

ORIGINAL



Charles J. Rehwinkel
Senior Attorney

Law/External Affairs
Post Office Box 2214
Tallahassee, FL 32316-2214
Mailstop FLTLH00107
Voice 850 847 0244
Fax 850 878 0777
charles.j.rehwinkel@mail.sprint.com

Via Hand Delivery

September 29, 2000

Ms. Blanca S. Bayó, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

RECEIVED-FPSC
00 SEP 29 PM 4: 29
RECORDS AND
REPORTING

Re: Docket No. 00121-TP; Rebuttal Comments of Sprint.

Dear Ms. Bayó:

Enclosed for filing on behalf of Sprint are the original and fifteen (15) copies of the Rebuttal Comments of Sprint.

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and returning the same to this writer.

Sincerely,

Charles J. Rehwinkel

CJR/tk

Enclosures

- APP _____
- CAF _____
- CMP 3 _____
- CCM _____
- CTR _____
- ECR 1 _____
- LEG _____
- CPC _____
- EAL _____
- EGO 1 _____
- SEC _____
- SER _____
- OTH _____

SEP 29 2000

BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

12397 SEP 29 8

FPSC-RECORDS/REPORTING

In re: Investigation into the Establishment)	DOCKET 000121-TP
of Operations Support Systems)	
Permanent Performance Measures for)	
Incumbent Local Exchange)	Filed: September 29, 2000
Telecommunications Companies)	

Rebuttal Comments of Sprint

COMES Now Sprint Communications Company Limited Partnership and Sprint-Florida, Inc. ("Sprint") and provides these rebuttal comments, pursuant to the Commission's notice of September 8, 2000.

General

As evidenced by the variations in the enforcement mechanism plans filed by the parties in the August 25, 2000 post-workshop comments, it will be very difficult for the Commission Staff to develop a generic plan that addresses the objectives of all of the parties to this proceeding. While there is general agreement that an enforcement mechanism is necessary and appropriate, there is little consensus on the specifics of how such a plan should be constructed and administered.

This lack of agreement on a specific enforcement mechanism is further complicated by the fact that there is no consensus on the performance measurements that need to be tracked. Sprint continues to believe that a comprehensive plan for performance incentives cannot be developed without finalizing the underlying performance measurements. Without knowing what performance levels are required, it is

not possible to design incentives that will help ensure the desired performance is achieved.

Sprint recommends the Commission Staff consider developing a general framework for performance incentives in its planned proposal, scheduled for October 27, rather than a detailed plan that forces ILECs to develop systems and processes that are unique to Florida. This framework should address and provide guidelines for a performance incentive plan that could be used to evaluate the more detailed plan of each ILEC. Through this approach, the Commission could establish the general parameters for what is to be measured, how it is to be measured and what enforcement mechanisms are appropriate, without legislating each detailed element of the plan.

In its original proposal for the development of a performance assessment plan, the Commission Staff recognized that differences among ILECs would preclude establishing identical standards for all ILECs. For this reason, Staff's proposal was to proceed with the development of a performance assessment plan initially for BellSouth, followed by separate proceedings for Verizon and Sprint. Sprint continues to believe this approach will be most effective in developing and implementing performance measurement plans. If the Commission Staff develops the general guidelines for the plans, it could then proceed in a cooperative fashion with all of the parties to oversee the development of the detailed components of the plan, initially for BellSouth and then separately for Verizon and Sprint, but still maintain consistency by establishing a consistent framework for the plans.

BellSouth Implementation

In its comments, BellSouth indicates that its enforcement mechanism plan should take effect only after BellSouth has 271 authority. While BellSouth argues that its plan will satisfy the FCC's concerns by protecting the public interest post-271, they ignore the fact that any substandard performance can result in harm to the CLEC *today*, prior to BellSouth receiving 271 approval.

Sprint and the other parties in this proceeding support the concept of the enforcement mechanism serving as an incentive for an ILEC to provide non-discriminatory service to ALECS. This concept is unaffected by the status of BellSouth's 271 application. BellSouth, like all other ILECs, is obligated by the Telecom Act and FCC requirements to provide non-discriminatory service to ALECs and BellSouth should not be allowed to condition its implementation of an enforcement mechanism, which is designed to incent the ILEC to provide such non-discriminatory service, on the status of its 271 authority.

Absolute Cap

The incentive plans of both Verizon and BellSouth propose the establishment of an absolute cap that would establish a maximum amount for incentive payments. While Sprint recognizes the concern that unintended consequences may occur from the design and implementation of a performance incentive plan, Sprint believes the use of a procedural cap adequately addresses such concerns.

Sprint advocates a procedural cap which will provide a safety-net mechanism for all parties to ensure the incentive plan effectively accomplishes the desired objectives, without imposing unanticipated consequences. An absolute cap provides protection only

for the ILEC by establishing a somewhat arbitrary maximum amount that the ILEC would have to pay, no matter how deficient the ILEC's performance may be. In contrast, the procedural cap and subsequent review by the Commission provides all parties the opportunity to participate in a review of the circumstances and determine whether amounts above the cap should be paid.

Tier II Incentives

Sprint disagrees with AT&T's position that a second tier of incentives is needed to ensure ILECs do not provide discriminatory service to the industry as a whole. On this point, Sprint agrees with the position of Verizon that if incentive levels are properly set for individual ALEC performance, then there is no need for additional payments based on aggregated service levels. For similar reasons, Sprint also takes issue with BellSouth's plan that proposes only a Tier II level of incentives payable to the Commission rather than to the ALECs affected by the discriminatory service being provided.

Penalties Applied to Outcome Oriented Metrics

BellSouth argues that penalties should be applicable only on outcome-oriented metrics that impact the customer's experience. With this position, BellSouth assumes the role of determining which processes impact the ALEC's end user customer. Furthermore, BellSouth's position ignores the fact that while an ALEC's customer might not be directly impacted in all cases by substandard performance by BellSouth, the ALEC may be forced to adjust its internal processes to compensate for BellSouth's problems. While the end user customer may not be affected directly, the ALEC may incur additional costs or lose

efficiencies by adjusting its processes to provide the desired service level to its customer.

Sprint believes incentive payments are appropriate in such situations.

Sprint believes incentives should be applied to all performance measurements, except those that can be demonstrated to be diagnostic in nature for which requiring payments would result in multiple incentive amounts being paid for the same process failure. BellSouth should not be in the position of determining which measurements impact an ALEC's service to its customers.

Respectfully Submitted this 29th Day of September 2000.



Susan Masterton
Charles J. Rehwinkel
1313 Blair Stone Road
Tallahassee, Florida 32301
850/599-1560

CERTIFICATE OF SERVICE
DOCKET NO. 000121-TP

ORIGINAL

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by U.S. Mail or hand-delivery this 29th day of September, 2000 to the following:

Timothy Vaccaro, Staff Counsel
Florida Public Service Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

AT&T
Marsha Rule
101 North Monroe Street, Suite 700
Tallahassee, Florida 32301-1549

GTE Florida, Inc.
Kimberly Caswell
Post Office Box 110
FLTC0007
Tampa, Florida 33601-0110

Nanette Edwards,
Regulatory Attorney
ITC^DeltaCom
4092 S. Memorial Parkway
Huntsville, Alabama 35802

Scott A. Sapperstein
Intermedia Communications, Inc.
3625 Queen Palm Drive
Tampa, Florida 33619

Charles J. Pellegrini
Wiggins & Villacorta, P.A.
2145 Delta Boulevard,
Suite 200
Post Office Drawer 1657
Tallahassee, Florida 32302

Peter M. Dunbar, Esquire
Karen M. Camechis, Esquire
Pennington, Moore, Wilkinson
Bell & Dunbar, P.A.
Post Office Box 10095
Tallahassee, Florida 32301



Charles J. Rehwinkel

DOCUMENT NUMBER-DATE

12397 SEP 29 8

FPSC-RECORDS/REPORTING