

State of Florida



Public Service Commission
-M-E-M-O-R-A-N-D-U-M-

DATE: October 11, 2004
TO: Parties of Record *LSH*
FROM: Lisa S. Harvey, Chief, Bureau of Regulatory Review
RE: Docket No. 000121A-TP
Comments on Six-Month Review of BellSouth's Performance Assessment Plan

On August 18, 2004, BellSouth and the CLECs filed proposed changes to BellSouth's SEEM Plan in conjunction with the six-month review process. Staff created a template that identifies the parties' proposed changes to the SEEM plan. Staff requests that parties respond with an agreement or disagreement for each itemized change proposed by either BellSouth or the CLECs. For those areas of disagreement, please provide a basis for disagreeing. The template is filed in Docket 000121A-TP and can be downloaded from the Commission's website at www.psc.state.fl.us or be obtained by contacting Jerry Hallenstein at jhallens@psc.state.fl.us or (850) 413-6818. Please provide to Jerry Hallenstein an electronic version of responses to items 1-42 by October 19, 2004, and items 43-72 by October 26, 2004. Please file responses in Docket No. 00021A shortly after the response due dates.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

SEEM Non-Technical Matrix
CLEC Coalition Proposed Changes

Proposed Change	CLEC Reasoning	BST Response
<p>Administrative Review: After 6 consecutive violations, the affected CLEC has the right to request an administrative review by Staff. Similarly, after 6 months of Tier 2 violations, any CLEC with volume for that submeasure has the right to request an administrative review.</p>	<p>At the review, the CLEC could propose additional actions to identify the source of that problem and to alleviate it.</p>	<p>➤</p>
<p>PARIS Reporting The CLEC Coalition requests that this Commission require BellSouth to report the specific information in its CLEC-specific PARIS reports for each submeasure to Disclose Degree of Non-Compliance. The CLEC Coalition proposes that BellSouth be required to Disclose Source of Adjustments and cite detailed requirements as to what information should be disclosed and how.</p>	<p>Disclose Degree of Non-Compliance</p> <ul style="list-style-type: none"> ➤ Currently: <ul style="list-style-type: none"> ○ Inadequate to understand level of severity ○ Only remedy amounts are provided ○ No underlying data for compliance determination calculations ➤ Disclose degree of non-compliance for a given violation ➤ Greater visibility into non-compliance determination ➤ Better understanding of how remedy amounts were derived ➤ Data currently reported in LA, but not necessarily useful to them ➤ Should help to provide delta comparisons <p>Disclose Source of All Adjustments</p> <ul style="list-style-type: none"> ➤ Currently: <ul style="list-style-type: none"> ○ No disclosed substantiation for adjustments ○ No reference linking adjustment to a notification or description to clearly determine the source ○ Multiple adjustments, possibly from different errors, sometimes posted in single total adjustment 	<p>➤</p>

SEEM Non-Technical Matrix
BellSouth Proposed Changes

Row #	Proposed Change	BST Reasoning	CLEC Response
1	Reporting 2.1: ...with BellSouth's SQMs and pay penalties in accordance with the applicable SEEMs, which are posted on the Performance Measurement Reports website.	Clarification and correction.	✓
2	Reporting 2.2: BellSouth will also provide electronic access to the available raw data underlying the SOMs.	Correction.	✓
3	Reporting 2.4: Final validated SEEM reports will be posted on the Performance Measurements Reports website on the 15th day of the month, following the posting of final validated SQM reports for that data month or the first business day thereafter.	Clarification	✓
4	Reporting 2.6: BellSouth shall pay penalties to the Commission, in the aggregate, for all incomplete or inaccurate reposted SQM reports in the amount of \$400 per day. See Appendix G for definition of "reposted."	Only changes that are significant enough to trigger reposting according to the criteria could have a meaningful effect on data accuracy.	✓
5	Reporting 2.7: Tier II SEEMs payments and Administrative fines and penalties for late, incomplete, and reposted reports will be sent via Federal Express to the Commission. Checks and the accompanying transmittal letter will be postmarked on or before the 15th of the month or the first business day thereafter.	To the extent that posted performance measurement reports are incomplete, the Reposting Policy covers the requirements to repost the data, and consequently to pay associated penalties. Accordingly, there is no need to reflect separately a penalty associated with incomplete reports. Wording is also provided to clarify that the due day for the postmarked transmittal of payments is based on the first relevant business day based on standard business practices.	✓
6	Reporting 2.9: BellSouth will provide documentation of late and incomplete occurrences during the reporting month that the data is posted to the website.	Language is applicable to performance measurement data posting as required by the SQM only and not SEEM.	✓
7	Review of Measurements and Enforcement Mechanisms 3.1: BellSouth will participate in six-month annual review cycles starting six months after one year from the date of the Commission order.	The review process lasts for several months and a series of six-month review cycles is not feasible. Therefore, BellSouth propose an annual review cycle, which may be more manageable for all parties involved.	✓
8	Modification to Measures-Review of Measurements and Enforcement Mechanisms 3.2 BellSouth and the ALECs shall file any proposed revisions to the SEEM plan one month prior to the beginning of each review period.	Unnecessary because Commission or Staff will establish schedule.	✓

Row #	Proposed Change	BST Reasoning	CLEC Response
9	Modification to Measures Review of Measurements and Enforcement Mechanisms Commission to modify or amend the SQMs or SEEMs. Nothing will preclude any party from participating in any proceeding involving BellSouth's SQMs or SEEMs from advocating that those measures be modified.	Superfluous	>
10	Enforcement Mechanisms Definitions SEEM measurements within the SEEM in this pPlan.	Correction to reflect removal of SEEM submetric identification from SQM.	>
11	Enforcement Mechanisms Definitions 4.1.2 <i>Enforcement Measurement Benchmark compliance</i> – competitive level of performance established by the Commission used to evaluate the performance of BellSouth and each ALEC for CLECs for penalties where no analogous retail process, product or service is feasible.	Clarification and correction	>
12	Enforcement Mechanisms Definitions 4.1.3 <i>Enforcement Measurement Retail Analog Compliance</i> – comparing performance levels provided to BellSouth retail customers with performance levels provided by BellSouth to the CLEC ALEC customer for penalties measures where retail analogs	Clarification and correction.	>
13	Enforcement Mechanisms Definitions 4.1.4 <i>Test Statistic and Balancing Critical Value</i> – means by which enforcement will be determined using statistically valid equations. The Test Statistic and Balancing Critical Value properties are set forth in Appendix C, incorporated herein by this reference D, <u>Statistical Formulas and Technical Description.</u>	Correction.	>
14	Enforcement Mechanisms Definitions Section 4.1.5: Cell - ...all BellSouth retail ISDN (POTS) services, for residential customers, ...	Clarification and Correction	>
15	Enforcement Mechanisms Definitions 4.1.8 <i>Tier-2 Enforcement Mechanisms</i> – assessments paid directly to the Florida Public Service Commission or its designee. Tier 2 Enforcement Mechanisms are triggered by three consecutive monthly failures in Tier 2 enforcement measurement elements in which BellSouth performance is out of compliance or does not meet the benchmarks for the aggregate of all CLEC ALEC data as calculated by BellSouth for a particular Tier-2 Enforcement Measurement Element.	Clarification and correction.	>
16	controlled by, or is under common ownership or control with, another person. For equivalent thereof) of more than 10Percent.	This term is not used in applying the methodology of the Plan therefore the definition is not needed.	>
17	Enforcement Mechanisms Definitions 4.1.9: <u>Affected Volume</u> – that proportion of the total impacted CLEC volume or CLEC Aggregate volume for which remedies will be paid.	New definition required for operation of proposed transaction-based remedy mechanism.	>
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Row #	Proposed Change	BST Reasoning	CLE	R
	<p>4.1.10 <i>Party Gap</i> – refers to the incremental departure from a compliant-level of service. This is also referred to as “diff” in Appendix D. Statistical Formulas and Technical Description.</p>	<p>of proposed transaction-based remedy mechanism.</p>		
19	<p>Enforcement Mechanisms Application 4.2.1 The application of the Tier-1 and Tier-2 Enforcement Mechanisms does not foreclose other legal and regulatory claims and remedies available to each CLECA/EEG.</p>	<p>Correction.</p>		
20	<p>Enforcement Mechanisms Application 4.2.2: ... performance and the payment of any Tier-1 or Tier-2 Enforcement Mechanisms shall not be used as evidence that BellSouth has not complied with or has violated any state or federal law or regulation. The payment of any Tier-1 Enforcement Mechanism to a CLEEC shall be credited against any liability associated with or related to BellSouth's service performance. It is not the intent of the Parties that BellSouth be liable for both Tier-2 Enforcement Mechanisms and any other assessments or sanctions imposed by the Commission. CLECs will not oppose any effort by BellSouth to set off Tier-2 Enforcement Mechanisms from any assessment imposed by the Commission.</p>	<p>These changes are to avoid situations where the CLECs are paid multiple times for problems associated with the same transaction or occurrence. Certainly the purpose of plans like the SEEM plan is not to unduly penalize BellSouth and unjustly enrich the CLECs. Similarly, Tier-2 penalties, which are paid to the Commission, should not represent dual assessments against BellSouth for the same performance related problems.</p>		
21	<p>Enforcement Mechanisms Methodology 4.3.1.1 All OCNs and ACNAs for individual CLECs/AIECs will be consolidated for purposes of calculating transaction/measure-based failures.</p>	<p>Clarification to remove potential controversy about whether the proposed SEEM can be mandated. Transaction-based plan rather than a measure-based plan is proposed.</p>		
22	<p>Enforcement Mechanisms Methodology 4.3.1.2 When a measurement has five or more transactions for the CLECA/EEG, calculations will be performed to determine remedies according to the methodology described in the remainder of the document.</p>	<p>Correction.</p>		
23	<p>Enforcement Mechanisms Methodology 4.3.2 Tier-2 Enforcement Mechanisms will be triggered by BellSouth's failure to achieve applicable Enforcement Measurement Compliance or Enforcement Measurement Benchmarks for the State of Florida for given Enforcement Measurement Elements for three consecutive months. The base upon ^{based upon} the method of calculation is set forth in Appendix D, incorporated ^{referred} herein by this reference. Statistical Formulas and Technical</p>	<p>Clarification.</p>		
24	<p>Enforcement Mechanisms Methodology 4.3.2.1 Tier-2 Enforcement Mechanisms apply, for an aggregate of all CLEEC/AIEEC data generated by BellSouth, on a per-measurement-transaction basis for a particular Enforcement Measurement Element each Enforcement Mechanism Element for which</p>	<p>See the discussion for section 4.3.1.3 above concerning the recommended change for Tier 1 from per-measure to a per-transaction based plan.</p>		

25	<p>BellSouth has reported non-compliance.</p> <p>Enforcement Mechanisms Payment of Tier-1 and Tier-2 Amounts</p> <p>4.4.1 If BellSouth performance triggers an obligation to pay Tier-1 Enforcement Mechanisms to an CLECA or an obligation to remit Tier-2 Enforcement Mechanisms to the Commission or its designee, BellSouth shall make payment in the required amount by the 15th day of the second month following the month for which disparate treatment was triggered on the day upon which the final validated SEEM reports are posted on the</p>	<p>Clarification and to ensure consistency.</p>	<p>></p>
26	<p>Enforcement Mechanisms Payment of Tier-1 and Tier-2 Amounts</p> <p>4.4.2 For each day after the due date that BellSouth fails to pay an CLECA the required amount, BellSouth will pay the CLECA 6% simple interest per annum.</p>	<p>Correc n.</p>	<p>></p>
27	<p>Enforcement Mechanisms Payment of Tier-1 and Tier-2 Amounts</p> <p>4.4.3 For each day after the due date that BellSouth fails to pay the Tier-2 Enforcement Mechanisms, BellSouth will pay the Commission an additional \$1,000 per day.</p>	<p>Clarification and correction.</p>	<p>></p>
28	<p>Enforcement Mechanisms Payment of Tier-1 and Tier-2 Amounts</p> <p>4.4.4: ... within sixty (60) days after the payment due date of the performance measurement report for which the obligation arose.</p> <p>... within thirty (30) days after its findings along with 6Percent% simple interest per annum. However, the AIEG shall be responsible for all administrative costs associated with resolution of disputes that result in no actual payment. Administrative costs are those reasonable costs incurred in the resolution of the disputed matter. Such costs would include, but not be limited to, postage, travel and lodging, communication expenses, and legal costs. If BellSouth and the AIEG have exhausted good faith negotiations and are still unable to reach a mutually agreeable settlement pertaining to the amount disputed, the Commission will settle the dispute. If Commission intervention is required, a mediated resolution will be pursued.</p>	<p>Clarification and correction.</p>	<p>></p>
29	<p>Enforcement Mechanisms Payment of Tier-1 and Tier-2 Amounts</p> <p>4.4.5 At the end of each calendar year, an independent accounting firm, mutually agreeable to the Florida Public Service Commission and BellSouth, shall certify that all penalties under that the results of all penalties under Tier-1 and Tier-2 Enforcement Mechanisms were paid and accounted for in accordance with Generally Accepted Account Principles (GAAP). These annual audits shall be performed based upon audited data of BellSouth's performance measurements.</p> <p>For Tier-2 Enforcement Mechanisms, if the Commission requests clarification of an amount paid, a written claim shall be submitted to BellSouth within sixty (60) days after the date of the performance measurement report for which the obligation arose. BellSouth shall investigate all claims and provide the Commission written findings within thirty (30) days after receipt of the claim. If BellSouth determines the Commission is owed additional amounts, BellSouth shall pay such additional amounts within thirty (30) days after its findings alone with 6% simple interest per annum.</p>	<p>The deleted portion is covered to the extent necessary by revised audit provisions. The Audit Policy is provided herein as section 4.8.</p> <p>Correct oversight by adding procedure to address clarification requests for Tier 2 by the Commission, which already exists for Tier 1 for CLECs.</p>	<p>></p>
30	<p>Enforcement Mechanisms Payment of Tier-1 and Tier-2 Amounts</p>	<p>Prevent unreasonable situation where</p>	<p>></p>

Row #	Proposed Change	BS1 Reasoning	CLEC Response
31	<p>4.4.6: BellSouth may set off any SEEM payments to a CLEC against undisputed amounts owed by a CLEC to BellSouth pursuant to the Interconnection Agreement between the parties which have not been paid to BellSouth within ninety (90) days past the Bill Due Date as set forth in the Billing Attachment of the Interconnection Agreement.</p> <p>Enforcement Mechanisms Payment of Tier-1 and Tier-2 Amounts</p> <p>4.4.7 Any adjustments for underpayment or overpayment of calculated Tier 1 and Tier 2 remedies will be made consistent with the terms of BellSouth's Policy On Reporting Of Performance Data and Recalculation of SEEM Payments, as set forth in Appendix G of the Agreement.</p>	<p>BellSouth is paying SEEM to a CLEC who is not paying an undisputed bill.</p> <p>This provision is provided to formalize the incorporation of the Reporting Policy.</p>	
32	<p>Enforcement Mechanisms Payment of Tier-1 and Tier-2 Amounts</p> <p>4.4.8 Any adjustments for underpayments will be made in the next month's payment cycle after the recalculation is made. The final current month PARS reports will reflect the final paid dollars, including adjustments for prior months where applicable. Questions regarding the adjustments should be made in accordance with the normal process used to address CLEC questions related to SEEM payments.</p>	<p>Clarity by stating current practice used to make adjustments and address CLEC questions.</p>	
33	<p>Enforcement Mechanisms Limitations of Liability</p> <p>4.5.1 BellSouth's total liability for the payment of Tier-1 and Tier-2 Enforcement Mechanisms shall be collectively and absolutely capped at 39% of net revenues in Florida, based upon the most recently reported ARMS data.</p>	<p>Addressed in new Section 4.7 entitled "Enforcement Mechanism Cap."</p>	
34	<p>Enforcement Mechanisms Limitation of Liability</p> <p>4.5.2: BellSouth will not be obligated to pay Tier-1 or Tier-2 ... if such noncompliance results from... failure to follow established and documented procedures.</p>	<p>Clarifies current provisions by stating additional specific instances where BellSouth should not be obligated to pay SEEM.</p>	
35	<p>Enforcement Mechanisms Limitations of Liability</p> <p>4.5.3 BellSouth shall not be obligated for Tier-1 or Tier-2 Enforcement Mechanisms for noncompliance with a performance measure if such non-compliance was the result of an act or omission by a CLEC that was in bad faith.</p>	<p>Covered in revised Section 4.5.2</p>	
36	<p>Enforcement Mechanisms Limitations of Liability</p> <p>4.5.4: ... a Force Majeure event (as defined in the most recent version of BellSouth's standard Interconnection Agreement)</p>	<p>Clarification by identifying the specific source of the definition of a Force Majeure event</p>	
37	<p>Enforcement Mechanisms Affiliate Reporting</p> <p>4.6 Affiliate Reporting-Change of Law</p>	<p>This is a new section that uses the section number previously designated for Affiliate Reporting</p>	
38	<p>Enforcement Mechanisms Affiliate Reporting-Change of Law</p> <p>4.6.1</p> <p>Upon a particular Commission's issuance of an Order pertaining to Performance Measurements or Remedy Plans in a proceeding expressly applicable to all CLECs, BellSouth shall implement such performance measures and remedy plans covering its performance for the CLECs, as well as any changes to those plans ordered by the Commission on the date specified by the Commission. If a change of law retroactively</p>	<p>The Affiliate Reporting section is eliminated because it is irrelevant for SEEM. That is, this provision is unnecessary to determine whether BellSouth provides nondiscriminatory access. The standards for nondiscriminatory access are defined for each metric in the SQM.</p>	

Row #	Proposed Change	BST Reasoning	CLEC Response
	<p><u>BellSouth of the obligation to provide any UNE or UNE combination pursuant to Section 251 of the Act, then upon providing the Commission with 30 days written notice, Bellsouth will cease reporting data or paying remedies in accordance with the change of law. Performance Measurements and remedy plans that have been ordered by the Commission can currently be accessed via the Internet at http://pmap.bellsouth.com. Should there be any difference between the performance measure and remedy plans on BellSouth's website and the plans the Commission has approved as filed in compliance with its orders, the Commission-approved compliance plan will supersede as of its effective date.</u></p>	<p>Adds specific provision to address how changes of law will be handled in SEEM. This provision represents a reasonable balance between providing adequate notice that payments will cease with prompt relief for BellSouth to discontinue payments that should no longer be required.</p>	
40	<p>Affiliate Reporting—Enforcement Mechanism Cap <u>BellSouth shall provide monthly results for each metric for each BellSouth ALEC affiliate; however, only the Florida Public Service Commission shall be provided the number of transactions or observations for BellSouth ALEC affiliates. Further, BellSouth shall inform the Commission of any changes regarding non-ALEC affiliates' use of its OSS databases, systems, and interfaces.</u> 4.7 Add Section: <u>Enforcement Mechanism Cap</u></p>	<p>Separates provisions related to the Enforcement Mechanism Cap into its own section. Formerly, this information was reflected in section 4.5.1.</p>	y
41	<p><u>Audits</u> 4.8 – 4.8.1: Add new section: <u>Audits</u></p>	<p>Incorporates a more thorough audit plan into SEEM. Having all parties share in the cost provides equal incentive to limit the scope of the audit to meaningful activities.</p>	y
42	<p><u>Dispute Resolution</u> 4.74.9 Notwithstanding any other provision of the Interconnection Agreement between BellSouth and each CLECALEC, any dispute regarding BellSouth's performance or obligations pursuant this Plan shall be resolved by the Commission.</p>	<p>Correction.</p>	
43	<p><u>Regional and State Coefficients Section 4.10</u></p>	<p>Provided for completeness of documentation. Describes method currently used to apportion penalties calculated for regional measures and modified based on the proposed change from a measurement-based plan to a transaction-based plan.</p>	y
44	<p><u>Fee Schedule Liquidated Damages</u> for Tier-2 Measures Table 2 Appendix A, Table A.2, reflects the current and proposed changes to the Fee Schedule. See Redlined SEEM plan, Exhibit B, for proposed changes.</p>	<p>Same rationale as for Table 1 above. See Attachment 1 to this exhibit for the rationale for changes in specific fees.</p>	y
45	<p><u>SEEM Sub-metrics</u> Applicable to all SEEM sub-metrics Tables B-1 and B-2. General approach taken to set of measures included in plan.</p>	<p>Generally, one measure of timeliness and one measure of accuracy should apply to each major domain; e.g., Ordering, Provisioning, Maintenance & Repair, etc. In addition to the specific reasons given below,</p>	y

Row #	Proposed Change	BST Reasoning	CLEC Response
		BellSouth is proposing to move closer to this general concept with the following changes. Also, measures of some intermediate processes were removed because such process may have little if any customer effect and any significant customer effect would likely be reflected in other measures.	
46	SEEM Sub-metrics Measure OSS-1 Table B-2: Tier 2 Sub-metrics Remove measure OSS-1, Average Response Interval and Percent within Interval (Pre-Ordering/Ordering), from Tier 2 of the SEEM plan.	BellSouth proposed removal of this measure from the SQM. See SQM matrix filed on July 28, 2004 for the rationale.	y
47	SEEM Sub-metrics Measure OSS-4 Table B-2: Tier 2 Sub-metrics Remove measure OSS-4, Response Interval (Maintenance & Repair), from Tier 2 of the SEEM plan.	BellSouth proposed removal of this measure from the SQM. See SQM matrix filed on July 28, 2004 for the rationale.	y
48	SEEM Sub-metrics Measure PO-1 Table B-1: Tier 1 Sub-metrics & Table B-2: Tier 2 Sub-metrics Remove measure PO-1, Loop Makeup –Response Time-Manual, from Tier 1 and Tier 2 of the SEEM plan.	BellSouth proposed removal of this measure from the SQM. See SQM matrix filed on July 28, 2004 for the rationale.	y
49	SEEM Sub-metrics Measure O-1 Table B-1: Tier 1 Sub-metrics & Table B-2: Tier 2 Sub-metrics Remove measure O-1, Acknowledgement Message Timeliness from Tier 1 and Tier 2 of the SEEM plan.	BellSouth proposed removal of this measure from the SQM. See SQM matrix filed on July 28, 2004 for the rationale.	y
50	SEEM Sub-metrics Measure O-2 (AKC) Table B-1: Tier 1 Sub-metrics Remove measure O-2, Acknowledgement Message Completeness, from Tier 1 of the SEEM plan. This measure would apply to Tier 2 only.	Measure O-2 tracks whether an acknowledgement is returned to the CLECs after an LSR or transmission is electronically submitted. If acknowledgments are not being sent, it does not directly affect the CLECs ability to provide service to its customer but is a secondary measure of an intermediate process. As such, intermittent deficiencies, particularly with the high benchmark do not indicate a significant problem. Consequently, penalties should only apply if there are persistent problems	y

Row #	Proposed Change	BST Reasoning	CLEC Response
		<p>in this area, which is the situation that Tier 2 was designed to address. Also, this measure captures performance related to an electronic process that uses regional systems, problems that occur Are not limited to individual CLECs, as intended when Tier 1 penalties apply. Further the nature of electronic systems usually makes this problem largely self-correcting and any harm that occurs affects the industry as a whole not an individual CLEC. Therefore, this measure should be included in Tier 2 only. If BellSouth's performance for a given month triggers the Low Performance Fee Schedule, BellSouth will pay Tier 1 penalties in addition to Tier 2 penalty for the month involved.</p>	
51	<p>SEEM Sub-metrics Measures O-3 & O-4; (PFT) Table B-1: Tier 1 Sub-metrics BellSouth recommended combining measure O-4, Flow-Through Service Requests (Detail), with measure O-3, Flow-Through Service Request (Summary). Thus, measure O-4 would no longer exist as a separate measure and measure O-3, as modified, would only apply to Tier 2; Tier 1 would <u>not</u> apply. Also change disaggregation for this measure as follows: 1. Combine Residence and Business into Resale. 2. Combine UNE Loop & Port Combo and UNE Other into UNE. The resulting disaggregation would be: Resale, UNE and LNP.</p>	<p>BellSouth, in its current proposal, recommends that measures O-3, <i>Percent Flow-Through Service Requests (Summary)</i>, and O-4, <i>Percent Flow-Through Service Requests (Detail)</i> be combined into a single SQM that shows both the Aggregate CLEC data (Summary) and CLEC Specific data (Detail). The SEEM penalty, in BellSouth's proposal, would apply to the Aggregate CLEC data as a Tier 2 measure only. Flow Through results are based on the operation of regional systems and impact CLECs equally, based on the products or feature that they order. Because this measure captures performance related to an electronic process that uses regional systems, problems that occur are not limited to individual CLECs, as intended when Tier 1 penalties apply. Flow through typically only increase</p>	

Row #	Proposed Change	BST Reasoning	CLEC Response
		<p>the standard for measuring FOC timeliness by 7 hours. The mechanized FOC Timeliness standard is 95% in 3 hours and for orders that do not flow through and should do so, the FOC Timeliness standard is 95% in 10 hours. Such delay periodically does not directly affect the CLECs ability to provide service to its customers. As such, intermittent deficiencies, particularly with the high benchmark do not indicate a significant problem. Consequently, penalties should only apply if there are persistent problems in this area, which is the situation that Tier 2 was designed to address.</p> <p>Further, the nature of electronic systems usually makes this problem largely self-correcting and any harm that occurs affects the industry as a whole not an individual CLEC Therefore, this measure should be included in Tier 2 only.</p> <p>Finally, since all CLECs are affectedly similarly, Tier 1 penalties should not apply. If BellSouth's performance for a given month triggers the Low Performance Fee Schedule, BellSouth will pay Tier 1 penalties in addition to Tier 2 penalty for the month involved.</p> <p>The proposed disaggregation for this measure in the SEEM plan is the same as the SQM. See the SQM matrix filed on July 28, 2004 for the rationale for this change.</p>	
52	SEEM Sub-metrics Measure O-8; (RI) Table B-1: Tier 1 Sub-metrics	BellSouth's Proposed SQM disaggregates the Reject Interval measurement by 3 methods of	

Row #	Proposed Change	BST Reasoning	CLEC Response
	<p>Remove Partially Mechanized and Non-Mechanized disaggregations for O-8, Reject Interval, from Tier 1 and Tier 2.</p>	<p>submission – fully mechanized, partially mechanized and non-mechanized (manual). For an effective enforcement plan, however, only the fully mechanized portion of this measurement should be included since this is the method of submission where the preponderance of CLEC activity occurs. Also, such treatment provides a further incentive for CLECs to move to electronic system that BellSouth has expended huge resources to develop and maintain at the CLECs request. Finally, partially mechanized and non-mechanized methods of submission are subject to gaming by the CLECs. LSRs can effectively be submitted with known errors in such a way as to guarantee a penalty payment.</p>	
53	<p>SEEM Sub-metrics Measure O-9; (FOCT) Table B-1: Tier 1 Sub-metrics & Table B-2: Tier 2 Sub-metrics Remove measure O-9, Firm Order Confirmation (FOC) Timeliness, from the both Tier 1 and Tier2.</p>	<p>This measure was proposed for removal from the SQM. See the SQM matrix filed on July 28, 2004 for the rationale. It should be noted that although this measure is being removed from SEEM, this function will still be measured in the new measurement <i>Firm Order Confirmation Average Completion Interval (FOCI)</i> that BellSouth is proposing to include in both Tier 1 and Tier 2 of SEEM. The FOCI measure will combine the two current measures, <i>FOC Timeliness</i> and <i>Average Completion Interval (OCI) & Order Completion Interval Distribution</i>, into a single metric as requested by CLECs in the past.. Since the failure to return FOCs to CLECs in a timely manner will show up in the FOCI metric, which is proposed for both Tier 1 and Tier 2,</p>	

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		including <i>FOC Timeliness</i> in the SEEM plan as well would result in dual penalties for the same failure. Therefore, BellSouth's proposal excludes <i>FOC Timeliness</i> from the SEEM plan.	
54	SEEM Sub-metrics Measure O-11; (FOCRC) Table B-1: Tier 1 Sub-metrics Remove measure O-11, Firm Order Confirmation and Reject Response Completeness, from Tier 1 of SEEM.	BellSouth's proposal excludes this measure from Tier 1 of the SEEM plan and includes it as a Tier 2 measure only. This is not a primary indicator of the timeliness or accuracy of the ordering process. The systems and processes that generate Reject Notices and FOCs are regional in nature and this measure simply tracks whether one of these two responses to a request was sent – not how long it takes to send it. If a response is not sent it is typically due to a system problem, which affects CLECs in general rather than only specific CLECs. Further the cure is fairly simple, which is for the CLEC to resubmit the order. Consequently this area becomes a problem only if persistent problems arise, which makes it more appropriate to include this measure in Tier 2 only. Further, Tier 1 penalties are already paid, and would be paid under BellSouth's proposal, for the Reject Interval and FOCI measures. Further, if BellSouth's performance for a given month triggers the Low Performance Fee Schedule, BellSouth will pay Tier 1 penalties in addition to Tier 2 penalty for the month involved.	
55	SEEM Sub-metrics Measure P-4 Table B-1: Tier 1 Sub-metrics & Table B-2: Tier 2 Sub-metrics Remove measure P-4, Average Completion Interval (OCI) & Order Completion Interval Distribution, from Tier 1 and Tier 2 of the SEEM plan.	Although this measure is being removed from SEEM, this function will still be measured in the new measurement <i>Firm Order Confirmation Average Completion</i>	

Row #	Proposed Change	BST Reasoning	CLEC Response
		<p><i>Interval</i> (FOCI) that BellSouth is proposing to include in both Tier 1 and Tier 2 of SEEM. The FOCI measure will combine the two current measures, <i>FOC Timeliness</i> and <i>Average Completion Interval (OCI) & Order Completion Interval Distribution</i>, into a single metric as requested by the CLECs in the past. Since the failure to complete orders within appropriate intervals will show up in the FOCI metric, which is proposed for both Tier 1 and Tier 2, including a separate OCI measure in the SEEM plan as well would result in dual penalties for the same failure.</p>	
56	<p>SEEM Sub-metrics New Measure; FOCI Table B-1: Tier 1 Sub-metrics & Table B-2: Tier 2 Sub-metrics Add the measure Firm Order Confirmation Average Completion Interval to both Tier 1 and Tier 2 of SEEM.</p>	<p>New measure that combines former measures FOC Timeliness and Average Completion Interval. These two functions are proposed to be in SEEM.</p>	➤
57	<p>SEEM Sub-metrics Measure P-7A; HCT Table B-1: Tier1 Sub-metrics & Table B-2: Tier 2 Sub-metrics Combine the existing disaggregation levels for measure P-7A, Coordinated Customer Conversions Hot Cut Timeliness – Percent within Interval, into single a single sub-metric for “UNE Loops.”</p>	<p>The proposed SQM reflects two levels of disaggregation for this measure, namely “Non-IDLC” and “IDLC.” See the SQM matrix filed on July 28, 2004 for the rationale for that change. For purposes of the SEEM plan, while the proposed disaggregation for this metric in SEEM only reflects one category for “UNE Loops,” the calculations for penalties actually applies the separate benchmarks for Non-IDLC and IDLC Loops. The penalties would simply be reported as a single category designated as UNE Loops.</p>	➤
58	<p>SEEM Sub-metrics Measure P-7C; (PT) Table B-1: Tier 1 Sub-metrics & Table B-2: Tier 2 Sub-metrics Remove measure P-7C, Hot Cut Conversions - Percent Provisioning Troubles Received within 5 Days (formerly 7 Days) of a Completed Service Order, from Tier 1 and Tier 2.</p>	<p>BellSouth’s proposal excludes this measure from Tier 1 and Tier 2 of SEEM. This is because the same data are captured in the measure <i>Percent Provisioning Troubles within “X”</i></p>	➤

Row #	Proposed Change	BST Reasoning	CLEC Response
		<p><i>Days</i>, which is included in Tier 1 and Tier 2. Including both these measures in SEEM would subject BellSouth to dual penalties for the same failure.</p>	<p>.</p> <p>.</p>
59	<p>SEEM Sub-metrics Measure P-8 Table B-1: Tier 1 Sub-metrics & Table B-2: Tier 2 Sub-metrics Remove measure P-8, Cooperative Acceptance Testing, from Tier 1 and Tier 2 of the SEEM plan.</p>	<p>BellSouth proposed removal of this measure from the SQM. See SQM matrix filed on July 28, 2004 for the rationale.</p>	<p>➤</p>
60	<p>SEEM Sub-metrics New measure: CNDD Table B-1: Tier 1 Sub-metrics & Table B-2: Tier 2 Sub-metrics Add measure CNDD, Non-Coordinated Customer Conversions – Percent Completed and Notified on Due Date, to both Tier 1 and Tier 2.</p>	<p>BellSouth proposes to add this new measure to both Tier 1 and Tier 2 of SEEM. This measure, as described in the SQM matrix filed on July 28, 2004, captures the percentage of non-coordinated customer conversions that BellSouth completes and provides notification to the CLEC on the due date. Considering the increased role that non coordinated hot cuts may have in the future and the potential direct impact on customer service this measure is being proposed for inclusion in SEEM.</p>	<p>➤</p>
61	<p>SEEM Sub-metrics Measures P-13B (LOOS), P-13C (LAT), and P-13D (DTNT) Table B-1: Tier 1 Sub-metrics Remove measures P-13B, LNP-Percent Out of Service < 60 Minutes, P-13C, Percentage of Time BellSouth Applies to 10-Digit Trigger Prior to the LNP Order Due Date (LAT), and P- 13D, LNP-Disconnect Timeliness (Non Trigger) (DTNT), from Tier 1 of SEEM.</p>	<p>BellSouth’s proposal includes these three measures as Tier 2 only. These metrics evaluate a combination of largely automated processes and procedures performed by technicians in a centralized work center. The result is that the processes are the same from CLEC to CLEC and, if there is a problem, the problem affects all CLECs, rather than an individual CLEC. Consequently, a Tier-2 enforcement mechanism is appropriate for these measurements. Further, if BellSouth’s performance for a given month triggers the Low Performance Fee Schedule, BellSouth will pay Tier 1 penalties in addition to Tier 2 penalty for the month involved.</p>	<p>➤</p>
62	<p>SEEM Sub-metrics</p>	<p>This measure is neither an indicator of</p>	<p>➤</p>

Row #	Proposed Change	BST Reasoning	CLEC Response
	<p>Measure M&R-2; CTRR Table B-1: Tier 1 Sub-metrics & Table B-2: Tier 2 Sub-metrics Remove measure M&R 2, Customer Trouble Report Rate, from both Tier 1 and Tier 2.</p>	<p>timeliness nor accuracy of maintenance and repair. It is not a measure of whether troubles actually exist, but is at best a broad indicator of whether customers choose to submit trouble reports. Consequently, low results do not mean that there is a performance problem, instead it simply provides information that indicates whether a part of the maintenance process needs to be examined to see if a problem exists. Experience has shown that results vary widely due to differences in the way that CLECs choose to maintain their services. For example, some CLECs do a better job of isolating troubles to their network than others. Those that don't isolate troubles well have higher trouble report rates, and it hardly seems appropriate to penalize BellSouth because a CLEC did not isolate its troubles properly. Also, very small differences in performance result in large penalties for this measure as shown in the examples in our comments. Typically, some of the highest penalties are paid for this measure, and it is typically one of the areas where the measure usually indicates a high level of performance for both CLECs and retail. For example, overall, Trouble reports rate are usually less than 3% and the difference between CLEC and retail performance is less than 2%, but the penalties are among the highest of any measure. This occurs even though for many of the reports no actual trouble exists. SEEM penalties will apply to the measures Maintenance Average Duration and Repeat Troubles, which together measure the accuracy and</p>	

Row #	Proposed Change	BST Reasoning	CLEC Response
		timeliness of Maintenance and Repair efforts.	.
63	SEEM Sub-metrics Measure M&R-5 Table B-1: Tier 1 Sub-metrics & Table B-2: Tier 2 Sub-metrics Remove measure M&R-5, Out of Service (OOS) > 24 hours, from Tier 1 and Tier 2 of the SEEM plan.	BellSouth proposed removal of this measure from the SQM. See SQM matrix filed on July 28, 2004 for rationale.	.
64	SEEM Sub-metrics Measure B-1 Table B-1: Tier 1 Sub-metrics & Table B-2: Tier 2 Sub-metrics For measure B-1, Invoice Accuracy, change the disaggregation to eliminate separate submetrics for Interconnection, Resale and UNE.	This metric is simply an indication of whether BellSouth provides the CLECs with accurate bills. There is no need to show separate disaggregations for Interconnection, Resale and UNE.	.
65	SEEM Sub-metrics Measure B-3 Table B-1: Tier 1 Sub-metrics & Table B-2: Tier 2 Sub-metrics Remove measure B-3, Usage Data Delivery Accuracy, from Tier 1 and Tier 2 of the SEEM plan.	BellSouth proposed removal of this measure from the SQM. See SQM matrix filed on July 28, 2004 for rationale.	.
66	SEEM Sub-metrics Measure B-10 Table B-1: Tier 1 Sub-metrics & Table B-2: Tier 2 Sub-metrics Remove measure B-10, Percent Billing Errors Corrected in "X" Business Days, from Tier 1	BellSouth proposed removal of this measure from the SQM. See SQM and Tier 2 of the SEEM plan. matrix filed on July 28, 2004 for rationale.	.
67	SEEM Sub-metrics Measure C-3; PMDD Table B-1: Tier 1 Sub-metrics & Table B-2: Tier 2 Sub-metrics For measure C-3, Collocation Percent of Due Dates Missed, remove the separate disaggregations for Virtual, Physical, which were further disaggregated by Initial and Augment.	This metric simply tracked whether a committed due date is met or missed. Specific disaggregation by Virtual or Physical (also Initial and Augment) is unnecessary. This especially true since BellSouth rarely missed a due date for this measure.	.
68	SEEM Sub-metrics SEEM Measurement Disaggregation - General Table B-1: Tier 1 Sub-metrics & Table B-2: Tier 2 Sub-metrics Decrease the level of disaggregation for many SEEM Tier 1 and Tier 2 measurements. The measures within the Provisioning and Maintenance & Repair domains for which BellSouth proposes a reduction in disaggregation are shown below (the actual changes to the level of disaggregation is shown in Appendix B, Tables B-1 and B-2, of the redlined SEEM plan included in this filing as Exhibit B): <u>Provisioning</u> 1. PIAM: Percent Installation Appointments Met (currently reflected as P-3, Percent Missed Installation Appointments). 2. PPT: Percent Provisioning Troubles within 5 Days (previously 30 Days) of Service Order Completion.	As discussed concerning the excessive disaggregation in the current SQM, there are a large number of sub-metrics for which there is little or no activity month-to-month. There is, obviously, no benefit to maintaining the current level of disaggregation, which produces so many meaningless data reports. The resulting need, therefore, and the approach reflected in BellSouth's proposal, is for more aggregation rather than disaggregation. That is, grouping	.

Row #	Proposed Change	BST Reasoning	CLEC Response
	<p><u>Maintenance & Repair</u></p> <ol style="list-style-type: none"> 1. PRAM: Percent Repair Appointments Met (currently reflected as MR-1, Percent Missed Repair Appointments) 2. MAD: Maintenance Average Duration 3. PRT: Percent Repeat Customer Troubles within 30 Days <p>The proposed SEEM disaggregation for Pre-Ordering and Ordering measures is the same as the proposed SQM disaggregation except where already noted.</p>	<p>similar sub-metrics together for purposes of making more meaningful determinations of compliant performance.</p> <p>Beyond the disaggregation issues associated with the SQM, however, the design and intended functioning of the SEEM plan requires additional aggregation beyond that reflected in the SQM. Of course, the problem of the vast majority of sub-measures reflecting little or no activity is compounded in the SEEM plan for Tier 1. This is because in addition to the several levels of disaggregation in the SQM, SEEM Tier 1 calculations require further disaggregation by individual CLEC. Specifically, SEEM currently contains 830 sub-metrics at the Tier I level. There are over 200 CLECs in Florida. Since Tier I sub-metrics apply to all CLECs, there is a potential for over 166,000 SEEM determinations (830 sub-metrics x 200 CLECs). Too many sub-metrics (which are subject to further disaggregation and granularity) result in few or no transactions (or activity) in many sub-metrics. For example, an analysis of SEEM data for Florida taken from the three-month period of August through October 2003 indicated that, on average, there was no activity for 97% of the CLEC specific opportunities for the 830 SEEM measures.</p> <p>Additionally, the truncated-Z statistical methodology uses like-to-like comparisons at very granular level called cells so masking of poor performance by good performance is a</p>	

Row #	Proposed Change	BST Reasoning	CLEC Response
		<p>minimal problem if it exists at all as indicated by an analysis conducted by AT&T. The truncated Z methodology was specifically designed to allow aggregation of several products without creating a problem with masking. According to the design of the statistical methodology used in the SEEM plan, given that like-to-like comparisons are made at the cell level, it is unnecessary for the SEEM plan payment categories of sub-metrics to be the same as the SQM level, which is used for reporting and monitoring.</p>	
69	<p>SEEM Sub-metrics SEEM Retail Analog <u>B.3 Add new section to show the retail analogs for the measures in the SEEM plan.</u></p>	<p>Added for completeness of SEEM documentation.</p>	<p>✓</p>
70	<p>SEEM Sub-metrics SEEM Benchmark Thresholds <u>B.4 Add new section to show the benchmarks for the measures in the SEEM plan.</u></p>	<p>Added for completeness of SEEM documentation.</p>	<p>✓</p>
71	<p><u>Appendix F OSS Tables F.1 – F.2</u> Added the OSS designations to SEEM</p>	<p>This section was added to reflect the OSS applied to the SEEM plan parity determinations.</p>	<p>✓</p>
72	<p><u>Appendix G Reposting of Performance Data and Recalculation of SEEM Payments</u> Reposting policy added to the SEEM plan.</p>	<p>This is the policy concerning the reposting of data that was approved by the Commission. This policy is included in the SEEM plan documentation for completeness.</p>	<p>✓</p>