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November 23, 2004

Mrs. Blanca S. Bayó  
Director, Division of the Commission Clerk and  
Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

**Re: Docket No. 000121A-TP**  
**In Re: Investigation into the establishment of operations support  
systems permanent incumbent local exchange Telecommunications  
companies**

Dear Ms. Bayó:

Enclosed for filing are BellSouth's responses to the action items identified during the SEEM conference call held on November 4, 2004. A copy of the same is being served on all parties of record.

Sincerely,



Robert A. Culpepper

Enclosures

cc: All parties of record  
Marshall M. Criser, III  
Nancy B. White  
R. Douglas Lackey

**CERTIFICATE OF SERVICE**  
**Docket No. 000121A-TP**

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

Electronic Mail and U.S. Mail this 23rd day of November, 2004 to the following:

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Robert A. Culpepper

**(+) Signed Protective  
Agreement**

#502166

BellSouth Telecommunications, Inc.  
FPSC Dkt No.000121A-TP  
Response to 11/4/2004  
SQM / SEEM Workshop Call Action Items  
November 23, 2004  
Item No 1  
Page 1 of 1

**REQUEST:** Parties to submit briefs regarding legal issues associated with BellSouth's proposed revisions to SEEM § 4.2.2 as noted in Item 20 of the SEEM Non-Technical Matrix.

**RESPONSE:** Response will be filed and served on November 30, 2004.

**REQUEST:** From BellSouth's SQM Workshop Action Item Nos. 28-29 from CLEC Non-technical Matrix: BellSouth to review the language in section 4.4.4 and 4.4.5 concerning the length of time CLECs and the Staff have to dispute SEEM payments.

**RESPONSE:** Suggested verbiage for Section 4.4.4:

"If a CLEC disputes the amount paid for Tier 1 Enforcement Mechanisms, the CLEC shall submit a written claim to BellSouth within sixty (60) days after the payment date."

Suggested verbiage for Section 4.4.5:

"...a written claim shall be submitted to BellSouth within sixty (60) days after the payment date."

REQUEST: In the discussion of Item 29, which refers to audit language moved from Section 4.4.5 to Section 4.8 of the SEEM administrative plan, it was noted that a GAAP audit requirement was missing in the proposed language of Section 4.8

BellSouth to provide new language that includes a GAAP review of SEEM when an audit is done.

RESPONSE: BellSouth proposed to add the following underlined language in Section 4.8.1

BellSouth currently provides many CLECs with certain audit rights as a part of their individual interconnection agreements. However, it is not reasonable for BellSouth to undergo an audit of SEEM for every CLEC with which it has a contract. If requested by a Public Service Commission or by a CLEC exercising contractual audit rights, BellSouth will agree to undergo an audit of its Performance Metrics Quality Assurance Plan (PMQAP) every other year for the next five (5) years (2005-2010) to be conducted by an independent third party. When an audit of this type is done, an auditor will certify that penalties under Tier-1 and Tier-2 Enforcement Mechanisms were paid and accounted for in accordance with Generally Accepted Account Principles (GAAP). The results of audits... (Proposed Section 4.8.1 language continues...)

**REQUEST:** Parties to submit briefs regarding legal issues associated with BellSouth's proposed revision to SEEM § 4.4.6 as noted in Item 30 of the SEEM Non-Technical Matrix.

**RESPONSE:** Response will be filed and served on November 30, 2004.

REQUEST: From BellSouth's SQM Workshop Action Item No. 34 from CLEC Non-technical Matrix: BellSouth to provide revised language concerning old section 4.5.2 (new section 4.5.1) that allows for Commission review/approval of BellSouth's limitation of liability due to acts or omissions by CLECs.

RESPONSE: Suggested verbiage for new Section 4.5.1:

"...BellSouth shall provide each CLEC and the Commission the ALEC with reasonable notice of, and supporting documentation for, such acts or omissions, the ALEC with any such supporting documentation." Each CLEC shall have 14 days from the filing of such Notice to challenge, through the dispute resolution provisions of this plan, the claims made by BellSouth. BellSouth shall not be obligated to pay any amounts subject to such disputes until the dispute is resolved.

REQUEST: From BellSouth's SQM Workshop Action Item No. 43 from CLEC Non-technical Matrix: "BellSouth to revise and clarify explanation of how regional coefficients are used and discuss with Dr. Bell before filing."

RESPONSE: BellSouth had a conference call with Dr. Bell on November 22, 2004. BellSouth believes the following modifications (noted with an underline) should be made to the proposed SEEM Administrative plan dated August 18, 2004.

#### Section 4.10 Regional and State Coefficients

Some metrics are calculated for the entire BellSouth region, rather than by state.

- Where these metrics are a Tier 1 SEEM submetric, a regional coefficient is calculated to determine the amount of the penalty for the CLEC in each state. For example, the Acknowledgement Completeness Measurement can be measured for an individual CLEC, but only at the regional level. In several states it is also a Tier 1 SEEM submetric. Thus, if there is a failure in this measurement for a CLEC, it is necessary to determine the amount of penalty for the CLEC in each state. A Regional Coefficient is used to do this. (Section E.6 describes the method of calculating the Regional Coefficients.) The amount of Tier 1 penalty for the CLEC in a state is determined by multiplying the calculated penalty for the measurement in the state by the Coefficient for the state. ~~split Tier 1 payments for regional metrics among CLECs by submetric depending on the volume of certain activities in each OCN for the current month.~~

- A state coefficient is calculated to split Tier 2 payments for regional metrics among states by submetric.

REQUEST: Regarding Item 36 of the SEEM Non-Technical Matrix, BellSouth to provide proposed Force Majeure language to be included in Section 4.5.4 of the SEEM administrative plan.

RESPONSE: In the event that performance under this SQM/SEEM Plan, or any obligation hereunder, is either directly or indirectly prevented, restricted, or interfered with by reason of fire, flood, earthquake or like acts of God, wars, revolution, civil commotion, explosion, acts of public enemy, embargo, acts of the government in its sovereign capacity, labor difficulties, including without limitation, strikes, slowdowns, picketing, or boycotts, unavailability of equipment from vendor, changes requested by a CLEC, or any other circumstances beyond the reasonable control and without the fault or negligence of BellSouth, BellSouth, upon giving prompt notice to the Commission and CLECs, shall be excused from such performance on a day-to-day basis to the extent of such prevention, restriction, or interference (and the affected CLECs shall likewise be excused from performance of obligations arising under the SQM/SEEM Plan on a day-to-day basis until the delay, restriction or interference has ceased); provided, however, that BellSouth shall use diligent efforts to avoid or remove such causes of non-performance and all affected parties shall proceed whenever such causes are removed or cease.

The suggested SEEM Force Majeure language tracks the Force Majeure language contained in BellSouth's latest version of its standard interconnection agreement. For SEEM purposes, the underlined languages does not appear to be applicable or necessary. As such, BellSouth recommends deleting such language from the SEEM Force Majeure clause.

**REQUEST:** Parties to submit briefs regarding legal issues associated with regarding BellSouth's proposed revisions to SEEM § 4.6.1 as noted in Item 38 of the SEEM Non-Technical Matrix.

**RESPONSE:** Response will be filed and served on November 30, 2004.

**REQUEST:** Regarding Item 40 of the SEEM non-technical matrix which pertains to the deleted language in the old Section 4.7.1, BellSouth to reassess the need to reincorporate the deleted language concerning affiliate reporting.

**RESPONSE:** The following language should be added to the SQM. Since it pertains to reporting, the SQM is the appropriate place for this language rather than the SEEM Administrative Plan.

“BellSouth shall produce monthly results for each BellSouth CLEC affiliate. Upon request, this information shall be provided to the Florida Public Commission.”

**REQUEST:** From Item 72 of the SEEM non-technical matrix concerning the Reposting policy, BellSouth is to add language to the Reposting Policy describing how BellSouth determines if the required change to the data meets the threshold levels to trigger reposting and how the reposting policy applies to PMAP and PARIS.

**RESPONSE:** BellSouth has added clarifying language in Appendix D – BellSouth’s Policy on Reposting of Performance Data and Recalculation of SEEM Payments which is attached as “FL Reposting Policy.doc.”

## Appendix D: BellSouth's Policy on Reposting of Performance Data and Recalculation of SEEM Payments

BellSouth will make available reposted performance data as reflected in the Service Quality Measurement (SQM) reports and recalculate Self-Effectuating Enforcement Mechanism (SEEM) payments using the Parity Analysis and Remedy Information System (PARIS), to the extent technically feasible, under the following circumstances:

1. Those SQM measures included in a state's specific SQM plan with corresponding sub-metrics are subject to reposting. A notice will be placed on the PMAP website advising CLECs when reposted data is available.
2. SQM Performance sub-metric calculations that result in a shift in the statewide aggregate performance from an "in parity" condition to an "out of parity" condition will be available for reposting.
3. SQM Performance sub-metric calculations with benchmarks where statewide aggregate performance is in an "out of parity" condition will be available for reposting whenever there is a  $\geq$  2% decline in BellSouth's performance at the sub-metric level.
4. SQM Performance sub-metric calculations with retail analogues that are in an "out of parity" condition will be available for reposting whenever there is a degradation in performance as shown by an adverse change of  $\leq$  .5 in the z-score at the sub-metric level.
5. Any data recalculations that reflect an improvement in BellSouth's performance will be reposted at BellSouth's discretion. However, statewide performance must improve by at least 2% for benchmark measures and the z-score must improve by at least 0.5 for retail analogs at the sub-metric level to qualify for reposting.
6. SQM Performance data will be reposted for a maximum of three months in arrears. As an example, should an error be discovered during the analysis of the May data month, and this error qualifies for reposting, BellSouth will correct the data for the month of May prior to posting the production data and the three months preceding –April, March and February.
7. When updated SQM performance data has been reposted or when a payment error in PARIS has been discovered, BellSouth will recalculate applicable SEEM payments where technically feasible, for a maximum of three months in arrears. Recalculated SEEM payments due to reposted SQM data will be made for the same months that the applicable data was reposted. The three month period for recalculating SEEM payments due to an error in PARIS will be determined in the same manner previously described for the SQM. For example, should an error in PARIS be discovered for the data month of May, BellSouth will correct data for May prior to the posting of the production data for May and the three preceding months – April, March and February.
8. Any adjustments for underpayment of Tier 1 and Tier 2 calculated remedies resulting from the application of this policy will be made consistent with the terms of the state-specific SEEM plan, including the payment of interest. Any adjustments for overpayment of Tier 1 and Tier 2 remedies will be made at BellSouth's discretion.
9. Any adjustments for underpayments resulting from application of this policy will be made in the next month's payment cycle after the recalculation is made. The final current month PARIS reports will reflect the transmitted dollars, including adjustments for prior months where applicable. Questions regarding the adjustments should be made in accordance with the normal process used to address CLEC questions related to SEEM payments.

### Determination of when Reposting Policy Applies

As part of the Change Notification Process, BellSouth perform an analysis of impacts that are proposed to be made to Performance Measurement Application Platform (PMAP) code. These impacts are used to identify changes to its reported SQM results.

To determine this impact, BellSouth performs a query of the data warehouse to identify those records that would be impacted by the proposed change. Once the number of records are identified, the measurement is recalculated to determine the impact. This is the general framework for analysis - the specific steps used to evaluate the impact will vary with the issue being analyzed. However the following example may assist in understanding.

Assume that service orders with an activity code of T were erroneously being included in a UNE-P disaggregation for Percent



**Appendix D: BellSouth's Policy on Reposting of Performance Data and Recalculation of SEEM Payments**

**Florida Proposed Performance Metrics**

Missed Installation Appointments. They should have been in another product disaggregation. Further assume that the number of records erroneously included as UNE-P is 110 records out of a total of 86,000. In this example, the numerator and denominator would both be reduced by 110 records and the zscore would be recalculated. If the amount of the change was sufficient to meet criteria 2, 4 or 5 above, the Reposting policy will be invoked.