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ORIGINAL

November 21, 2000

Ms. Blanca Bayo'
Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

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RECORDS AND REPORTING

RE: Docket No. 000121-TP; Sprint's Comments

Dear Ms. Bayo':

Enclosed for filing are the original and 15 copies of Sprint's Comments.

A copy is being served on the parties in this docket, pursuant to the attached Certificate of Service.

Please acknowledge receipt of this filing by stamping and initialing a copy of this letter and returning same to the courier. If you have any questions, please do not hesitate to call me at 850/599-1560.

Sincerely,

Susan S. Masterton

Enclosures

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FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL

In re: Investigation into the Establishment) DOCKET 000121-TP
of Operations Support Systems)
Permanent Performance Measures for)
Incumbent Local Exchange) Filed: November 21, 2000
Telecommunications Companies)

Comments of Sprint

COMES Now Sprint Communications Company Limited Partnership and Sprint-Florida, Inc. ("Sprint") and provides these comments to Commission Staff's Draft Performance Assessment Plan for BellSouth.

The Proposed Enforcement Measurements are not Comprehensive

The Performance Measurements for which BellSouth would be subject to penalty payments do not provide the incentives necessary to ensure ALECs receive a comprehensive level of service from BellSouth. While there are 60 separate measurements included in the BellSouth plan, only a subset of 25 have been identified as being subject to enforcement. To the extent performance measurements have been developed, they all should be subject to enforcement unless it can be demonstrated that the imposition of a penalty for a particular measurement would result in multiple payments for the same performance deficiency. To ensure the plan establishes the necessary incentives for BellSouth to provide ALECs non-discriminatory service across all areas of service, the enforcement mechanism should be applicable to all performance measurements.

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The Proposed Fee Schedules for Enforcement Mechanism are Inappropriately Weighted

The proposed fee schedules for Tier I and II penalty payments reflect unique levels for the various types of measurements (ordering, provisioning, maintenance and repair, LNP, interconnection trunks and collocation). The net result of this proposed structure is to apply differing penalty amounts based on the ALEC's method of providing service (resale versus UNE) and to assign greater incentives to certain areas of performance (provisioning versus ordering). The goal of any enforcement mechanism is to incent the ILEC to provide non-discriminatory service. The proposed structure could have the unintended consequence of incenting BellSouth to concentrate their efforts towards certain service areas and certain classes of ALECs. A consistent set of payments across the performance measurements would result in greater assurance that BellSouth is incented to provide the full scope of non-discriminatory service to all ALECs across all service functions.

Tier II Penalties

Sprint does not believe it is necessary for the Commission to implement Tier II enforcement mechanisms based on an aggregation of the BellSouth's performance for all ALECs. A properly constructed set of performance measurements and an enforcement mechanism that reviews performance provided to individual ALECs will identify and address performance deficiencies in ILEC systems and processes. While performance levels provided by the ILEC may vary somewhat across ALECs, it is very likely that ILEC performance deficiencies will affect most, if not all, ALECs. Therefore, there is no

additional information to be gathered from aggregating ILEC performance data for all ALEC customers and applying an additional level of penalties.

Furthermore, Sprint believes the individual ALECs are the parties that suffer harm if the ILEC does not provide the required levels of service, and as such, should be the parties receiving the remedies. Aggregating performance results and requiring ILECs to make payments to a government or industry fund, as some parties have suggested, does nothing for the ALEC that has been affected by the substandard performance. In lieu of Tier II penalties, the Commission Staff should establish Tier I penalties at the appropriate level to ensure BellSouth is incented to provide non-discriminatory service.

Applicability of BellSouth Plan to Sprint-Florida

The Commission Staff's proposal is clearly developed to apply specifically to BellSouth. The proposal incorporates Staff's suggested changes to the initial plan submitted by BellSouth. Because the plan is unique to BellSouth and specifically tailored to accommodate BellSouth's measurements, processes and systems, it would not be appropriate to unilaterally impose this plan on Sprint's ILEC operations in Florida.

While Sprint's proposed measurements and enforcement plan have similarities to those advocated by BellSouth and reflected in Staff's proposal, there are also many significant differences. These differences include:

- Sprint's plan applies performance incentives on a per submeasure basis instead of a transaction basis as reflected in the BellSouth plan.
- Sprint's plan has penalty payments being made directly to the ALECs with no Tier II penalty amounts being paid to government agencies.

- Sprint's plan includes penalties for all measurements except those that would result in multiple payments for the same missed objectives.
- Sprint's plan utilizes the truncated z-test statistical methodology for evaluating performance on parity measures as does BellSouth. However, Sprint applies a different methodology for utilizing the statistical results to determine the penalty amounts to be paid.
- Sprint's plan applies the same penalty amounts across all submeasures that are eligible for enforcement.

Sprint recommends that the Commission Staff provide Sprint the same opportunity to propose, and adjust as appropriate, its own set of performance measurements and the related enforcement mechanism. Sprint recommends this approach for two reasons. First, if Sprint were required to adopt the BellSouth plan, it would incur significant additional costs to develop, implement and maintain unique systems and processes for its Florida performance measurements from those used in Sprint's other ILEC operations across the country. Second, and more importantly, there is more than one approach for ensuring that an ILEC has a comprehensive set of performance measurements and a related enforcement mechanism in place. Sprint's plan incorporates the key components necessary for an effective enforcement plan including: comprehensive performance measurements, statistical analysis tools for evaluating performance levels and ensuring poor performance is detected when it occurs, and self-executing penalty payments that provide a significant incentive to comply with the performance standards. As such, it should not be assumed that the approach recommended for BellSouth will become the

standard for all ILECs simply because it is the first plan reviewed and addressed by the Commission.

Respectfully submitted this 21st day of November 2000.

Handwritten signature of Susan S. Masterton in black ink.

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CERTIFICATE OF SERVICE
DOCKET NO. 000121-TP

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by U.S. Mail or hand-delivery this 21st day of November, 2000 to the following:

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