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November 3, 2004

VIA 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. 000121A-TP

Dear Ms. Bayó:

Attached please find the CLEC Coalition's Response to Staff's "Non-Technical" matrix items 43-72 in the above-referenced docket. Copies of this document will be served on all parties via electronic and U.S. Mail.

Thank you for your assistance with this filing.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Tracy W. Hatch".

Tracy W. Hatch

TWH/las
Attachment
cc: Parties of Record

DOCUMENT NUMBER - DATE

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FPSC-COMMISSION CLERK

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the CLEC's Reply was served by

U.S. Mail this 3rd day of November 2004 to the following:

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FLORIDA PUBLIC SERVICE COMMISSION

Docket No. 000121A-TP

**SEEM
“NON-TECHNICAL”
MATRIX**

BellSouth Proposed Changes

Row #	Proposed Change	BST Reasoning	CLEC Response
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>	<p>➤ CLECs AGREE IN PART AND DISAGREE IN PART. The CLECs agree to the inclusion of an explanation for Regional & State Coefficients.</p> <p>However, the description is incomplete and, perhaps, contradictory. Although there are specific definitions for the "regional" and "state" coefficients for Tiers I and II, respectively, there did not appear to be a statement of how the coefficients are to be used in the remedy calculations, nor any examples.</p> <p>Also, Section 4.10 states that "[a] regional coefficient is calculated to split Tier I payments ... among CLECs" but the coefficients in App. E seem designed to split payments among states, for a specific CLEC.</p> <p>Thus, CLECs cannot agree at this time because the discussion of these coefficients is incomplete and seemingly contradictory, and therefore CLECs require clarification before providing a final response.</p>
44	<p>Fee Schedule Liquidated Damages 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>	<p>1. CLECs DISAGREE. (Comments apply to fees for Tier 1 and Tier 2 measures) It is inappropriate to refer to these payments as "liquidated damages", a legal term of art referring to the amount parties to</p>

Row #	Proposed Change	BST Reasoning	CLEC Response
			<p>a contract negotiate in advance as the agreed upon damages in the event of a breach. Liquidated damages offer certainty because the parties know in advance that they have agreed upon a certain amount which will be paid, even if the actual damages later prove to be different. These payments have none of the elements of liquidated damages.</p> <p>Accordingly, it is inaccurate to use that term in describing these payments. In addition, it is of concern that BellSouth would attempt to insert that language in the document when it so obviously should not be included. That it now appears indicates that BellSouth wants it included in order to make the argument, no matter that it is specious, in other legal proceedings that penalty payments under this plan should operate as the only remedy available for damages CLECs have suffered.</p> <p>2. The purpose of the remedy plan is to deter poor performance, not make providing poor performance an ILEC cost of doing business.</p> <p>3. BellSouth's statement that the proposed fee schedule is designed to mirror the relationship typically found in commercial transactions bears no direct relationship to the SEEM plan as this is not a commercial transaction where both parties are negotiating on an equal footing. In fact, CLECs are disadvantaged</p>

Row #	Proposed Change	BST Reasoning	CLEC Response
			<p>from the outset, as BellSouth is in complete control of the facilities necessary to CLEC survival in the telecommunications arena. As a result, BellSouth's attempts to reduce their obligations to those present in a commercial transaction are meaningless and confusing.</p> <p>Furthermore, BellSouth's rationale for relating the proposed fee schedule to the charges CLECs actually incur by domain is flawed and incomplete. The intent of the penalty payments is to provide an incentive against BellSouth backsliding in their performance to CLECs. BellSouth's proposal only considers some of the tangible costs to the CLEC. For example, if BellSouth's actions during the Ordering phase were to result in the loss of a CLEC customer, the costs to the CLEC would be more than just the service order charge. In addition to the service order charge from BellSouth, the CLEC will also incur either a manual or electronic loop make-up charge, not to mention the time and expense incurred by CLEC resources in dealing with that customer and their order. On top of that, BellSouth's proposal does not consider the CLEC's foregone revenue from that customer. And for the Collocation domain, BellSouth states that they used only the application fee to derive the penalty amount for missed collocation transactions. There are several other non-recurring charges that are billed to</p>

Row #	Proposed Change	BST Reasoning	CLEC Response
			CLECs than just the application fee. Why weren't these included along with the application fee in determining the penalty amounts?
45	SEEM Sub-metrics Applicable to all SEEM sub-metrics Tables B-1 and B-2. General approach taken to set of measures included in plan.	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, 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.	> CLECs DISAGREE. CLECs need clarification of the specific rationale associated with the deletion of each individual metric since the BellSouth reasoning is not applicable to each deleted metric. CLECs do not agree to deleting metrics that BellSouth is failing or that have not been implemented as ordered.
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.	> CLECs DISAGREE. See CLEC SQM matrix filed on August 27, 2004 for rationale.
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.	> CLECs DISAGREE. > See CLEC SQM matrix filed on August 27, 2004 for rationale
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.	> CLECs DISAGREE. > See CLEC SQM matrix filed on August 27, 2004 for rationale
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.	> CLECs DISAGREE. See CLEC SQM matrix filed on August 27, 2004 for rationale.
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	Measure O-2 tracks whether an acknowledgement is returned to the CLECs after an LSR or transmission is electronically submitted. If	> CLECs DISAGREE. CLECs oppose the elimination of Tier 1 remedies as the loss of orders at this initial state creates

Row #	Proposed Change	BST Reasoning	CLEC Response
	SEEM plan. This measure would apply to Tier 2 only.	<p>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 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>	<p>burdens for CLECs and potential problems meeting customer requirements for service delivery. Therefore, an aggregate-only view will conceal a CLEC-specific problem.</p> <p>The fact that BellSouth's OSS are regional does nothing to mitigate the poor service that can be received by individual CLECs. For example MCI has experienced a bad month after a system software change and the problem was fixed quickly, not doubt due to the Tier 1 remedies paid for dropping thousands of orders in multiple states. If this problem has been masked by all the other CLEC orders being processed, BellSouth might not have fixed the problem so quickly and continued to discriminate against MCI vis-a-vis other CLECs, which also is a violation of the Communications Act.</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 not apply. Also change disaggregation for this measure as follows:</p> <ol style="list-style-type: none"> 1. Combine Residence and Business into Resale. 2. Combine UNE Loop & Port Combo and UNE Other into UNE. <p>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</p>	<p>> CLECs DISAGREE. CLECs oppose the deleted disaggregation in SEEM as problems with flow through for certain types of orders would be hidden and un-remedied if combined with a large-volume product with high flow-through rates. With so many product types lumped together, masking of CLEC-specific flowthrough problems would easily occur without sanction based on</p>

Row #	Proposed Change	BST Reasoning	CLEC Response
		<p>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 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>BellSouth's proposal. BellSouth's claims of "regional systems" does not negate the fact that flowthrough varies depending on what is ordered and that flow-through results by CLEC vary widely today.</p> <p>UNE Loop & Port Combo and UNE-P orders are treated significantly different than a data CLEC's UNE orders. Most, if not all, of a data CLEC's UNE orders involve designed products. BellSouth's ordering process for designed products is more complex than the process used for non-designed products. By lumping all types of UNE products together, you combine very dissimilar products and the opportunity to mask poor performance on specific products increases.</p> <p>CLECs disagree with BellSouth's proposed disaggregation. See CLEC August 27, 2004 response to collapsing disaggregation.</p> <p>BST, please explain how the industry as a whole can be harmed, but not an individual CLEC.</p> <p>CLECS are not all affected similarly. See attached Flow-Through Detail report for 09/04.</p>

Row #	Proposed Change	BST Reasoning	CLEC Response
		<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	<p>SEEM Sub-metrics Measure O-8; (RI) Table B-1: Tier 1 Sub-metrics Remove Partially Mechanized and Non-Mechanized disaggregations for O-8, Reject Interval, from Tier 1 and Tier 2.</p>	<p>BellSouth's Proposed SQM disaggregates the Reject Interval measurement by 3 methods of 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>	<p>> CLECs DISAGREE. All product types cannot be ordered via a fully mechanized means. However, these CLECs whose businesses rely on these product types also cannot tolerate long reject interval. This metric's disaggregation should continue to include partially mechanized and non-mechanized., as well as product level disaggregation.</p> <p>Further, the August 04 FL MSS report disputes its contention that the preponderance of LSRs are fully mechanized. Of the approximately 28, 600 LSRs submitted 20% were fully mechanized, 11% were non mechanized and 70% were partially mechanized.</p> <p>Further, since 90% of the LSRs were submitted electronically, CLECs have largely moved to the electronic OSS.</p> <p>BellSouth provided no evidence to support its allegation that CLECs can or are gaming the system. Since the current SEEM plan permits BellSouth to seek adjustments for CLECs who act in bad faith, presumably it does not have any evidence.</p>
53	<p>SEEM Sub-metrics Measure O-9; (FOCT) Table B-1: Tier 1 Sub-metrics & Table B-2: Tier 2 Sub-metrics</p>	<p>This measure was proposed for removal from the SQM. See the SQM matrix filed on July 28, 2004 for the</p>	<p>> CLECs DISAGREE. Contrary to BellSouth's comments, BellSouth did not propose for</p>

Row #	Proposed Change	BST Reasoning	CLEC Response
	Remove measure O-9, Firm Order Confirmation (FOC) Timeliness, from the both Tier 1 and Tier2.	<p>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</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 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, 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.</p>	<p>removal of this measure from the SQM. The CLEC do not agree that the FOCI measure is appropriately structured. The artificial padding of intervals that include ILEC “FOC” times render this measure completely useless for monitoring for discrimination. See CLEC comments filed on August 27, 2004. Therefore, the FOC should be retained as a Tier 1 & Tier 2 measure.</p>
54	<p>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.</p>	<p>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</p>	<p>> CLECs DISAGREE. CLECs oppose removal of Tier 1 remedies. BellSouth has not explained why missing FOCs and Rejects do not harm CLECs’ relationships with customers, as well as CLEC costs.</p> <p>It is important to measure how quickly CLECs receive a FOC or a rejection. It is equally important to measure whether CLECs received one or the other at all.</p> <p>BellSouth’s “cure” is not simple, it is very costly to the CLEC and customer affecting, since</p>

Row #	Proposed Change	BST Reasoning	CLEC Response
		<p>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.</p>	<p>resubmitting an LSR incurs an additional service order change and further delays the provisioning of an end-user's circuit.</p>
55	<p>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.</p>	<p>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</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>	<p>> CLECs DISAGREE. This is a key measure. The CLEC do not agree that the FOCI measure is appropriately structured. The artificial padding of intervals that include ILEC "FOC" times render this measure completely useless for monitoring for discrimination. See CLEC comments filed on August 27, 2004. Therefore, the OCI should be retained as a Tier 1 & Tier 2 measure.</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>	<p>> CLECs DISAGREE. CLEC oppose this measure as a replacement for OCI Tier 1 and Tier 2 measures. See CLEC concerns in August 27, 2004 filing.</p>
57	<p>SEEM Sub-metrics</p>	<p>The proposed SQM reflects two levels</p>	<p>> CLECs DISAGREE.</p>

Row #	Proposed Change	BST Reasoning	CLEC Response
	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.”	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.	> Reports should match disaggregation and penalty calculation.
58	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.	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” 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.	> CLECs DISAGREE. This metric specifically seeks to motivate compliant hot cut performance. Based on the proposed disaggregation for Percent Troubles within “X” Days, all UNE loop performance would be consolidated and hot cut specific performance would be masked.
59	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.	BellSouth proposed removal of this measure from the SQM. See SQM matrix filed on July 28, 2004 for the rationale.	> CLECs DISAGREE. CLECs oppose the deletion of this measure. It is imperative that CLECs receive trouble-free loops at installation. This measure is a key indicator of the support that BellSouth gives CLECs that order xDSL loops and should not be deleted. Further, as facilities-based competition increases, so may the number of orders requiring cooperative testing.
60	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.	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	> CLECs AGREE.

Row #	Proposed Change	BST Reasoning	CLEC Response
		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.	
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>> CLECs DISAGREE. CLECs oppose changing these measures to Tier 2 only. As facilities-based competition increases, so may the number of LNP orders. Now is not the time to eliminate incentives for BellSouth to provide compliant support. Secondly, an aggregate view of performance can easily mask poor CLEC-specific performance. If these processes are so automated and centralized, why does BellSouth need 12 hours (or even 4 hours) to work a non-trigger disconnect (Measure P-13D)?</p>
62	<p>SEEM Sub-metrics 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>This measure is neither an indicator of 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</p>	<p>> CLECs DISAGREE. BellSouth is correct that CTRR is not an indicator of accuracy nor timeliness. CTRR is a measure of how well BellSouth maintains the network for CLEC services compared to its retail services. This measurement is very important in terms of CLECs ability to provide reliable service at parity with BellSouth retail. Further, BST and other ILECs should have this metric in part to ensure that CLECs are not put on the worst facilities in the network, and suffer greater trouble rates because of it.</p>

Row #	Proposed Change	BST Reasoning	CLEC Response
		<p>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 timeliness of Maintenance and Repair efforts.</p>	<p>BellSouth provides no evidence that some CLECs do a better job of isolating troubles than others and even when CLECs do a poor job, the exclusions in the measurement provide BellSouth with protection from poor isolation.</p> <p>Furthermore, BellSouth's comment that some CLECs do a better job of isolating troubles to their network than others, doesn't take into consideration that in some cases BellSouth limits the ability of some CLECs to test for troubles at all. For example, if a Line Sharing customer has reported a trouble on a loop, BellSouth is able to run an MLT test on that loop at any time. However, the data CLEC is prohibited from running the same test to isolate troubles as long as a trouble ticket remains open. The CLEC must wait until BellSouth closes the trouble ticket to isolate troubles on the data portion of that loop. This practice puts the CLEC at a disadvantage to BellSouth and delays the CLEC's ability to repair data problems in a timely manner.</p> <p>This measure should remain in SEEM as it is a critical indicator of BellSouth performance.</p>
63	<p>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.</p>	<p>BellSouth proposed removal of this measure from the SQM. See SQM matrix filed on July 28, 2004 for rationale.</p>	<p>> CLECs DISAGREE. CLECs opposed removal of this measure from SEEM. See SQM matrix filed on August 27, 2004</p>
64	<p>SEEM Sub-metrics</p>	<p>This metric is simply an indication of</p>	<p>> CLECs DISAGREE.</p>

Row #	Proposed Change	BST Reasoning	CLEC Response
	<p>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.</p>	<p>whether BellSouth provides the CLECs with accurate bills. There is no need to show separate disaggregations for Interconnection, Resale and UNE.</p>	<p>BellSouth should not be allowed to discriminate by mode of entry, and aggregate its results to mask performance.</p> <p>Again, BellSouth wants to overlook the fact that performance does vary by CLEC. The billing experience of a CLEC who only resells BellSouth's service will more than likely be significantly different from the experience of a CLEC who only purchases UNEs from BellSouth.</p> <p>CLECs proposed these disaggregations because the remedies should be targeted to fixing problematic area in the billing</p>
<p>65</p>	<p>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.</p>	<p>BellSouth proposed removal of this measure from the SQM. See SQM matrix filed on July 28, 2004 for rationale.</p>	<p>> CLEC DISAGREE. CLECs opposed removal of this measure from SEEM. See matrix filed on August 27, 2004.</p>
<p>66</p>	<p>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</p>	<p>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.</p>	<p>> CLECs DISAGREE. CLECs opposed removal of this measure from SEEM. BellSouth is currently failing at the Tier 2 level for this measure. BellSouth's claim of having low dollar values is false and attributed to the fact that BellSouth is inappropriately excluded claims that are disputed. Those disputed claims, which happen to be wrongfully excluded, have high dollar value. Therefore, BellSouth has no valid rationale for deleting this measure.</p>
<p>67</p>	<p>SEEM Sub-metrics Measure C-3; PMDD</p>	<p>This metric simply tracked whether a committed due date is met or missed.</p>	<p>> CLECs DISAGREE. > Whether or not BellSouth's</p>

Row #	Proposed Change	BST Reasoning	CLEC Response
	<p>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.</p>	<p>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.</p>	<p>performance has been at parity or not should be of no consequence to the disaggregation of this measure. Virtual and physical collocations are significantly different in nature and cost. In some cases, virtual collo arrangements are a greater source of revenue than are physical arrangements. Combining these disaggregations could mask disparate treatment, if BellSouth were to favor virtual arrangements over physical ones. The same is true for "Initial" and "Augments" as BellSouth treats initial and augment applications far too differently for them to be lumped together.</p>
68	<p>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):</p> <p><u>Provisioning</u></p> <ol style="list-style-type: none"> 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. <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>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 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</p>	<p>> CLECs DISAGREE. CLECs agree that many submetrics in the current SEEM disaggregation have no volume for some, or even all, CLECs. Obviously, empty submetrics are of no value, but they also cause no harm. CLECs also agree that small volumes increase the statistical variation associated with ILEC/CLEC comparisons. However, this concern must be balanced against the fallacy of lumping unlike products together for performance determination. While truncated Z was designed to allow aggregation of cells with difference mixes of difficulty to serve, it was not intended for combining results that differed substantially in terms of whether performance was in parity. Such heterogeneity in performance can</p>

Row #	Proposed Change	BST Reasoning	CLEC Response
		<p>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 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</p>	<p>easily mask extreme discrimination for some products if service is nondiscriminatory for others. Inappropriate aggregation will only produce flawed results. CLECs are willing to reduce disaggregation but not at the expense of accurate parity determinations.</p> <p>To address BellSouth concerns, CLECs continue to recommend a joint viewing of data at the cell level such that a joint disaggregation proposal can be developed. BellSouth continues to make claims of low volumes for some disaggregations, but has not provided it in a format that would allow other parties with access to the data to verify or invalidate those claims or to understand how combining the low volume products with other products will affect performance results. Also, in many cases, CLECs are focused on comparing like to like and are willing to drop disaggregations with no activity so long as the right retail analog for what is being ordered is used.</p>

Row #	Proposed Change	BST Reasoning	CLEC Response
		payment categories of sub-metrics to be the same as the SQM level, which is used for reporting and monitoring.	
69	SEEM Sub-metrics SEEM Retail Analog B.3 Add new section to show the retail analogs for the measures in the SEEM plan.	Added for completeness of SEEM documentation.	<ul style="list-style-type: none"> > CLECs DISAGREE > Inappropriate disaggregation results in inappropriate analogs.
70	SEEM Sub-metrics SEEM Benchmark Thresholds B.4 Add new section to show the benchmarks for the measures in the SEEM plan.	Added for completeness of SEEM documentation.	<p>CLECS AGREE IN PART AND DISAGREE IN PART</p> <ul style="list-style-type: none"> > CLECs do not disagree to BellSouth's addition of a table showing the SEEM benchmark thresholds, however we do disagree with a majority, if not all of the thresholds BellSouth has proposed. Our disagreements with these thresholds are discussed with each metric.
71	<u>Appendix F OSS Tables F.1 – F.2</u> Added the OSS designations to SEEM	This section was added to reflect the OSS applied to the SEEM plan parity determinations.	<p>CLECS AGREE IN PART AND DISAGREE IN PART</p> <ul style="list-style-type: none"> > CLECs do not disagree to BellSouth's addition of a table showing OSS designations, but disagree with list. See matrix filed on August 27,2004 for more information.
72	<u>Appendix G Reposting of Performance Data and Recalculation of SEEM Payments</u> Reposting policy added to the SEEM plan.	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.	<ul style="list-style-type: none"> > CLECs DISAGREE > CLECs are not opposed to the inclusion of the policy, but are opposed to portions of the contents. These objections have been discussed in related filings.

ORDERING

REPORT: PERCENT FLOW THROUGH SERVICE REQUESTS (BUSINESS DETAIL)
REPORT PERIOD: 09/01/2004 - 09/30/2004

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					LESOG												
Mechanized Interface Used					Manual		Rejects			Errors							
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