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January 12, 2004

BY HAND DELIVERY

Ms. Blanca Bayó, Director
The Commission Clerk and Administrative Services
Room 110, Easley Building
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

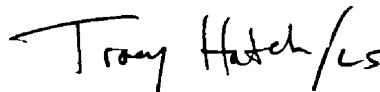
Re: Docket No. 000121-TP – BellSouth Performance Measurements

Dear Ms. Bayó:

Enclosed for filing are an original and fifteen (15) copies of the CLEC Coalition's Response to BellSouth's December 4, 2003, Memorandum Containing Proposed Remedy Amount for Metric B-10 in the above-referenced docket.

Please acknowledge receipt of this letter by stamping the extra copy of this letter "filed" and returning the same to me. Thank you for your assistance with this filing.

Sincerely yours,


Tracy W. Hatch

TWH/las
Enclosure
cc: Parties of Record

DOCUMENT NUMBER DATE
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FPSC-05 COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into the Establishment)
of Operations Support System Permanent) Docket No. 000121A-TP
Performance Measures for Incumbent)
Local Exchange Telecommunications) Filed: January 12, 2003
Companies (BellSouth Track))
_____)

**CLEC COALITION RESPONSE TO BELLSOUTH'S
DECEMBER 4, 2003, MEMORANDUM CONTAINING
PROPOSED REMEDY AMOUNT FOR METRIC B-10**

AT&T Communications of the Southern States, LLC ("AT&T"); DIECA Communications, Inc. d/b/a Covad Communications Company ("Covad"); MCImetro Access Transmission Services, LLC and MCI WORLDCOM Communications, Inc. ("MCI"); NuVox Communications, Inc. ("NuVox"); and Momentum Business Solutions, Inc. ("Momentum"), collectively referred to as the Competitive Local Exchange Carrier Coalition ("CLEC Coalition"), hereby respond to BellSouth Telecommunications, Inc.'s ("BellSouth") memorandum dated December 4, 2003 which staff filed in this docket on December 5, 2003. . That memorandum pertains to a "proposed fee amount for Percent Billing Errors Corrected in 'X' Business Days (B-10)", whereby BellSouth proposes a "Tier 1 Fee amount of \$20 and a Tier 2 Fee amount of \$30 for B-10." The CLEC Coalition has several concerns about this proposal, as well as the claims BellSouth conveys concerning their analysis of the CLEC wholesale Bill Adjustment Requests. For the reasons set forth below, the Commission should not adopt BellSouth's proposal at this time but instead should schedule a meeting to reconcile the data derived from all parties regarding BellSouth's proposal and to discuss an appropriate fee amount.

As part of the BellSouth memorandum outlining the B-10 (Percent Billing Errors Corrected in “X” Business Days) metric remedy amount proposal, BellSouth contends that the recommended Tier 1 remedy amount of \$20.00 “is approximately 3 times the value of the typical dispute (\$7...)”. The CLEC Coalition disagrees with BellSouth’s claims regarding the value of disputes because they do not appear to be accurate. Based upon their experience, including review of Billing Adjustment Request (“BAR”) form data, the CLEC Coalition believes that a review of BellSouth’s claim is warranted. BellSouth should provide the supporting data that it used to determine its valuation of a typical dispute. The differences in the dollar amounts between the CLEC data and BellSouth’s conclusion (for the analysis itself and back-up data were not provided) warrants this review before moving forward with any decisions on the B-10 metric.

Another concern of the CLEC Coalition is that BellSouth states that it conducted a thorough analysis of the CLEC wholesale bill adjustment requests it has received for the three-month period from June through August 2003 to determine the appropriate fee amount to apply to a failure for this measure. Based on feedback from CLEC Billing organizations, the CLEC Coalition believes that a thorough analysis would encompass nine months at a minimum. Billing adjustments are not just a routine act. Therefore, a CLEC may not have claims each month.

To further support its proposal, BellSouth also contends that “[o]ne-third of the Billing Adjustment Requests resulted in no billing error.” In considering this, it is important to understand that BellSouth may unilaterally classify a Billing Adjustment Request as not being a billing error since BellSouth assigns the denial or agreement status. The decision that a billing error exists should not be based only on how BellSouth

classifies the claim. Denial of a claim does not mean that a billing error did not exist. The claim denials made by BellSouth are not a consensus decision which included the CLEC opinion. As a result, BellSouth's contention warrants further examination.

BellSouth also contends that "the results of the dispute analysis showed that a large number of the disputes involved a low monetary value with little effect on the CLEC." The CLECs question whether BellSouth's analysis included the complete set of data for the time period as it appears that BellSouth seems to omit denied billing disputes from its analysis.¹ As the attached confidential matrix reflects, the majority of the denied claims are for significant dollar amounts. For BellSouth to suggest that the billing disputes are of low value is misleading.

Given these concerns, the CLEC Coalition recommends a reconciliation meeting so that BellSouth can provide clarification concerning the data used for the analysis. BellSouth should be required to provide the parties, prior to the meeting, the supporting data used in its analysis. As part of the supporting data, the CLEC Coalition requests inclusion of the following:

- Provide the ACATS/BDATS distribution of the disputes.
- The number and dollar amount of disputes that were dropped from the performance reporting during the three-month period. This data should be accessible to BellSouth given that the business rules for the B-10 metric states, BellSouth will report separately the adjustment requests that are disputed by BellSouth.

¹ A "Review Of BellSouth Billing Dispute Process" dated June 2003, prepared by R. Lynn Fisher of the Commission's Division of Competitive Markets & Enforcement concluded that if a billing dispute is denied by BellSouth and is escalated to a higher dispute level, the escalated disputes are dropped from performance measurement reporting (at p.5).

In addition to addressing BellSouth's proposed remedy amount for the B-10 metric, the CLEC Coalition has concerns related to the implementation of the B-10 metric that will be raised at the Six Month Review. It appears that the B-10 metric implementation is not compliant with the metric business rules. In the "Review of BellSouth Billing Dispute Process" dated June 2003, prepared by R. Lynn Fisher of the Commission's Division of Competitive Markets & Enforcement, there are several areas discussed about the BellSouth billing dispute process that were not clearly understood and are of great concern to the CLEC Coalition:

1. Until the dispute is logged into the appropriate BellSouth tracking systems (ACATS or BDATS), the clock does not begin on the 45-business day resolution time frame. As stated in the aforementioned document, "BRR staff found that a representative had received a dispute 13 days before, but had not yet entered it into the system." (p. 8) There still does not appear to be any measurement for this step of the billing dispute process.
2. Disputes that are escalated are dropped from BellSouth performance reporting. This includes denied and partial credits.
3. BDATS is not tied to the billing systems like ACATS. BDATS requires users to manually calculate late charges and interest charges and enter them into the billing system for correction.

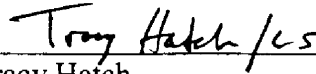
The CLEC Coalition hopes to discuss these items in depth at the next six-month review.

For the reasons set forth herein, the CLEC Coalition respectfully requests that the Commission not accept BellSouth's proposal or the Tier 1 and Tier 2 fee amount for the

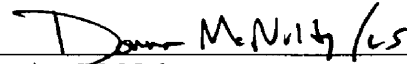
B-10 billing metric at this time. In addition, the CLEC Coalition requests that a reconciliation meeting be scheduled for all interested parties to attend to review the data used in BellSouth's analysis and discuss the proposed fee amount for Percent Billing Errors Corrected in "X" Business Days (B-10).

Respectfully submitted,

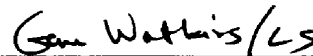
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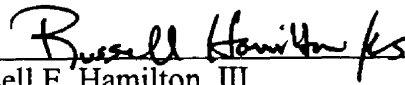
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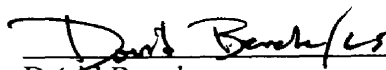
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. mail on this 12th day of January 2004 to:

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