

ORIGINAL

MCWHIRTER REEVES
ATTORNEYS AT LAW

TAMPA OFFICE:
400 NORTH TAMPA STREET, SUITE 2450
TAMPA, FLORIDA 33602
P. O. BOX 3350 TAMPA, FL 33601-3350
(813) 224-0866 (813) 221-1854 FAX

PLEASE REPLY TO:
TALLAHASSEE

TALLAHASSEE OFFICE:
117 SOUTH GADSDEN
TALLAHASSEE, FLORIDA 32301
(850) 222-2525
(850) 222-5606 FAX

November 7, 2003

VIA HAND DELIVERY

Blanca S. Bayo, Director
Division of Records and Reporting
Betty Easley Conference Center
4075 Esplanade Way
Tallahassee, Florida 32399-0870

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COMMISSION
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Re: Docket No.: 000121A-TP

Dear Ms. Bayo:

On behalf of DIECA Communications, Inc. d/b/a Covad Communications Company, enclosed for filing and distribution are the original and 15 copies of the following:

- ▶ CLEC Coalition Motion for Clarification of the Commission's November 14, 2002 Order.

Please acknowledge receipt of the above on the extra copy of each and return the stamped copies to me. Thank you for your assistance.

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lh
FPSC-BUREAU OF RECORDS

Sincerely,

Vicki Gordon Kaufman
for Vicki Gordon Kaufman

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Performance Measurements for
Telecommunications Interconnection,
Unbundling and Resale

Docket No. 000121-A
Filed: November 7, 2003

**CLEC COALITION MOTION FOR
CLARIFICATION OF THE COMMISSION'S NOVEMBER 14, 2002 ORDER**

COMES NOW AT&T Communications of the Southern States, LLC; DIECA Communications, Inc. d/b/a Covad Communications Company; ITC^DeltaCom Communications, Inc.; MCI WorldCom, Inc.; Network Telephone Corporation; NuVox Communications, Inc. (the "CLEC Coalition") pursuant to Commission Rule 515-2-1-.04 and seeks clarification of the Commission's November 14, 2002 Order regarding BellSouth's retention of a third party to ensure compliance with the Change Control Process. Specifically, the CLEC Coalition seeks clarification that the November 14, 2002 Order required an "open" audit with full participation by the Commission and CLEC Coalition.

**CLEC INPUT AND COMMISSION APPROVAL IS A NECESSARY COMPONENT OF
THE THIRD PARTY AUDIT**

Although the Commission issued an Order on November 14, 2002 directing BellSouth to hire a third party to ensure that BellSouth's compliance with the requirement to assign 50% of the software capacity for changes to CLEC requests and 50% to BellSouth, it was not until August 14, 2003 that BellSouth even notified the Commission that it was attempting to comply with this portion of the Order. Furthermore, BellSouth indicated that PricewaterhouseCoopers ("PwC") *had already been retained* and would file a report "within the next few weeks..." (See August 14, 2002 letter, p. 1). BellSouth undertook this action without any involvement by the CLEC Coalition or the Commission.

Although the CLEC Coalition strongly supports the Commission's Order and the need for a third party audit, the Commission should clarify that BellSouth should not proceed any further with the audit without CLEC input and Commission approval. One of the major concerns with the current audit is that BellSouth has requested and provided a limited scope attestation of specific data collection and reporting using techniques similar to a financial **audit** rather than an audit of the change management process as set forth in the November 14, 2002 Commission Order, using techniques similar to a "management audit" to determine whether or not the process improvements promised as a result of the implementation of the 50/50 Plan. The only way to ensure compliance with the Commission's audit directive is for clarification that the Order contemplated CLEC and Commission input. The CLECs should, at a minimum, be able to review the statement of work that BellSouth requested from PwC or the Commission should approve a new statement of work for the audit that includes a review of all processes and sub-processes that comprise the determination of capacity management.

Furthermore, any Request for Proposal (RFP) process that BellSouth used to secure PwC did not include input by the CLEC Coalition or approval by the Commission. The RFP submitted to the

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FPSC-COMMISSION CLERK

vendor included a definition of the project scope, the outcome desired by BellSouth, the timeframe in which the project should be completed, and some background information intended to educate the vendors on the subject. As a result, BellSouth had complete control over the vendor selection and consequently, the outcome of this attestation. Even if BellSouth used the November 14, 2002 Order to determine the scope of the work, surely PwC requested clarifications about certain portions of the work. In that instance, the only clarification PwC was afforded came from internal BellSouth employees, not from the Commission.

Based on the information provided by BellSouth, the CLEC Coalition finds the PwC work scope extremely limited because it restricts PwC from conducting a thorough audit of the capacity allocation process and other affected processes within change management. The limited scope also restricts PwC from determining if the capacity allocation is actually working because the audit does not provide for a review of the entire capacity allocation process from start to finish. Unless specific and discrete work efforts are evaluated, PwC findings of compliance will not comply with the Commission's November 14, 2002 Order. Therefore, the Commission should clarify that the November 14, 2002 Order required an open audit. As part of the clarification, the Commission should also require that the audit provide answers to the following questions and/or issues:

1. How is the unit sizing determined for all change request types?
2. What are the critical elements/systems assessed in this process?
3. Do different systems have different capacity issues and how is capacity assessed for those systems?
4. What are the "standards" or "rules" utilized by BellSouth Subject Matter Experts (SMEs) to conduct the unit sizing work effort?
5. How does BellSouth management determine if SMEs are consistently implementing the "standards" or "rules" for determining unit sizing? For Implementation?
6. What is BellSouth's process for monitoring the accuracy of unit sizing for change requests?

All change requests, especially, the defect process and unit sizing should be included in the audit as this one specific area has a significant impact on the amount of capacity that is available to be split between BellSouth and the entire CLEC community. The audit should address the overall validity of how defect capacity is being administered.


As a separate but integral part of validating the 50/50 capacity process, the software defect process should also be thoroughly examined. Any attestation of the 50/50 process would be flawed absent such an evaluation because the software defect process is controlled solely by BellSouth and the CLEC community has uncovered numerous problems, some of which are outlined below:


1. Incorrect assignment of vendor hours¹;
2. Payments for defective software have been made to BellSouth; however BellSouth has not shared those payments with the CLEC community for the costs incurred as a result of those defects. As victims of defective software, the CLECs have been negatively impacted from a cost, customer service, and parity standpoint;
3. Incorrect allocation of the capacity necessary for defective code correction in a pre-production environment. Capacity for these corrections should not be taken from the percentage of capacity allocated to CLECs. For example, in Release 11.0, the correction of defective code quadrupled the maintenance capacity. Classifying a change request as maintenance, prior to production, manipulates the outcome of the capacity allocation. As a result, the current process for defective code corrections results in a significant decrease in the 50% of the 50/50 plan that is assigned to CLECs.

CONCLUSION

The CLEC Coalition considers any attestation by PwC under the current scope to be misleading and incomplete. Therefore, the Commission should clarify that the November 14, 2002 Order contemplated a collaborative process to ensure that there was an open audit. The CLEC Coalition respectfully requests that such a collaborative process be established and that representatives of PwC, BellSouth, CLECs, and the Commission Staff be included so that a full audit of all processes and sub-processes of the BellSouth Capacity Management Plan can occur.

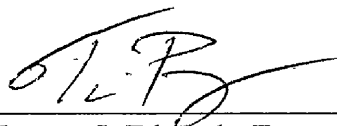
This 7th day of November, 2003.

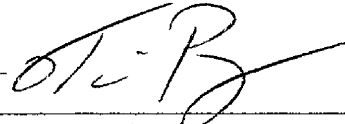

for Charles E. Watkins
Senior Counsel
Covad Communications Company

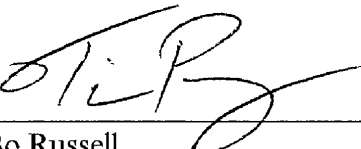

for Suzanne W. Ockleberry, Esq.
Law and Government Affairs
AT&T Communications of the
Southern States, LLC


for Dulaney O'Roark, Esq.
MCI WorldCom, Inc.

¹ BellSouth assigned hours spent by the vendor to correct defects in software it was *developing* as if they were defects in on line production software.


for Nanette S. Edwards, Esq.
Director Regulatory
ITC^DeltaCom Communications, Inc.


for Margaret Ring, Esq.
Director, Regulatory Affairs
Network Telephone Corporation


for Bo Russell
Vice President, Regulatory
NuVox Communications, Inc.

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing CLEC Coalition Motion for Clarification of the Commission's November 14, 2002 Order has been furnished by (*) Hand Delivery or U.S. Mail this 7th day of November, 2003:

(*) Beth Keating
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 3239-0850

Virginia C. Tate
AT&T
1200 Peachtree Street, Suite 8100
Atlanta, Georgia 30309

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

Michael A. Gross
Florida Cable Telecommunications Assoc.
246 E. 6th Avenue, Suite 100
Tallahassee, FL 32302

Nanette Edwards
ITC Deltacom
4092 South Memorial Parkway
Huntsville, AL 35802

Donna C. McNulty
MCI Worldcom
The Atrium, Suite 105
325 John Knox Road
Tallahassee, FL 32302-4131

John D. McLaughlin, Jr.
KMC Telecom, Inc.
1755 North Brown Road
Lawrenceville, GA 30043

Kelley Law Firm
Jonathan Canis
Michael Hazzard
1200 19th St., NW, Fifth Floor
Washington, DC 20036

Laura L. Gallagher, P.A.
MediaOne Florida Telecommunications
101 E. College Avenue, Suite 302
Tallahassee, FL 32301

Messer Law Firm
Floyd Self
Norman Horton
P.O. Box 1867
Tallahassee, FL 32302

Pennington Law Firm
Peter Dunbar
Karen Camechis
P.O. Box 10095
Tallahassee, FL 32302-2095

Rutledge Law Firm
Kenneth Hoffman
John Ellis
P.O. Box 551
Tallahassee, FL 32302-0551

Susan Masterson
Charles Rehwinkel
Sprint Communications Company
P.O. Box 2214
MC: FLTLHO0107
Tallahassee, FL 32316-2214

Ann Shelfer
Supra Telecom
1311 Executive Center Drive, Suite 200
Tallahassee, FL 32301

Suzanne F. Summerlin
2536 Capital Medical Boulevard
Tallahassee, FL 32309


Kimberly Caswell
Verizon Select Services, Inc.
P.O. Box 110, FLTC0007
Tampa, FL 33601-0110

George S. Ford
Z-Tel Communications, Inc.
601 S. Harbour Island Blvd.
Tampa, FL 33602-5706

Renee Terry
e.spire Communications, Inc.
131 National Business Parkway, #100
Annapolis Junction, MD 20702-10001

Jeffrey Wahlen
P.O. Box 391
Tallahassee, FL 32302

Carol Paulsen
SBC Telecom, Inc.
5800 Northwest Parkway
Suite 125, 1-Q-01
San Antonio, TX 78249


for _____
Charles E. Watkins