

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 000121-TP

FILED: MARCH 30, 2001

STAFF'S PREHEARING STATEMENT

Pursuant to Order No. PSC-01-0242-PCO-TP, issued January 26, 2001, the Staff of the Florida Public Service Commission files its Prehearing Statement.

a. All Known Witnesses

Paul W. Stallcup on behalf of Commission staff.

b. All Known Exhibits

Exhibit PWS-1 - Performance Assessment Plan.

c. Staff's Statement of Basic Position

Testifying staff outlines concepts that should be addressed in developing a Performance Assessment Plan for BellSouth Telecommunications, Inc. (BellSouth). As such, testifying staff is not advocating positions on the issues identified in this proceeding.

Non-testifying staff's positions are preliminary and based on materials filed by the parties and on discovery. The preliminary positions are offered to assist the parties in preparing for the hearing. Staff's final positions will be based upon all the evidence in the record and may differ from the preliminary positions stated herein.

d. Staff's Position on the Issues

ISSUE A: How should the results of KPMG's review of BellSouth performance measures be incorporated into this proceeding?

DOCUMENT NUMBER-DATE

03980 MAR 30 2001

FPSC-RECORDS/REPORTING

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POSITION: Staff takes no position at this time.

ISSUE 1a: What are the appropriate service quality measures to be reported by BellSouth?

POSITION: Staff takes no position at this time.

ISSUE 1b: What are the appropriate business rules, exclusions, calculations, and levels of disaggregation and performance standards for each?

POSITION: Staff takes no position at this time.

ISSUE 2a: What are the appropriate Enforcement Measures to be reported by BellSouth for Tier 1 and Tier 2?

POSITION: Staff takes no position at this time.

ISSUE 2b: What are the appropriate levels of disaggregation for compliance reporting?

POSITION: Staff takes no position at this time.

ISSUE 3a: What performance data and reports should be made available by BellSouth to ALECs?

POSITION: Staff takes no position at this time.

ISSUE 3b: Where, when, and in what format should BellSouth performance data and reports be made available?

POSITION: Staff takes no position at this time.

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ISSUE 4a: Does the Commission have the legal authority to order implementation of a self-executing remedy plan?

POSITION: The Commission is vested with jurisdiction over this matter pursuant to Sections 364.01(3) and (4)(g), Florida Statutes. Furthermore, the FCC has encouraged the states to implement performance metrics and monitoring for purposes of evaluating the status of competition under the Telecommunications Act of 1996.

ISSUE 4b: With BellSouth's consent?

POSITION: Staff takes the same position set forth in Issue 4a.

ISSUE 4c: Without BellSouth's consent?

POSITION: Staff takes the same position set forth in Issue 4a.

ISSUE 5a: Should BellSouth be penalized when BellSouth fails to post the performance data and reports to the Web site by the due date?

POSITION: Staff takes no position at this time.

ISSUE 5b: If so, how should the penalty amount be determined, and when should BellSouth be required to pay the penalty?

POSITION: Staff takes no position at this time.

ISSUE 6a: Should BellSouth be penalized if performance data and reports published on the BellSouth Web site are incomplete or inaccurate?

POSITION: Staff takes no position at this time.

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ISSUE 6b: If so, how should the penalty amount be determined, and when should BellSouth be required to pay the penalty?

POSITION: Staff takes no position at this time.

ISSUE 7: What review process, if any, should be instituted to consider revisions to the Performance Assessment Plan that is adopted by this Commission?

POSITION: Staff takes no position at this time.

ISSUE 8: When should the Performance Assessment Plan become effective?

POSITION: Staff takes no position at this time.

ISSUE 9: What are the appropriate Enforcement Measurement Benchmarks and Analogs?

POSITION: Staff takes no position at this time.

ISSUE 10: Under what circumstances, if any, should BellSouth be required to perform a root cause analysis?

POSITION: Staff takes no position at this time.

ISSUE 11a: What is the appropriate methodology that should be employed to determine if BellSouth is providing compliant performance to an individual ALEC? (Tier 1)

POSITION: Staff takes no position at this time.

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ISSUE 11b: How should parity be defined for purposes of the Performance Assessment Plan?

POSITION: Staff takes no position at this time.

ISSUE 11c: What is the appropriate structure?

1. What is the appropriate statistical methodology?
2. What is the appropriate parameter delta, if any?
3. What is the appropriate remedy calculation?
4. What is the appropriate benchmark table for small sample sizes?
5. Should there be a floor on the balancing critical value?

POSITION: Staff takes no position at this time.

ISSUE 12a: What is the appropriate methodology that should be employed to determine if BellSouth is providing complaint performance on a statewide ALEC-aggregate basis? (Tier 2)

POSITION: Staff takes no position at this time.

ISSUE 12b: How should parity be defined for purposes of the Performance Assessment Plan?

POSITION: Staff takes no position at this time.

ISSUE 12c: What is the appropriate structure?

1. What is the appropriate statistical methodology?
2. What is the appropriate parameter delta, if any?

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3. What is the appropriate remedy calculation?
4. What is the appropriate benchmark table for small sample sizes?
5. Should there be a floor on the balancing critical value?

POSITION: Staff takes no position at this time.

ISSUE 13: When should BellSouth be required to make payments for Tier 1 and Tier 2 noncompliance, and what should be the method of payment?

POSITION: Staff takes no position at this time.

ISSUE 14a: Should BellSouth be required to pay interest if BellSouth is late in paying an ALEC the required amount for Tier 1?

POSITION: Staff takes no position at this time.

ISSUE 14b: If so, how should the interest be determined?

POSITION: Staff takes no position at this time.

ISSUE 15: Should BellSouth be fined for late payment of penalties under Tier 2? If so, how?

POSITION: Staff takes no position at this time.

ISSUE 16: What is the appropriate process for handling Tier 1 disputes regarding penalties paid to an ALEC?

POSITION: Staff takes no position at this time.

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ISSUE 17: What is the appropriate mechanism for ensuring that all penalties under Tier 1 and Tier 2 Enforcement Mechanisms have been paid and accounted for?

POSITION: Staff takes no position at this time.

ISSUE 18: What limitation of liability, if any, should be applicable to BellSouth?

POSITION: Staff takes no position at this time.

ISSUE 19a: What type of cap, if any, is appropriate for inclusion in the Performance Assessment Plan?

POSITION: Staff takes no position at this time.

ISSUE 19b: What is the appropriate dollar value of a cap if applicable?

POSITION: Staff takes no position at this time.

ISSUE 20: What process, if any, should be used to determine whether penalties in the excess of the cap should be required?

POSITION: Staff takes no position at this time.

ISSUE 21: If there is a cap, for what period should the cap apply?

POSITION: Staff takes no position at this time.

ISSUE 22: Should the Performance Assessment Plan include a Market Penetration Adjustment, and if so how should such an adjustment be structured?

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POSITION: Staff takes no position at this time.

ISSUE 23: Should the Performance Assessment Plan include a Competitive Entry Volume Adjustment, and if so how should such an adjustment be structured?

POSITION: Staff takes no position at this time.

ISSUE 24a: Should periodic third-party audits of Performance Assessment Plan data and reports be required?

POSITION: Staff takes no position at this time.

ISSUE 24b: If so, how often should audits be conducted, and how should the audit scope be determined?

POSITION: Staff takes no position at this time.

ISSUE 25: If periodic third-party audits are required, who should be required to pay the cost of the audits?

POSITION: Staff takes no position at this time.

ISSUE 26: Who should select the third-party auditor if a third-party audit is required?

POSITION: Staff takes no position at this time.

ISSUE 27a: Should an ALEC have the right to audit or request a review by BellSouth for one or more selected measures when it has reason to believe the data collected for a measure is flawed or the report criteria for the measure is not being adhered to?

POSITION: Staff takes no position at this time.

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ISSUE 27b: If so, should the audit be performed by an independent third party?

POSITION: Staff takes no position at this time.

ISSUE 28: Should BellSouth be required to retain performance measurement data and source data, and if so, for how long?

POSITION: Staff takes no position at this time.

ISSUE 29: What is the appropriate definition of "affiliate" for the purpose of the Performance Assessment Plan?

POSITION: Staff takes no position at this time.

ISSUE 30a: Should BellSouth be required to provide "affiliate" data as it relates to the Performance Assessment Plan?

POSITION: Staff takes no position at this time.

ISSUE 30b: If so, how should data related to BellSouth affiliates be handled for purposes of

1. Measurement reporting?
2. Tier 1 compliance?
3. Tier 2 compliance?

POSITION: Staff takes no position at this time.

e. Pending Motions.

There are no pending motions at this time.

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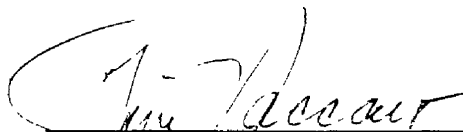
f. Pending Confidentiality Claims or Requests

There are no pending confidentiality claims or requests at this time.

g. Compliance with Order No. PSC-01-0242-PCO-TP

Staff has complied with all requirements of the Order Establishing Procedure entered in this docket.

Respectfully submitted this 30th day of March, 2001.



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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: This is a generic
certificate of service - put
docket title here.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Staff's Prehearing Statement was furnished to the following, by U.S. Mail, on this 30th day of March, 2001.

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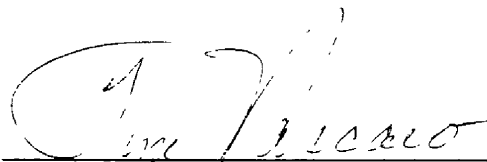
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