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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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RECORDS AND

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

Docket No. 00012-REPORTING

Filed: October 2, 2000

**AT&T's Response to BellSouth's
Performance Measurements Plan**

AT&T Communications of the Southern States, Inc. ("AT&T"), hereby files its responsive comments regarding BellSouth's Voluntary Self-Executing Enforcement Mechanism (VSEEM) III performance measurement and remedy plan.

The Federal Communication Commission has made clear that the public interest demands a self-executing enforcement mechanism to ensure Regional Bell Operating Companies' (RBOC) compliance with established performance standards.¹ Additionally, the FCC has emphasized that these self-effectuating performance assurance plans must be designed to function automatically, without imposing administrative and regulatory burdens on competitors or state regulators.² The Commission identified the following key characteristics of an effective

APP _____ enforcement plan:
CAF _____
CMP 3
COM _____
CTR _____
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¹ In the Matter of Application of BellSouth Corporation, BellSouth Telecommunications, Inc., and BellSouth Long Distance, Inc., for Provision of In-Region, InterLATA Services in Louisiana, CC Docket no. 98-121, Memorandum Opinion and Order, FCC 98-271, October 13, 1998, para. 364, ("Louisiana II").

² In the Matter of Application by Bell Atlantic New York for Authorization Under Section 271 of the Communications Act To Provide In-Region, InterLATA Service in the State of New York, Memorandum Opinion and Order, FCC99-295, December 22, 1999, para. 12.

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- Clearly articulated, pre-determined measures and standards, which encompass a comprehensive range of carrier-to-carrier performance
- Potential liability that provides a meaningful and significant incentive to comply with the designated performance standards;
- A reasonable structure that is designed to detect and sanction poor performance when it occurs;
- A self-executing mechanism that does not leave the door open unreasonably to litigation and appeal; and
- Reasonable assurances that the reported data is accurate.

BellSouth's Voluntary Self-Executing Enforcement Mechanism (VSEEM) III proposal does not meet these FCC requirements. BellSouth's plan is deficient in a number of ways that should preclude this Commission from adopting this plan. The key areas of deficiency include:

1. The performance measurements that are included in the VSEEM III plan are insufficient and not comprehensive enough to fully determine if BellSouth's performance to CLECs is nondiscriminatory.
2. The methodology BellSouth uses to calculate remedies is inappropriate, resulting in poor performance not being detected and sanctioned. Every "transaction" in "violation" should contribute to the actual calculated remedy amount, but does not.
3. Industry level violation can be prolonged for as many as four consecutive months without invoking any consequences.
4. The plan includes a cap on BellSouth's liability regardless of how bad the level of service provided. A cap does not motivate BellSouth to change its performance to meet the benchmark or retail analog. Rather, it allows BellSouth to make a business decision on whether or not improving performance is financially more viable than paying the preset capped penalty.
5. The plan does not specify that a comprehensive audit of BellSouth's performance measurement data collection, storage, retrieval, and reporting processes, along with end-to-end tracking of orders through BellSouth's systems and processes would be performed to ensure that reported data is accurate.

6. The Tier III remedy under VSEEM III is ineffective and while it may apply in theory, in fact, it probably never will apply. For the Tier III remedy to be invoked, BellSouth would have to miss the same 5 measures in the same 3 months in the exact same quarter.

A more detailed explanation of the inadequacies of BellSouth's VSEEM III plan is attached hereto as Exhibit "A".

The Commission should adopt a self-enforcing system of consequences to assure that ILECs have appropriate incentives to comply, on an on-going basis, with their Section 251 obligations to provide CLECs with nondiscriminatory support. Although there may be no single "best" solution, an effective enforcement plan should fully implement the following objectives:

- Consequences must be based upon the quality of support delivered on individual measures to individual CLECs
- Total consequences, in the aggregate, must have sufficient impact to motivate compliant performance without the need to apply a remedy repeatedly
- The imposition of financial consequences must be prompt and certain, and consequences should be self-executing so that opportunities for delay through litigation and regulatory review are minimized
- Consequences must escalate as the basis for concluding that a performance failure exists, becomes more substantial, and/or the performance repeatedly fails to meet the applicable standard
- Additional consequences must apply when non-compliant performance is provided to CLECs on an industry-wide basis
- Exclusions from consequences must be minimized and the exclusions that are provided for must be monitored and limited to assure they do not mask discrimination
- Incumbents must have minimal opportunities to avoid consequences through such means as liability caps, offsetting credits, or a requirement that CLECs must demonstrate an ILEC's intent to harm

- Potential “entanglement” costs must be minimized so that, for example, access to mitigation measures for the incumbent does not become a means to revert to the legal/regulatory process and delay the application of consequences that should be self-enforcing

Unlike BellSouth’s plan, AT&T’s proposal meets the requirements set forth by the FCC. A detailed explanation of AT&T’s proposed plan was filed in this docket on August 25, 2000. A summary is provided below.

Summary of AT&T’s Proposal:

AT&T recommends two separate evaluations in connection with application of consequences: (1) the quality of support delivered to each individual CLEC, and (2) the quality of support delivered to the CLEC industry in the aggregate. Monetary consequences in the former situation would be payable to the affected CLEC; in the latter, they would be payable to the appropriate state governmental agency as regulatory fines.

AT&T’s plan is based on comprehensive set of performance measurements. An assessment of parity measure results rest upon sound statistical procedures that judge whether the ILEC’s measured performance (sufficiently disaggregated³ to assure that performance is accurately compared) reflects nondiscriminatory performance. Quantitative tools⁴ are employed to evaluate if the performance actually delivered by the ILEC is nondiscriminatory, based upon a stated

³ Disaggregation is primarily intended to separate the data collected into homogenous sets where the parameters affecting delivered performance in each data set are identical. For example, it would be inappropriate to compare the performance for a CLEC operating in a highly urban environment to the statewide result for an ILEC if the customer density was a factor influencing the measured performance (for example, mean time to repair)

⁴ See: Local Competition Users Group – Statistical Tests for Local Service Parity, February 6, 1998, Version 1.0 for documentation of the calculation and use of the modified z-statistic. See Statistical Techniques For The Analysis And Comparison Of Performance Measurement Data 9, Louisiana Public Service Commission, Docket No. U-22252, October 15, 1999 for documentation of the calculation and use of truncated z statistic.

statistical test.⁵ If the ILEC's performance falls short of the identified retail analog, the statistical tool should support making a classification regarding "severity."⁶ In order to provide incentives to maintain on-going performance at the stated level, consequences should be greater for more "severe" failures. A separate determination would be based upon the ILEC's performance over time. As an example, three consecutive failures for the same measurement should constitute a "chronic" failure. Consequences for chronic failures should be no less than those that are applied when a severe failure occurs in an individual month.

As with measurements where results are compared to analogous performance of the ILEC, escalating consequences should be applicable to performance misses for measurements where a benchmark serves as the performance standard. In such case, the escalation of the consequence for severity would logically be based on worsening performance in comparison to the established benchmark. The escalation for chronic failures would be consistent with that for measurements with a retail analog.

In addition to consequences that are based on the quality of support delivered to individual CLECs, regulatory bodies need to take action to prevent backsliding that is so pervasive that it affects the operation of the competitive market in general. Clearly, the consequences applicable under individual CLEC contractual provisions will not likely be sufficient, either on an

⁵ As stated earlier, statistical procedures are employed for evaluating individual CLEC performance results in comparison to a retail analog. Statistical tools should *not* be used to evaluate CLEC performance in comparison to a benchmark. Nevertheless, statistical procedures are employed for evaluating whether the total number of measurements failing (whether for an individual CLEC or the aggregation of CLECs) exceeds that expected due to random variation.

⁶ The term "severity" is used for simplicity. When two means are compared, the statistical test permits conclusions to be drawn with varying degree of statistical confidence. As statistical certainty increases (e.g., from 95% to ~99.9% , which are reflected by modified z-statistic values of 1.65 and 3.0, respectively) the attached consequence should increase as well.

individual or cumulative basis, to neutralize economic benefits of maintaining monopoly control of the local market place.⁷ Thus, regulatory consequences (referred to as tier II consequences) are required in addition to consequences payable by the incumbent to an individual CLEC (tier I consequences). Fortunately, the same measurements and measurement results used to evaluate the support an ILEC delivers to individual CLECs can be used to evaluate the quality of support provided to the CLEC industry. For tier II consequences, the data for individual CLECs is aggregated across all CLECs for each reported measurement. Analysis of aggregated CLEC data focuses upon how many measurements failed (regardless of the severity) in the report month, at the aggregate level. Consequences apply when a conclusion is reached that the number of aggregate measurements that fail for the month (and in consecutive months) goes beyond that expected to occur due solely to random variation.

There is more than one method that can be used to calculate appropriate ILEC consequences at an industry level. The key need is that the combined impact of the Tier I and Tier II consequence provide a sufficient incentive that (1) the incumbent not permit performance to deteriorate to a level that performance failures occur and (2) should performance failures occur, that incentive exists to quickly correct the situation. As a result, Tier II consequences can and should be much more substantial than Tier I consequences. One basis for Tier II consequence is to tie the amount to the number of access lines in service within the ILEC's operating territory.

⁷ If the annual local service revenues are measured in terms of billions of dollars while the liquidated damages available through contractual provisions is measured in thousands of dollars, the provisions cannot serve to effectively protect the operation of the market place.

Conclusion

AT&T urges the Commission to reject BellSouth's proposed VSEEM III plan for the reasons described herein.

Respectfully submitted this 2nd day of October, 2000.

A handwritten signature in cursive script that reads "Marsha Rule" is written over a horizontal line.

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EXHIBIT "A"
TO AT&T'S COMMENTS

DEFICIENCIES OF BELLSOUTH'S VSEEM III PLAN

Summary of BellSouth's Proposal

BellSouth proposes to monitor only a subset of the measures specified in its July 2000 Service Quality Measures (SQM) in order to determine whether it is meeting its obligation to provide nondiscriminatory resale, unbundled network elements and interconnection services to competitive local exchange carriers. This limited set of areas to be monitored is inadequate to prevent backsliding and, in the context of making the necessary Section 271 demonstration of nondiscrimination, is woefully inadequate. Unlike the Texas plan, which incorporates thousands of submeasures, VSEEM III only incorporates 44 submeasures.¹

The BellSouth proposal states that a statistical test will be performed for parity determination. BellSouth supports the use of Truncated-Z test and Balancing Critical Value to determine parity of service. The parameter delta defines the degree of violation of parity at which the balancing of Type 1 and Type 2 errors should occur. BellSouth's choice for the value of delta is far too high.² While Truncated-Z test can be used to determine parity of service, BellSouth assumes aggregation for test statistic at the level of each of the designated 44 submeasures is appropriate. This assumption is invalid if the

¹ For more rationale on the need for additional measures specified in BellSouth's SQM, See: In the Matter of BellSouth Telecommunications Inc. Service Quality Performance Measurements in Louisiana, Docket No. U-22252-C, January 19, 2000, Exhibit D.

aggregation reduces visibility of critical market dynamics. For example, for Order Completion Interval several aggregate statistics could be required, relating to analog UNE, ADSL UNE, and HDSL UNE loops.

BellSouth recommends the following product reporting dimensions:

- Resale POTS
- Resale Design
- UNE Loop & Port Combination
- UNE Loops
- IC Trunks

The proposed product disaggregation remains insufficient. For example, only six CLEC product groups, namely resale POTS, resale design, UNE loop+port combinations, UNE loops, and IC trunk subcategories appear to be proposed. As a result, BellSouth's proposal does not include sufficient product specific level of disaggregation. Reasonable reading of the BellSouth material leads to the conclusion that POTS loops, DSL 2-wire, DSL 4-wire, ISDN 2-wire and ISDN 4-wire and 4-wire digital loops would all be aggregated together and reported as a single result. The fact that BellSouth could be discriminating in the support of one type UNE loop (e.g., xDSL) and providing marginally superior support with a different UNE loop product (e.g., residential POTS) would never surface due to the data aggregation BellSouth proposes. Thus, BellSouth would be able to influence where and how fast competition may develop for specific products.

² AT&T's Reply To BellSouth's Statistical Filing Of January 10, 2000, Louisiana Public Service Commission, Docket No. U-22252, January 27, 2000.

BellSouth proposes 3 levels of consequences. Tier-1 enforcement mechanisms are derived from the concept of liquidated damages and are paid directly to the CLECs, while Tier-2 enforcement mechanisms are paid directly to the PSC or their designated agency. The proposal states that an enforcement mechanism is triggered by a parity or benchmark miss in any of the 21 measurements. However, it proposes that discriminatory support of CLECs in billing and pre-ordering support will only impact Tier 2 consequences. It is incomprehensible why an individual CLEC that is receiving deficient billing or pre-ordering support should be denied a remedy unless the CLEC industry as a group is experiencing discriminatory treatment. Tier-3 enforcement mechanisms can trigger the discontinuance of marketing Long Distance when BellSouth consistently fails at the CLEC-aggregate level on any of 5 measures for a quarter. However, it proposes that discriminatory support of CLECs in billing, collocation, trunk blocking and missed installation appointments will only impact Tier 3 consequences. It is deplorable for BellSouth to classify other measures which directly impact telecommunication consumers as less important given that they in no way can trigger Tier 3 consequences. BellSouth also includes an absolute cap as part of its enforcement mechanism structure. Limiting ILEC risks through caps does not serve to encourage non-discriminatory behavior.

Specific Inadequacies In BellSouth's VSEEM III

- I. **VSEEM III Does Not Provide For Potential Liability That Is A Meaningful and Significant Incentive Which Would Motivate BellSouth To Comply With The Designated Performance Standards.**

The potential liability is reduced for the following reasons:

- VSEEM III remedy calculation uses a factor that inappropriately reduces BellSouth's liability.
- VSEEM III uses an inappropriate calculation methodology.
- VSEEM III includes an absolute cap.
- VSEEM III determines remedy amounts in a biased way based on transactions.

As a component of VSEEM III design, the remedy calculation uses a factor that inappropriately reduces BellSouth's liability. Use of this factor, which is a slope of $\frac{1}{4}$ for even gross violations of parity, results in BellSouth paying only a fraction of the maximum penalty amount. In other words, the volume of transactions to which remedies would be applied is reduced.

Secondly, the actual remedy calculation methodology specified in BellSouth's VSEEM III is inappropriate. This methodology, which determines violations at the aggregate level and determines remedies at the disaggregated level, is biased toward BellSouth. The result is that BellSouth will make smaller payments than if the volume proportion, which is calculated from the state aggregate-z, is applied to the total CLEC count. Therefore, BellSouth can avoid paying remedies on all transactions in violation. The VSEEM III calculation methodology improperly excludes from the calculation cells with positive Z score, even though these cells have already contributed to the aggregate z.

Clearly, the potential economic ramification for BellSouth must be sufficient to neutralize the economic benefits of maintaining high market share as a result of its inferior or discriminatory performance for CLECs. Additionally, the potential consequences must be sufficient both to encourage proactive steps to assure compliant performance and to incent immediate action when performance failures occur. The BellSouth remedies methodology does not demonstrate the ability to achieve any of these ends; thus, it is not sufficient to prevent backsliding.

II. VSEEM III Does Not Have The Ability To Detect And Sanction Poor Performance.

VSEEM III includes absolute caps and a questionable methodology for invoking Tier II remedies which also hinder sanctions for poor performance. Additionally, VSEEM III suffers from insufficient disaggregation and an inadequate set of measures both of which hinder the ability to detect discrimination. BST has taken it upon itself to classify which metrics are Tier 1 and which are Tier 2. In the AT&T plan all metrics are both Tier 1 and Tier 2.]

VSEEM III has a state cap, which inhibits sanctions, as opposed to a review threshold. Caps serve to limit the remedies paid by BellSouth for bad performance. Absolute caps send the signal that once BellSouth's performance deteriorates to a particular level, then further deterioration is irrelevant. Absolute caps also provide BellSouth with the means to evaluate the cost of market share retention through the delivery of non-compliant performance.

VSEEM III further prevents sanctions from being imposed for poor performance given how Tier II is implemented. BellSouth can provide non-compliant support for 4 months without incurring Tier II remedies. BellSouth's proposal states that the Tier II remedies are based on quarterly assessment. However, if VSEEM III, inappropriately wipes the slate clean at the end of each quarter, consecutive failures in February, March and April would not constitute a failure because April is not in the first quarter. In addition, linking Tier II remedies to quarterly reporting, as opposed to monthly reporting, needlessly delays self-enforcement of consequences for what are even more flagrant violations of the performance requirements (i.e. the entire industry is being impacted rather than just an individual CLEC). Aggregating results across CLECs within a single month makes detection of discrimination more difficult, due to likely greater variation in the underlying data. To further dilute the ability to detect discrimination with the possibility of additional averaging across months in a quarter is simply an effort to avoid application of otherwise appropriate consequences. It also appears that there are not special consequences for chronic violations at the industry level in VSEEM III.

VSEEM III does not yet include an appropriate set of measures. BellSouth also inappropriately excludes many SQM measures from its remedy plan. The narrow scope of measures will result in critical support areas not being monitored or subject to remedies.

Further, the level of disaggregation in VSEEM III is inadequate and facilitates comparison of unlike observations. Disaggregation should proceed to a level where like-

to-like comparisons can be made. BellSouth states that its position endorses “like-to-like” comparisons. However, BellSouth’s VSEEM III contradicts that stated position given the inadequate product disaggregation that continues to be characteristic of VSEEM III. For example, within VSEEM III, BellSouth continues to aggregate all UNE loops together even though the processes (i.e. intervals) for the various loops, such as ADSL or analog loops, may differ from others. Moreover, BellSouth proposes to rely on overly aggregated results. Such aggregation masks differences and makes detection of inferior performance less likely.

The magnitude of the remedy is further reduced by BellSouth’s choice for “delta” in balancing the Type 1 and Type 2 errors. BellSouth proposed the delta value to be equal to 1.0. One implication of this choice is that, if “bad service” is defined to mean the level of service that BellSouth provides to the worst treated 1% of its own customers, then with delta set equal to 1.0, 9.2% of CLEC customers will received service this bad. Therefore, BellSouth’s inappropriate designation for the parameter “delta” would result in discriminatory support going undetected. Thus, undetected discriminatory support means inadequate remedy amounts and incentive to improve.

III. VSEEM III Does Not Provide Reasonable Assurances That The Reported Data Is Accurate.

VSEEM III incorporates an audit to certify that the Tier I and Tier II remedies are in fact paid. However, VSEEM III does not specify that a comprehensive audit of BellSouth’s performance measurement data collection, storage, retrieval and reporting

processes, along with end-to-end tracking of orders through BellSouth systems and processes would be performed to ensure reported data is accurate. An effective enforcement plan would provide for ongoing comprehensive performance measurement auditing to provide reasonable assurances that the reported data is accurate. Reasonable assurance that the reported data is accurate requires a comprehensive audit, which incorporates the following:

1. Determining whether procedures exist for initially documenting and maintaining performance measurement documentation and conform to reasonable levels of quality and ongoing quality control.
2. Determining what supporting documentation exists for performance measures, including calculations, exclusions, performance standards and disaggregation and further that such documentation faithfully reflects Commission order(s) and meets reasonable standards for clarity and completeness.
3. Determining whether data calculations comply with the documentation, including any provisions for exempting particular data from calculations and that adequate classification parameters (e.g. for disaggregation of results) are reflected.
4. Determining whether data collection (including appropriate sampling) is comprehensive, that appropriate data is entered into the performance measurement calculations and that data excluded from any result calculation is captured and stored with a designation of the reason for exclusion.
5. Determining whether detailed documentation exists for procedures to extract data from relevant data stores, whether for BellSouth or CLECs, that operational procedures adhere to the documentation, and that change control procedures are reasonable and fully implemented.
6. Determining whether the performance measurement process starts with complete and accurate data.
7. Determining whether sufficient documentation exists for describing the data storage, back-up, and retrieval, as well as CLEC access to the data.
8. Determining that procedures exist for protecting proprietary information for both detailed data and the results produced for performance measurement reporting and that operational procedures conform to such documentation.
9. Determining whether stored and reported performance measurement results

are an accurate reflection of the documented methodologies.

10. Determining whether the Commission's ordered methodology to compare CLEC monthly results, whether for individual CLEC or CLECs in aggregate, is complete and accurately reflects the Florida Public Service Commission's order(s) and that the ordered methodology is correctly applied in drawing conclusions regarding conformance of the performance to performance standards where such performance standards have been established, either by agreement of the parties or order of the Commission.
11. Determining whether contents of results match the specified report details represented in BellSouth's SQM.
12. Determine whether those measures which BellSouth asserts to be "parity by design" are in fact "parity by design".

More critical than certifying that Tier I and II remedies are paid, an auditing firm should confirm that BellSouth has, indeed, appropriately calculated remedies and properly invoked remedies that would be commensurate with the performance rendered to each CLEC and the industry at large.

IV. VSEEM III Is Not Based On Measures And Standards, Resulting From A Collaborative Process With Competitive Local Exchange Carriers, That Encompass A Comprehensive Range Of Carrier-To-Carrier Performance.

The measures in VSEEM III are not the result of a comprehensive collaborative proceeding. BellSouth, independent of the CLECs in the 1999/2000 Louisiana Workshops, selected a subset of measures for inclusion in VSEEM III from its SQM, which was already specified by the CLECs as being too narrow in scope. As an example, BellSouth ignored CLE requests for critical hot cut measures which can contribute to negative customer impacts:

1. whether the cut was performed too early
2. whether the cut was performed too late

3. whether the FOC was issued in time to allow the CLEC to perform essential activities

The areas of performance monitored are insufficient in scope to monitor for backsliding that would harm the development of local competition. BellSouth proposes an inadequate set of measures and, as a result, backsliding can occur in many operational areas without any consequence. The measures set forth by BellSouth do not cover the full scope of ILEC support required for unfettered local market competition to develop. All measures specified in the CLEC Measure column, on the table contained below, should have remedies attached that are based on BellSouth's performance delivered to individual CLECs, for each submetric missed. As illustrated in the table, many potentially important aspects of performance will not be examined due to the inadequate set of measures represented in the BellSouth proposal.

The following table lists the measurements BellSouth includes in the VSEEM III and compares those measurements to the list of measures beyond BellSouth SQM measures that AT&T (and many other CLECs) believe are essential for compliance monitoring and attachment of performance failure consequences whether at the individual CLEC or the aggregate CLEC (i.e., Tier II or regulatory consequence, or Tier III level)

CATEGORY	BST MEASURE	CLEC MEASURE
Pre-Ordering	OSS Interface Availability	Percent System Availability
	Percent Response Received Within "6.3" Seconds	Average Response Interval
		Average Response Time For Loop Make-Up Information – Manual Access
	Percent Flow-Through Service Requests	Percent Mechanized Order Flow-Through
Ordering	FOC Timeliness for	FOC Interval

	Mechanized Orders	
	Reject Interval	Reject Interval
		% Order Rejected
		Acknowledgement Timeliness
		Acknowledgement Completeness
		Firm Order Confirmation & Reject Response Completeness
		Timeliness of Response to Requests for BellSouth-to-CLEC Trunks Mean Time to Provide Response % Within 7 Days % Negative Responses
Provisioning	Average Order Completion Interval	Average Completion Interval
	Percent Missed Installation Appointments	Percent Orders Completed On Time
	Percent Troubles Within 4 days of Installation	Percent Troubles Within 30 days of Install & Other Order Activity
		Percent Service Loss from Late Cuts
		Percent Service Loss from Early Cuts
		Percent Completions/Attempts Without Notice or with Less than 24 Hours Notice
		Percent of Orders Cancelled or Supplemented at the Request of the ILEC
		Percent of Coordinated Cuts Not Working As Initially Provisioned
		Average Recovery Time
		Mean Time to Restore A Customer to the ILEC
		Percent Customers Restored to the ILEC
		Cooperative Acceptance Testing
		% Completion of Timely Loop Modification/De-Conditioning on xDSL loops
Maintenance & Repair	Maintenance Average Duration	Mean Time To Restore
	Percent Missed Repair Appointments	Percent Customer Troubles Resolved within Estimate/Repair Appointment Met
	Customer Trouble Report Rate	Trouble Rate
	Repeat Troubles Within 30 Days	Repeat Trouble Rate
Trunk Blockage	Trunk Group Service Report(Percent Trunk Blocking)	
		Percent Call Completion
		Mean Time To Notify CLEC(Network Incident)
LNP	Average Disconnect Timeliness Interval	
	Percent Missed Installation Appointments	Percent Orders Completed On Time
Coordinated Customer Conversions	Coordinated Customer Conversion For UNE Loop w/o INP	Average Coordinated Conversion Interval
Collocation	Percent Due Dates Missed	Percent Due Dates Met
Billing	Mean Time To Deliver Invoice	Mean Time To Deliver Invoice
	Invoice Accuracy	Percent Invoice Accuracy

	Usage Data Delivery Timeliness	Mean Time to Provide Recorded Usage Records
	Usage Data Delivery Accuracy	Percent Usage Accuracy
		Percent Billing Errors Corrected in X Days
		Usage Timeliness
		Recurring Charge Completeness
		Non-Recurring Charge Completeness
		Percent On-Time Mechanized Local Service Invoice Delivery
OSS/CLEC Service Centers		Mean Time to Answer Calls(CLEC Help Centers)
		Call Abandonment Rate(CLEC Help Centers)
Database Updates		Average Update Interval
		Percent Update Accuracy
Other		Percent Responses Commitments Met(On-Time)
		Mean Time to Notify CLEC of Network Outages
		NXX(s) & LRN(s) Loaded by LERG Effective Date
		Notification of Interface Outages
		Timeliness of Change Management Notices Timeliness of Final Versions of Documents Associated w/Change Average Delay Days for Notices Average Delay Days for Documentation % ILEC v. CLEC Changes Made
		Percent Software Certification Failures Software Problem Resolution Timeliness & Average Delay Days

Conclusion:

BellSouth's proposal will not provide adequate incentives to prevent or correct "backsliding" performance. The insufficient set of measures does not provide sufficient information regarding support activities essential to the development of competition. In the few instances where BellSouth proposes to permit examination of its performance, it offers inadequate levels of disaggregation that undoubtedly afford the opportunity to mask discrimination. Additionally, VSEEM III applies a remedy calculation that reduces the number of transactions in violation that incur a consequence. The FCC has set forth a framework for analyzing the reasonableness of a proposed enforcement plan, which

included 5 key aspects that a performance assurance plan should include. BellSouth's VSEEM III clearly falls outside this prescribed zone of reasonableness.

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 2nd day of October, 2000:

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