itself or affiliates and that which it provides to a particular ALEC exceeds the gap specified in the ALECs' remedy plan. Tier I has three levels of violations, depending upon the gap in performance between what BellSouth provides for itself or its affiliates and the performance it provides to ALECs. Once a sub-measure failure is determined, the calculated remedy should be a continuous function of severity of the failure.

When the benchmark serves as the performance standard, the measurement establishes a performance failure directly and assesses the degree to which performance departs from the standard. A performance failure should be declared if the calculated performance is not equal to or greater than the benchmark level. As performance becomes increasingly worse as compared to the benchmark, additional consequences will be incurred based upon the magnitude of non-compliance. (Bursh)

ISSUE 11(b): How should parity be defined for purposes of the Performance Assessment Plan?

ALEC Coalition Position:

The term "parity" refers to absolute equality of service. (Bell)

ISSUE 11(c): What is the appropriate structure?

1. What is the appropriate statistical methodology?
2. What is the appropriate parameter delta, if any?
3. What is the appropriate remedy calculation?
4. What is the appropriate benchmark table for small sample sizes?
5. Should there be a floor on the balancing critical value?

ALEC Coalition Position:

The statistical methodology the ALECs recommend is the modified z statistic. For each parity sub-measurement, a disaggregated measure, BellSouth's performance for its retail operation, or that of its affiliates, is compared with the performance it provides to a given ALEC to create a z score (the modified z statistic), that can then be used to determine whether BellSouth's performance for an ALEC is in parity with its performance for its retail operation.

The value of the modified z statistic is compared with a pre-specified negative number, called the critical value. The ALEC plan uses a principle called "balancing" to determine the critical value. The balancing critical value method

equates the probability of a Type I error (under parity) with the probability of a Type II error for a specified alternative hypothesis. The parameter delta defines the degree of violation of parity (i.e., the alternative hypothesis) for which the probability of Type II error is balanced against the probability of Type I error under parity. The ALECs propose that this Commission adopt 0.25 or less as the parameter delta value for all sub-measures.

For small sample sizes, 30 or fewer observations in either of the data sets to be compared, permutation analysis is used to compute the z score. (See Exhibit RMB-2 to Dr. Bell's, "Permutation Analysis Procedural Steps").

A floor on the balancing critical value provides some protection against failing to trigger a remedy in the face of unequivocal, material disparity for measures with large sample sizes, when delta has been set too high. If delta is set at 0.50 or higher, this risk is clear enough that a floor on the balancing critical value should be used. Although the same danger theoretically exists for delta equal to 0.25, the value used in the joint ALEC plan, the danger is sufficiently small, at current samples sizes, so that a floor would not be necessary. Even at current sample sizes, however, a delta of 0.50 or 1.00 is problematic. (Bell Nos. 1-2)/(Bursh Nos. 3-5)

ISSUE 12(a): What is the appropriate methodology that should be employed to determine if BellSouth is providing complaint performance on a statewide ALEC-aggregate basis? (Tier 2)

ALEC Coalition Position:

The same business rules used in Tier 1 apply to aggregate data of the individual ALECs under Tier 2, except that a different consequence threshold is used. (Bursh)

ISSUE 12(b): How should parity be defined for purposes of the Performance Assessment Plan?

ALEC Coalition Position:

See response to Issue 11(b). (Bell)

ISSUE 12(c): What is the appropriate structure?

1. What is the appropriate statistical methodology?
2. What is the appropriate parameter delta, if any?
3. What is the appropriate remedy calculation?
4. What is the appropriate benchmark table for small sample sizes?
5. Should there be a floor on the balancing critical value?

ALEC Coalition Position:

The same business rules used in Tier 1 for remedies apply to aggregate data of the individual ALECs under Tier 2, except that a different consequence threshold is used.

The Tier 2 remedy calculation includes a factor “n” in the calculation. This multiplier depends upon the openness of the local market to competition. In other words, “n” is based on ALEC market penetration levels. The value of “n” decreases as the number of ALEC served lines increases. This results in Tier 2 payments decreasing as the ALEC market penetration increases.

The application of the Benchmark Adjustment Table for Tier 1 remedy calculations is also appropriate for Tier 2 remedy calculations. (Bell Nos. 1-2)/(Bursh Nos. 3-5)

ISSUE 13: When should BellSouth be required to make payments for Tier 1 and Tier 2 noncompliance, and what should be the method of payment?

ALEC Coalition Position:

BellSouth should be required to make payment for Tier 1 and Tier 2 noncompliance by the 15th business day following the due date of the data and the reports upon which the remedies are based. (Bursh)

ISSUE 14(a): Should BellSouth be required to pay interest if BellSouth is late in paying an ALEC the required amount for Tier 1?

ALEC Coalition Position:

Yes. (Bursh)

ISSUE 14(b): If so, how should the interest be determined?

ALEC Coalition Position:

If BellSouth fails to remit a remedy payment as required, a per diem interest rate that is equivalent to the BellSouth’s rate of return for its regulated services for the most recent reporting year should apply. (Bursh)

ISSUE 15: Should BellSouth be fined for late payment of penalties under Tier 2? If so, how?

ALEC Coalition Position:

Yes. If BellSouth fails to remit a remedy payment as required, a per diem interest rate that is equivalent to the BellSouth’s rate of return for its regulated services for the most recent reporting year should apply. (Bursh)

ISSUE 16: What is the appropriate process for handling Tier 1 disputes regarding penalties paid to an ALEC?

ALEC Coalition Position:

When an ALEC and Bellsouth are unable to reach a mutually agreeable settlement pertaining to the penalties paid, the Commission should settle the dispute. (Bursh)

ISSUE 17: What is the appropriate mechanism for ensuring that all penalties under Tier 1 and Tier 2 Enforcement Mechanisms have been paid and accounted for?

ALEC Coalition Position:

The Commission should have an independent auditing and accounting firm certify, on a random basis, that all the penalties under Tier I and Tier II Enforcement Mechanisms are properly and accurately assessed and paid in accordance with Generally Accepted Accounting Principles. (Bursh)

ISSUE 18: What limitation of liability, if any, should be applicable to BellSouth?

ALEC Coalition Position:

ALECs do not support an absolute cap on BellSouth's liability for remedy payments. (Bursh)

ISSUE 19(a): What type of cap, if any, is appropriate for inclusion in the Performance Assessment Plan?

ALEC Coalition Position:

A review threshold or "procedural cap" that allows for a regulatory hearing when a certain level of remedy payments is exceeded may be appropriate. A procedural cap would establish a preset level at which BellSouth could seek regulatory review of the remedy payments that are due. However, the procedural cap would not automatically absolve BellSouth of liability for remedy payments. BellSouth should continue to make payments into a designated account until the Commission determines whether BellSouth has presented sufficient justification for not paying remedies in excess of the procedural cap. (Bursh)

ISSUE 19(b): What is the appropriate dollar value of a cap if applicable?

ALEC Coalition Position:

The 39% procedural cap in the Strawman Proposal is reasonable. (Bursh)

ISSUE 20: What process, if any, should be used to determine whether penalties in the excess

of the cap should be required?

ALEC Coalition Position:

BellSouth would have the burden of showing, by clear and convincing evidence, that the remedies due in excess of the procedural cap are unwarranted. The Commission would then decide whether and to what extent the amount in excess of the procedural cap should be paid out. (Bursh)

ISSUE 21: If there is a cap, for what period should the cap apply?

ALEC Coalition Position:

The procedural cap should apply on a rolling twelve-month basis for the life of the enforcement plan. (Bursh)

ISSUE 22: Should the Performance Assessment Plan include a Market Penetration Adjustment, and if so how should such an adjustment be structured?

ALEC Coalition Position:

The Tier 2 remedy calculation includes a factor “n” in the calculation. This multiplier depends upon the openness of the local market to competition. In other words, “n” is based on ALEC market penetration levels. The value of “n” decreases as the number of ALEC served lines increases. This results in Tier 2 payments decreasing as the ALEC market penetration increases. (Bursh)

ISSUE 23: Should the Performance Assessment Plan include a Competitive Entry Volume Adjustment, and if so how should such an adjustment be structured?

ALEC Coalition Position:

For a transaction-based plan, such as that proposed by BellSouth, payments on a per transaction basis will be too small to incent BellSouth to behave in a nondiscriminatory manner. As a result, nascent services or embryonic ALECs would be most negatively affected by a transaction-based plan. In an attempt to address this inadequacy, a market penetration adjustment is necessary. (Bursh)

ISSUE 24(a): Should periodic third-party audits of Performance Assessment Plan data and reports be required?

ALEC Coalition Position:

Yes. Comprehensive annual audits of reporting methodology and accuracy of data are required. In addition, BellSouth’s adherence to metric change control policies should be reviewed as the lack of follow-through on such policies would thwart the replication of past metric reports. The audit should cover all reporting procedures and reportable data and should include all systems, processes and procedures associated with the production and reporting of performance measurement results. (Kinard)

ISSUE 24(b): If so, how often should audits be conducted, and how should the audit scope be determined?

ALEC Coalition Position:

A comprehensive audit should be conducted every twelve months, with the first such audit commencing twelve months after the conclusion of the KPMG OSS Test's metric replication. The audit scope should be determined in an audit process that is open to ALECs. (Kinard)

ISSUE 25: If periodic third-party audits are required, who should be required to pay the cost of the audits?

ALEC Coalition Position:

Costs for these annual audits should be borne by BellSouth. BellSouth is the dominant market provider with the incentive and ability to discriminate. To ensure that BellSouth's reporting is accurate and trigger remedies designed to curb its incentives to discriminate, comprehensive annual audits are critical. This assurance should come at the incumbent's expense. (Kinard)

ISSUE 26: Who should select the third-party auditor if a third-party audit is required?

ALEC Coalition Position:

BellSouth and the ALECs should jointly select the third-party auditor. If the parties cannot agree on the auditor, the Commission should determine the auditor. (Kinard)

ISSUE 27(a): Should an ALEC have the right to audit or request a review by BellSouth for one or more selected measures when it has reason to believe the data collected for a measure is flawed or the report criteria for the measure is not being adhered to?

ALEC Coalition Position:

Yes. When an ALEC has reason to believe the data collected for a measure is flawed or the reporting criteria for the measure is not being adhered to, it should have the right to have a mini-audit performed on the specific measure/sub-measure upon written request (including e-mail), which will include the designation of an ALEC representative to engage in discussions with BellSouth about the requested mini-audit. If, thirty days after the ALEC's written request, the ALEC believes that the issue has not been resolved to its satisfaction, the ALEC should be able to commence the mini-audit upon providing BellSouth five business days advance written notice. Additional details describing the mini-audit process can be found in Karen Kinard's direct testimony. (Kinard)

ISSUE 27(b): If so, should the audit be performed by an independent third party?

ALEC Coalition Position:

Although there may be cases in which the ALECs and BellSouth could jointly review certain metric reporting issues with Commission oversight, in most cases an unbiased third-party would be the best choice as an auditor. (Kinard)

ISSUE 28: Should BellSouth be required to retain performance measurement data and source data, and if so, for how long?

ALEC Coalition Position:

Yes. Performance measurement data and source data should be retained for 18 months or as required to audit BellSouth's performance. (Kinard)

ISSUE 29: What is the appropriate definition of "affiliate" for the purpose of the Performance Assessment Plan?

ALEC Coalition Position:

The affiliate reporting should include all affiliates that purchase wholesale services from BellSouth and the term affiliate should be defined pursuant to the Telecommunications Act definition. Section 3(1) of the Communications Act defines affiliate as follows: "The term 'affiliate' means a person that (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with, another person. For purposes of this paragraph, the term "own" means to own an equity interest (or the equivalent thereof) of more than 10%." (Kinard)

ISSUE 30(a): Should BellSouth be required to provide "affiliate" data as it relates to the Performance Assessment Plan?

ALEC Coalition Position:

Yes. BellSouth should report monthly any affiliate activity for the metrics adopted in this proceeding. BellSouth should include all affiliates that buy interconnection or unbundled network elements or that resell BellSouth's services. The affiliate information should be reported separately by each affiliate (data, wireless, future long distance, or other) with activity in the metric category. BellSouth may exclude the number of affiliate observations from data reported to individual ALECs but not in data reported to the Commission. (Kinard)

ISSUE 30(b): If so, how should data related to BellSouth affiliates be handled for purposes of

1. Measurement reporting?
2. Tier 1 compliance?
3. Tier 2 compliance?

ALEC Coalition Position:

Data should be reported for several months before a decision is made on giving up set benchmarks for parity comparisons with the ALEC. BellSouth's affiliates may have different service delivery plans or not have enough activity yet to make it an appropriate and dependable analog for parity comparisons. If the affiliate is deemed in a future collaborative as an appropriate retail analog, ALECs may choose either to adopt a standard of parity with the affiliate or choose to use an existing benchmark, perhaps updated periodically based on historical affiliate treatment during the study period. (Kinard)

(G) Stipulated Issues

None

(H)(I) Pending Motions

None

(J) Other Requirements

The ALEC Coalition is not aware of any other requirements at this time.

(K) Preempting Decisions

The ALEC Coalition is not aware of any decision or pending decision of the FCC or any court that has or may either preempt or otherwise impact the Commission's ability to resolve any of the issues presented or the relief requested in this matter at this time.

Respectfully submitted this 30th of March, 2001.



Marsha Rule
AT&T
Suite 700
101 North Monroe Street
Tallahassee, FL 32301
850/425-6365

Attorney on behalf of the ALEC Coalition

CERTIFICATE OF SERVICE
DOCKET NO. 000121-TP

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished

via U.S. Mail to the following parties of record on this 30th day of March 2001:

Tim Vaccaro
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0580

Nancy B. White
c/o Nancy Sims
BellSouth Telecommunications, Inc.
150 S. Monroe Street, Suite 400
Tallahassee, FL 32301-1556

Kimberly Caswell
Verizon Select Services, Inc.
P.O. Box 110, FLTC0007
Tampa, FL 33601

Pennington Law Firm
Peter Dunbar
Karen Camechis
P.O. Box 10095
Tallahassee, FL 32302

Michael Gross
FCTA
246 E. 6th Avenue
Tallahassee, FL 32303

Mark Buechele
Supra Telecom
1311 Executive Center Dr., Ste. 200
Tallahassee, FL 32301

Katz, Kutter Law Firm
Charles Pellegrini/Patrick Wiggins
12th Floor
106 East College Avenue
Tallahassee, FL 32301

Nanette Edwards
ITC Delta^Com
4092 S. Memorial Pkwy.
Huntsville, FL 35802

Scott Sapperstein
Intermedia Communications, Inc.
One Intermedia Way
M.C. FLT-HQ3
Tampa, FL 33647-1752

Susan Masterson/Charles Rehwinkel
Sprint Communications CO LP
P.O. Box 2214
MC: FLTLHO1017
Tallahassee, FL 32316-2214

Donna Canzano McNulty
MCI WorldCom
325 John Knox Rd., Suite 105
Tallahassee, FL 32303

Brian Sulmonetti
MCI WorldCom
6 Concourse Pkwy, Suite 3200
Atlanta, GA 30328

Vicky Gordon Kaufman
McWhirter, Reeves, McGlothlin, Davidson
Decker, Kaufman, Arnold & Steen, P.A.,
117 South Gadsden Street
Tallahassee, Florida 32301

Jeremy Marcus
Elizabeth Braman
Blumenfeld & Cohen
1625 Massachusetts Ave. N.W.
Suite 300
Washington, D.C. 20036

Jonathan E. Canis
Michael B. Hazzard
Kelley Drye & Warren, LLP
1200 19th Street, N.W. , Fifth Floor
Washington, DC 20036

Catherine F. Boone
Covad Communications Company
10 Glenlake Parkway, Suite 650
Atlanta, Georgia 30328-3495

Hopping Green Sams & Smith, P.A.
Rick D. Melson
Post Office Box 6526
Tallahassee, FL 32314

John Rubino
George S. Ford
Z-Tel Communications, Inc.
601 South Harbour Island Blvd.
Tampa, FL. 33602



ATTORNEY