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August 16, 2006

Mrs. Blanca S. Bayó  
Director, Division of the Commission Clerk and  
Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

**Re: Docket No. 000121A-TP**  
**In Re: Investigation into the establishment of operations support  
systems permanent incumbent local exchange Telecommunications  
companies**

Dear Ms. Bayó:

In connection with the upcoming review of the current BellSouth performance assessment plan (SQM/SEEM plan), please find enclosed for filing BellSouth's comments regarding the proposed SQM/SEEM plan revisions made by parties other than BellSouth. BellSouth's comments are contained in the matrix prepared by the Florida Staff and distributed to the parties on August 3, 2006. A copy of the same is being provided to all parties of record.

Sincerely,



Robert A. Culpepper

Enclosures

cc: All parties of record  
Jerry D. Hendrix

646110

**CERTIFICATE OF SERVICE**  
**Docket No. 000121A-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via

Electronic Mail and U.S. Mail this 16<sup>th</sup> day of August, 2006 to the following:

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Robert A. Culpepper

**(+) Signed Protective  
Agreement**

**BellSouth and CLEC Proposed Florida PAP Modifications**

**August 16, 2006**

BellSouth Proposed SQM Changes/Comments (7/28/04)	CLEC's Proposed SQM Changes/Comments (7/28/04)	Staff Comments
<p><b>SQM</b></p>		
<p><b>INTRODUCTION/REPORT PUBLICATION DATE/REPORT DELIVERY METHOD</b></p>		
<p><b>Introduction</b></p>	<ul style="list-style-type: none"> <li>This plan results from the many divergent forces evolving from the 96 Act. This specific SQM is based on Order No. PSC-06-0472-FOF-TP TBD regarding non-vacated change-of-law issues ordered issued by the Florida Public Service Commission (FPSC) on March 2, 2006 TBD and the FPSC's April 4, 2006 vote on its staff recommendation in Docket No. 041269-TP 000121A-TP.</li> </ul>	
<p><b>PRE-ORDERING</b></p>		
<p><b>OSS-1 ARI OSS Response Interval (Pre-Ordering/Ordering/Maintenance and Repair)</b></p>		
<p><b>Definition</b></p>	<p>The response interval is the average/percentage of time to retrieve pre-order/order/maintenance and repair information from a given legacy system.</p>	
<p><b>Exclusions</b></p>	<ul style="list-style-type: none"> <li>Syntactically Incorrect queries</li> <li>Scheduled OSS Maintenance</li> <li>Test Transactions/Records</li> <li>Timeouts</li> <li>Bundled transactions and/or use of any process that results in excessive volumes that exceed a reasonable distribution of daily and/or hourly transactions</li> </ul>	
<p><b>Business Rules</b></p>	<p>The average response interval for retrieving Pre-Ordering/Ordering/Maintenance &amp; Repair information from a given legacy system is determined by summing the response times for all requests submitted to the legacy systems during the reporting period and dividing by the total number of legacy system requests for that</p>	<p>Added systems to be measured. Added Tier 1 due to CLEC loss of productive hours.</p> <p>The following systems are observed in the Pre-Ordering/Ordering OSS Response Interval measurement: RSAG-Address, RSAG-TN,</p>

Date: 8-16-2006

month.

The following systems are observed in the Pre-Ordering/Ordering OSS Response Interval measurement: RSAG-Address, RSAG-TN, ATLAS, COFFI, DSAP, and CRIS. The following systems are observed in the Maintenance and Repair OSS Response Interval measurement: CRIS, DLETH, DLR, LMOS, LMOSupd, LNP Gateway, MARCH, OSPCM, Predictor, SOCS, and NIW.

The percent response interval for retrieving Maintenance and Repair information from a given legacy system is determined by dividing the number of responses returned within 10 seconds by the total number of queries submitted in the reporting period and multiplying by 100.

The following systems are observed in the Maintenance and Repair OSS Response Interval measurement: CRIS, DLETH, DLR, LMOS, LMOSupd, LNP Gateway, MARCH, OSPCM, Predictor, SOCS, and NIW.

ATLAS, COFFI, DSAP, CAFÉ, SOEG, TAFI, CPSS and CRIS.

The following systems are observed in the Maintenance and Repair OSS Response Interval measurement: CRIS, DLETH, DLR, LMOS, LMOSupd, LNP Gateway, MARCH, OSPCM, Predictor, SOCS, TAFI, CPSS and NIW.

**BST Response**

BellSouth disagrees with adding the systems proposed by the CLECs to this measure. The FCC defined an ILECs' obligation with respect to OSS in this way: "in order to comply fully with section 251(c)(3) an incumbent LEC must provide, upon request, nondiscriminatory access to operations support systems functions for pre-ordering, ordering, provisioning, maintenance and repair, and billing of **unbundled network elements** under section 251(c)(3) and **resale service** under section 251(c)(4)." See Local Competition First Report and Order ¶525 [Emphasis added].

The additional systems, CAFÉ, SOEG, and CPSS, proposed by the CLECs are not systems used by CLECs for UNE or Resale services. **CAFÉ** (Common Access Front End), is a web-based interface that uses the Access Gateway to submit orders to EXACT and perform preorder validations. This system is used by IXCs, and wireless carriers to submit ASRs for special access services. **SOEG** (Service Order Entry Gateway) is used to order, modify, cancel and disconnect the interstate special access wholesale DSL service sold to NSP/ISPs and create custom reports. SOEG only supports NSP/ISP customers and is not CLEC supporting. The **CPSS** (Circuit Provisioning Status System) functionality that previously allowed IXC and wireless carriers, through a web-based interface, the ability to electronically check circuit status via the Internet, is now handled in CAFÉ. The Trouble Administration functionality of CPSS (CPSS-TA) that remains deals with Maintenance as opposed to Pre-Ordering/Ordering and allows IXC and wireless carriers the ability to enter, update, cancel, etc., trouble reports on designed circuits.

**TAFI** (Trouble Analysis Facilitation Interface) is a front-end application to BellSouth's legacy systems for trouble administration. CLECs use TAFI to access legacy systems, which places it in the same position in the query process as LENS for example. TAFI is noted for this measure along with the legacy systems TAFI accesses

BellSouth Proposed SOM Changes/Comments (7/28/04)	CLEC's Proposed SOM Changes/Comments (7/28/04)	Staff Comments
<p><u>Calculation</u></p> <p>Pre-Ordering/Ordering/Maintenance &amp; Repair OSS Response Interval = (a * b)</p> <ul style="list-style-type: none"> <li>a = Date and time of legacy response</li> <li>b = Date and time of legacy request</li> </ul> <p>Pre-Ordering/Ordering/Maintenance &amp; Repair Average Response Interval = (c / d)</p> <ul style="list-style-type: none"> <li>c = Sum of response intervals</li> <li>d = Number of legacy requests during the reporting period</li> </ul> <p>Maintenance &amp; Repair OSS Response Interval = (a-b)</p> <ul style="list-style-type: none"> <li>a = Query Response date and time</li> <li>b = Query Request date and time</li> </ul> <p>Maintenance &amp; Repair Percent Response Interval (per category) = (c/d) * X 100</p> <ul style="list-style-type: none"> <li>c = Number of responses returned within 10 seconds</li> <li>d = Number of queries submitted in the reporting period</li> </ul>	<p>per Appendix C, Table 5: Legacy System Access Times for M&amp;R (TAFI). This is similar to the reporting for LENS for the legacy systems accessed for pre-order and order functionality. See Appendix C, Table 3: Legacy System Access Times For LENS. Thus, BellSouth currently reports response times for these individual TAFI applications separately.</p>	
<p><u>Report Structure</u></p> <ul style="list-style-type: none"> <li>Pre-Ordering/Ordering/Maintenance &amp; Repair OSS Average Response Interval</li> <li>Maintenance &amp; Repair OSS Percent Response Interval</li> <li>Legacy System/Interface Specific</li> <li>Geographic Scope                             <ul style="list-style-type: none"> <li>Region</li> </ul> </li> </ul>		
<p><u>SOM Disaggregation Analog/Benchmark</u> rk</p>	<p>Maintenance &amp; Repair OSS Response Percent within 10 Seconds Average Interval Regional Level, Per OSS Interface... Parity with Retail + 2 seconds</p>	

	BellSouth Proposed SQM Changes/Comments (7/28/04)	CLEC's Proposed SQM Changes/Comments (7/28/04)	Staff Comments
SEEM Measure		<p><b>SEEM</b> Tier I Tier II                      Yes.....X.....X</p>	
		<p><b>BST Response</b>                      BellSouth disagrees with the CLECs' proposal to add this measure to Tier 1 of SEEM. There is no feasible way to identify the data by CLEC in order to assign remedies by transactions. This measure tracks response times for queries made to regional systems and cannot be broken down by CLEC. The SEEM plan is structured so that Tier 1 remedies are paid to a specific CLEC when a measured problem affects that CLEC in a specific way. In other words, the harm to CLEC A is different from the harm to CLEC B because the events causing the problems are different. When a problem affects CLECs generally in the same way and becomes so pervasive that it affects the entire industry, then a Tier II remedy applies. If system problems occur so that there are delays in response times, which are captured by this measure, CLECs as a group are affected. Further, the CLECs have presented no such need here and have not indicated anything that has happened since this plan has been in effect that would justify this action. This proposal was discussed at length during the last review and was not implemented for the reasons stated here. Nothing has occurred since the current plan has been implemented that should change that conclusion.</p>	
<b>OSS-2 IA Interface Availability (Pre-Ordering/Ordering/Maintenance and Repair)</b>			
Calculation	OSS Interface Availability (Pre-Ordering/Ordering/Maintenance & Repair) = (a / b) X 100 • a = Functional Availability in Minutes • b = Scheduled Availability in Minutes		
<b>PO-2 LMT Loop Makeup- Response Time - Electronic</b>			
Exclusion	<ul style="list-style-type: none"> <li>• Manually Submitted Inquiries</li> <li>• Canceled Requests</li> <li>• Scheduled OSS Maintenance</li> <li>• Test Transactions/Records</li> </ul>		



	BellSouth Proposed SQM Changes/Comments (7/28/04)	CLEC's Proposed SQM Changes/Comments (7/28/04)	Staff Comments
	<ul style="list-style-type: none"> <li>Bundled transactions and/or use of any process that results in excessive volumes that exceed a reasonable distribution of daily and/or hourly transactions</li> </ul>		
<p><b>PO-3 [BMA]: UNE Bulk Migration Batch Scheduler Availability (Pre-Ordering)</b></p>			
<p><b>SOM</b> <b>Disaggregation - Analog/Benchmark</b></p>		<p><b>Disaggregation</b> ..... Analog/Benchmark UNE Bulk Migration Batch Scheduler Availability..... 99.5%</p> <p><b>BST Response</b> The Batch Scheduler is a standalone web based tool that does not interface with any Ordering OSS systems. Consequently, using the 99.5% benchmark used for measure OSS-2 is inappropriate. In fact, BellSouth volunteered to add this measure to address the anticipated increase in UNE-P bulk migrations. Now that these conversions are almost completed, the most appropriate action to take with respect to this measure is to delete it from the SQM.</p>	
<b>ORDERING</b>			
<p><b>O-3 FT Percent Flow-Through Service Requests</b></p>			
<p><b>Notes</b></p>	<ul style="list-style-type: none"> <li>The Flow-Through Error Analysis will be posted with the Flow-Through report is available on the PMAP website. The Flow-Through Error Analysis provides an analysis of each error type (by error code) that was experienced by the LSRs that did not flow through or reached a status for a FOC to be issued.</li> <li><del>CLEC LSR information (a.k.a. LSR Detail Report) is available by subscription. A CLEC wishing to receive a copy of their report should submit a feedback form (see link located in the "Resources" section on left side of PMAP website). Enter the name of the report in the Comments section. The CLEC LSR information is available for any CLEC on the PMAP website.</del></li> </ul>	<p>Although CLECs did not ask for specific changes to this measure, they are gravely concerned about level of flow-through, the increase in required manual service order submission, and the lack of a task force to improve the situation. CLECs request that BellSouth present at the workshop the current state of electronic and manual order processing, and its plans for the future so that appropriate measure(s) can be established.</p> <p><b>BST Response</b> BellSouth's data does not indicate any increase in manual service order submissions. Approximately 95% of all LSR submissions are electronic and have been for some time. The better forum to address electronic and manual order processing is the Change Control Process ("CCP"). CCP can provide expertise for any product specific ordering plans for the future for which CLECs desire to have addressed.</p>	

**BellSouth Proposed SQM Changes/Comments**  
(7/28/04)

**CLEC's Proposed SQM Changes/Comments**  
(7/28/04)

Further, it is unclear what the CLECs want BellSouth to present at the workshop. The current state of electronic and manual order processing is already reflected in existing measures, which are available to CLECs. BellSouth knows of no other processes or measures that need to be established for this purpose.

***O-8 RI Reject Interval***

**Business Rules**

... can be found on the interconnection website  
(<http://www.interconnection-bellsouth.com/centers>)

The hours of operation are 8 am through 6 pm Monday through Friday.

**BST Response**

BellSouth disagrees. The current hours of operation are subject to change. Rather than stating the current hours in the SQM, BellSouth proposes to provide general reference to the BellSouth website for the specific hours operation. This will avoid a conflict between the hours stated in the SQM and actual hours of operation if the hours change after the SQM document is approved.

**Report Structure**

One report with the following four Disaggregation Levels and their associated interval buckets:

Fully Mechanized:

0 - <= 1 hour

Partially Mechanized:

0 - <= 8 business hours

Non-Mechanized:

0 - <= ~~24~~ 12 business hours

Local Interconnection Trunks:

0 - <= 4 business days

CLEC Specific

CLEC Aggregate

Geographic Scope  
State

**BST Response**

BellSouth agrees with the clarification of "Hours" to "Business

	BellSouth Proposed SQM Changes/Comments (7/28/04)	CLECs' Proposed SQM Changes/Comments (7/28/04)	Staff Comments
<p><b>SQM</b> Disaggregation Analog/Benchma rk</p>		<p>Hours: BellSouth disagrees with the proposed change to the standards. In proposing the change to the current standard, the CLECs present no evidence that the current standards do not provide an efficient carrier a meaningful opportunity to compete. Increasing these standards is a labor intensive and expensive process. Therefore, it should only be done if there is a clear and compelling need to do so. The CLECs have presented no such need here and have not indicated anything that has happened since this plan has been in effect that would justify this action.</p> <p>Fully Mechanized..... 97% &lt;= 1 Hour Partially Mech..... 95% &lt;= 10.8 business Hours Non-Mech..... 95% &lt;= 24 12 business Hours Local Int.. Trunks 90%.... &lt;= 4 business Days</p> <p><b>BST Response</b> BellSouth agrees with the clarification to business hours, but disagrees with the change in the standards. See the response above.</p>	
<p><b>O-9 FOCT Firm Order Confirmation Timeliness</b> <u>Business Rules</u></p>		<p>... can be found on the interconnection website (<a href="http://www.interconnection.bellsouth.com/centers">http://www.interconnection.bellsouth.com/centers</a>)</p> <p>The hours of operation are 8 am through 6 pm Monday through Friday.</p> <p>Partially Mechanized: The elapsed time from receipt of a valid electronically submitted LSR (date and time stamp in ordering interface gateways) which falls out for manual handling until appropriate service orders are issued by a BellSouth service representative, via Direct Order Entry (DOE) or Service Order Negotiation Generation System (SONGS) to SOCS</p> <p><b>BST Response</b> BellSouth disagrees with specifying hours of operation in the SQM for the reasons stated above and agrees with the removal of reference to DOE and SONGS. Rather than stating the current hours of operation (which are subject to change) in the SQM, BellSouth proposes to provide general reference to the BellSouth website for the hours of operation. This will avoid a conflict</p>	

	BellSouth Proposed SQM Changes/Comments (7/28/04)	CLEC's Proposed SQM Changes/Comments (7/28/04)
<p><u>Report Structure</u></p>		<p>between the hours stated in the SQM and actual hours of operation if the hours change after the SQM document is approved.</p>
		<p>One report with the following four Disaggregation Levels and their associated interval buckets:</p> <ul style="list-style-type: none"> <li>Fully Mechanized:                             <ul style="list-style-type: none"> <li>0 - &lt;= 3 business hours</li> </ul> </li> <li>Partially Mechanized:                             <ul style="list-style-type: none"> <li>0 - &lt;= 10 business hours</li> </ul> </li> <li>Non-Mechanized:                             <ul style="list-style-type: none"> <li>0 - &lt;= 24 12 Business hours</li> </ul> </li> <li>Local Interconnection Trunks:                             <ul style="list-style-type: none"> <li>0 - &lt;= 5 business days</li> </ul> </li> <li>CLEC Specific</li> <li>CLEC Aggregate</li> <li>Geographic Scope</li> <li>State</li> </ul>
<p><u>SQM Disaggregation Analog/Benchmark</u></p>	<p><b>SQM Level of Disaggregation SQM/SEEM Analog/Benchmark</b></p> <ul style="list-style-type: none"> <li>• Resale - Residence (Non-Design) Fully Mechanized</li> <li>• Resale - Business (Non-Design) Fully Mechanized</li> <li>• Resale - Design (Special) Non-Mechanized</li> <li>• LNP (Standalone)</li> <li>• UNE Analog Loop</li> </ul>	<p><b>SQM/SEEM Analog/Benchmark</b></p> <p>Fully Mech. .... 95% &lt;= 3 Business Hours</p> <p>Partially Mech. .... 95% &lt;= 10 Business Hours</p> <p>Non-Mech. .... 95% &lt;= 24 12 Business Hours</p> <p><b>BST Response</b></p> <p>BellSouth agrees with the clarification of "Hours" to "Business Hours" but disagrees with the proposed change to the standard. See response above.</p>
		<p><b>BST Response</b></p> <p>BellSouth agrees with the clarification of "Hours" to "Business Hours". BellSouth disagrees with the proposed change to the standards. In proposing the change to the current standard, the CLECs present no evidence that the current standards do not provide an efficient carrier with a meaningful opportunity to compete. Increasing these standards is a labor intensive and expensive process. Therefore, it should only be done if there is a clear and compelling need to do so. The CLECs have presented no such need here and have not indicated anything that has happened since this plan has been in effect that would justify this action.</p>

BellSouth Proposed SQM Changes/Comments (7/28/04)	CLEC's Proposed SQM Changes/Comments (7/28/04)	Staff Comments
<ul style="list-style-type: none"> <li>• UNE Analog Loop with LNP</li> <li>• UNE Digital Loop → DS1</li> <li>• UNE ISDN/LD/CD/DSL</li> <li>• UNE Other</li> <li>• UNE Line Splitting</li> <li>• UNE EELs</li> <li>• UNE ADSL (ADSL, HDSL, UCL)</li> <li>• Local Interconnection Trunk.....95% &lt;= 5 business days</li> </ul>		
<p><b>O-11 FOCC: Firm Order Confirmation and Reject Response Completeness</b></p>		
<p><b>Exclusions</b></p>	<p>---Service requests canceled by the CLEC prior to FOC or Reject being sent                      ---Fatal Rejects (leave-itt)                      ---LSRs identified as "Projects" with the exception of valid "Projects IDs" for Bulk Migrations                      ---Test Transactions/Records</p> <p><b>BST Response</b>                      The note in parentheses suggests that the CLECs intended to leave the exclusion for fatal rejects in. If that is the case, BellSouth agrees. If the CLECs' intent is to remove Fatal Rejects as an exclusion, BellSouth disagrees.</p>	
<p><b>SQM Disaggregation Analog/Benchmark</b></p>	<p>Fully Mechanized..... 98% 95% Returned                      Partially Mechanized.....95% Returned                      Non-Mechanized ..... 95% Returned                      Local Inter. Trunks.....95% Returned</p> <p><b>BST Response</b>                      BellSouth agrees to maintain the benchmark for Fully Mechanized at 95% if that is the CLECs' intent, but disagree if the CLECs are proposing a change to 98%.</p>	
<p><b>O-12 OAAI Average Answer Time - Ordering Centers</b></p>		
<p><b>Business Rules</b></p>	<p>The duration starts when a CLEC representative or BellSouth customer makes a choice on the ordering center's menu and is put in queue for the next service representative and stops when a BellSouth service representative answers the call. Abandoned calls are not included in the volume of calls handled but are included in total</p>	

BellSouth Proposed SQM Changes/Comments (7/28/04)	CLEC's Proposed SQM Changes/Comments (7/28/04)	Staff Comments
	<p>seconds. Small Business has a universal call center where the same service representatives handle both ordering and maintenance calls. Twenty percent of these calls stem from ordering related activity and are reported in this measurement. (CLECs request a discussion of the 20% amount)</p> <p><b>BST Response</b> When Small Business went to a universal call center (combining ordering related calls and maintenance and repair related calls in one center), a study was done to determine the percentage of calls that were ordering related versus maintenance and repair related. The study results, which were reviewed during the last SQM review, indicated that approximately 20% of the calls were ordering related and 80% maintenance and repair related.</p>	
<p><b>SEEM Measure</b></p>	<p><b>SEEM</b> Yes .....X.....X</p> <p><b>Tier I</b> .....X.....X <b>Tier II</b> .....X</p> <p><b>BST Response</b> BellSouth disagrees. Adding this measure to Tier I of SEEM would be inappropriate for at least two reasons. First, The Average Answer Time measure (O-12) is a measurement of a regional process and accordingly already has Tier II remedy treatment. When the process does not function properly, negative effects will be region-wide and they will affect all CLECs, not just a select few. Second, there is no feasible method of breaking out calls by CLEC and associating remedies based on failed transactions.</p> <p>The CLECs seek an allocation method in an attempt to force-fit this measure into a Tier 1 framework. The necessity of arbitrarily devising an allocation method to accomplish this proposed change is evidence enough to demonstrate the inappropriateness of adding this measure to Tier 1.</p> <p>Finally, calls to ordering centers are for information and not to place orders and experience has shown that many of those calls are for information that the CLEC already possesses. Consequently if any change is made, BellSouth proposes that this measure should be removed from the SEEM plan.</p>	

	BellSouth Proposed SQM Changes/Comments (7/28/04)	CLEC's Proposed SQM Changes/Comments (7/28/04)	Staff Comments
<b>PROVISIONING</b>			
<u>P-2A PJ48: Exclusions</u>	<i>Percentage of Orders Given Jeopardy Notices &gt;= 48 Hours</i>	<p>---Order activities of BellSouth or the CLEC associated with internal or administrative use of local services (Record Orders, Test Orders, etc., which may be order types C, N, R, or T).</p> <p>---Disconnect Orders</p> <p>---Orders jeopardized on the due date. This exclusion only applies when the technician on premises has attempted to provide service but must refer to Engineer or Cable Repair for facility jeopardy.</p> <p>---Orders issued with a due date of less than 48 hours</p> <p>---Listing Order</p> <p><b>BST Response</b> BellSouth disagrees. The reason for the CLECs' proposed change is unclear. If an order has a due date of less than 48 hours, how can notice be given in 48 hours or greater? This exclusion should remain.</p>	
<u>Business Rules</u>		<p>When BellSouth can determine in advance that a committed due date is in jeopardy for facility delay, it will provide advance notice to the CLEC. Orders that have a due date in the reporting period are included in the calculation. The interval is calculated using the date/time the notice is released to the CLEC/BellSouth systems/FAX Server until 5 PM on the due date of the order. This report measures both non-dispatched and dispatched orders only.</p> <p><b>BST Response</b> BellSouth disagrees. Non-dispatch orders do not receive jeopardy notices and are often due in less than 48 hours.</p>	
		<p>Percentage of Orders Given Jeopardy Notice <math>\geq 48</math> Hours = <math>(a / b) \times 100</math></p> <p>a = Number of orders given jeopardy notice <math>\geq 48</math> consecutive hours in the reporting period</p> <p>b = Number of orders given jeopardy notices in the reporting period</p>	

BellSouth Proposed SQM Changes/Comments (7/28/04)	CLEC's Proposed SQM Changes/Comments (7/28/04)	Staff Comments
	<p><b>BST Response</b> BellSouth agrees. This measure is currently reported using consecutive hours, and therefore BellSouth has no objection to the proposed clarification.</p>	
<p><b>P-2B [PJ]: Percentage of Orders Given Jeopardy Notices</b></p>		
<p><u>Exclusions</u></p>	<p>---Order activities of BellSouth or the CLEC associated with internal or administrative use of local services (Record Orders, Test Orders, etc., which may be order types C, N, R, or T), (how determined)                      ---Disconnect Orders                      ---Listing Orders                      ---Orders jeopardized on the due date                      ---Orders issued with a due date of less than or equal to 48 hours</p> <p><b>BST Response</b> BellSouth disagrees. Non-dispatch orders do not receive jeopardy notices and are often due in less than 48 hours. Also, the exclusion must be retained in measure P-2A and therefore must be retained in this measure. Otherwise, the two measures will be inconsistent. This exclusion should remain.</p> <p>For the question concerning how 'Order activities of BellSouth or the CLEC associated with internal or administrative use of local services' is determined, SOCS order numbers start with the alpha character indicating type of order.</p>	
<p><u>Business Rules</u></p>	<p>Orders that have a due date in the reporting period are included in the calculation. Orders issued with a due date of less than or equal to 48 consecutive hours will be counted in the next reporting period.</p> <p><b>BST Response</b> BellSouth disagrees. BellSouth is not aware of a reason why a due date of &lt;=48 hours would require counting the order in the next reporting period. Orders completed in the reporting period are counted in the same reporting period.</p>	
<p><u>Calculation</u></p>	<p>Percent of Orders Given Jeopardy Notice = (a / b) X 100                      a = Number of orders given jeopardy notices in the reporting period</p>	



BellSouth Proposed SQM Changes/Comments (7/28/04)	CLEC's Proposed SQM Changes/Comments (7/28/04)	Staff Comments
	<p>b = Number of orders with a due date confirmed (due) in the reporting period</p> <p><b>BST Response</b> BellSouth will agree to this change; this is the way the measure is currently calculated.</p>	
<p><b>P-3 [MIA]: Percent Missed Installation Appointments</b> <u>Exclusions</u></p>	<p>---Orders canceled prior to the due date including orders that are to be provisioned on the same day they are placed. ("Zero Due Date Orders")</p> <p>---Order activities of BellSouth or the CLEC associated with internal or administrative use of local services (Record Orders, Test Orders, etc., which may be order types C, N, R or T)</p> <p>---Disconnect Orders</p> <p>---Listing Orders</p> <p><b>BST Response</b> BellSouth agrees with this change.</p>	
<p><b>P-3A [MIA]: Percent Missed Installation Appointments-Unbundled Dedicated Transport (Commingling) (NEW)</b> <u>Definition</u></p>	<p>This report measures the percentage of commingled orders for which BellSouth is unable to complete the service orders on the committed due date.</p> <p><u>Exclusions</u> Orders canceled prior to the due date including orders that are to be provisioned on the same day they are placed. ("Zero Due Date Orders")</p> <p><b>BST Response</b> BellSouth disagrees with adding this measure. Missed appointments for the commingled UNE circuits are already captured in measure P-3. Missed Installation Appointments. Missed appointments for the special access portion of commingled circuits are captured in the special access measures. There is no need to establish a separate measure for commingled circuits. Further, there is no indication of</p>	

BellSouth Proposed SQM Changes/Comments (7/28/04)	CLEC's Proposed SQM Changes/Comments (7/28/04)	Staff Comments
	<p>any activity since the plan has been in effect that would dictate different treatment for these UNEs.</p>	
<p><u>Business Rules</u></p>	<p>All Service orders are considered as met, unless the first missed appointment code is due to BellSouth company reasons. If an attempt is made to provision service prior to the commitment time, but there is no access, a miss will not be counted unless BellSouth fails to meet the original commitment time. If no access occurs after the commitment time, the report is flagged a missed appointment.</p> <p><b>BST Response</b> BellSouth disagrees. See response above.</p>	
<p><u>Calculation</u></p>	<p>Percent Missed Installation Appointments = (a / b) X 100                      a = Number of orders where the installation appointment is not met                      b = Total number of orders completed during the reporting period</p> <p><b>BST Response</b> BellSouth disagrees. See response above.</p>	
<p><u>Report Structure:</u></p>	<p>CLEC Specific                      CLEC Aggregate                      BellSouth Aggregate                      Dispatch/Non-Dispatch                      Geographic Scope                      State</p> <p><b>BST Response</b> BellSouth disagrees. See response above.</p>	
<p><u>SQM Disaggregation - Analog/Benchmark</u></p>	<p>Unbundled Dedicated Transport - Commingled Unbundled Network Elements (UNE) Loop &gt;= DSL                      DSL/DSL                      Unbundled Dedicated Transport - Commingled Currently Combined UNE Combinations NE FFLs - Retail DSL/DSL                      Unbundled Dedicated Transport - Commingled Ordinarily Combined UNE combinations - Retail DSL/DSL                      Unbundled Dedicated Transport - Commingled Unbundled Dark Fiber - Retail DSL/DSL</p>	

BellSouth Proposed SQM Changes/Comments (7/28/04)	CLEC's Proposed SQM Changes/Comments (7/28/04)	Staff Comments
	<p><b>BST Response</b> BellSouth disagrees. See response above. Even if the measure was established, there is no basis for the disaggregation. In each case, the UNE is Dedicated Transport and there is no reason to measure the same UNE four different ways. Further, RetailDS1/DS3 is not an analog for unbundled transport provisioning.</p>	
<p><b>SEEM Measure</b></p>	<p>SEEM Tier I Tier II Yes X X</p> <p><b>BST Response</b> BellSouth disagrees. The commingled circuits are already captured in the SEEM plan for measure P-3 where applicable.</p>	
<p><b>P-4 OCI Order Completion Interval</b></p>		
<p><b>Business Rules</b></p>	<p>The completion interval is determined for each order processed during the reporting period. The completion interval is the elapsed time from when BellSouth issues a FOC/SOCS date time-stamp indicating receipt of an order (application date) from the CLEC to BellSouth's order completion date. Orders worked on zero due dates are calculated with a .33-day interval (8 hours). Orders can be either dispatch or non-dispatch. Only valid business days will be included in the calculation of this interval. Valid business days may be found at the following website (<a href="http://www.interconnection.bellsouth.com/#/locaterdefininghandbook#intervalguide">http://www.interconnection.bellsouth.com/#/locaterdefininghandbook#intervalguide</a>) are (BellSouth and CLECs to define).</p> <p><b>BST Response</b> BellSouth disagrees with specifying hours of operation in the SQM. Rather than stating in the SQM the current operating hours, which are subject to change, BellSouth proposes to provide general reference to the BellSouth website for the hours of operation. This will avoid a conflict between the hours stated in the SQM and actual hours of operation if the hours change after the SQM document is approved.</p>	
<p><b>SOM Disaggregation Analog/Benchmark</b></p>	<p>SQM/SEEM</p>	

BellSouth Proposed SQM Changes/Comments (7/28/04)	CLEC's Proposed SQM Changes/Comments (7/28/04)	Staff Comments
<p>UNE Digital Loop &gt;= DS1 (Dispatch) Retail Digital Loop &gt;= DS1</p> <ul style="list-style-type: none"> <li>UNE EEL Retail DS1/DS3 (Dispatch)</li> <li>UNE xDSL (HDSL, ADSL and UCL)</li> </ul> <p>without conditioning &lt;= 5-Days Published in the interval Guide</p> <p>with conditioning &lt;= 12 Days Published in the Interval Guide</p> <ul style="list-style-type: none"> <li>UNE ISDN/UDC/IDSL Retail ISDN - BRI</li> <li>UNE Line Splitting without Conditioning, ADSL Provided to Retail</li> </ul> <p>with Conditioning &lt;= 12 Days Published in the Interval Guide</p>	<p>LNP (Standalone) Retail Residence and Business (POTS) [is this count duplicated?]</p> <p><b>BST Response</b> BellSouth is not entirely clear regarding the CLECs' question. However, the retail analog 'Retail Residence and Business (POTS)' does contain data from the retail analogs 'Retail Residence (Non-Design)' and 'Retail Business (Non-Design)'. So, from that standpoint there is some duplication.</p> <p>UNE xDSL (HDSL, ADSL and UCL) without conditioning &lt;= 5 Business Days with conditioning &lt;= 12 Business Days</p> <p>UNE Line Splitting without Conditioning, ADSL Provided to Retail with Conditioning &lt;= 12 Business Days</p> <p><b>BST Response</b> BST agrees to use the intervals in the ordering guide, and in fact made that recommendation. However, the intervals specified by the CLECs only match the ordering guide in certain cases. For example, the interval for UNE xDSL in the ordering guide is 11 days for 1-5 circuits and 16 days for greater than 5. The SQM has a separate breakdown for &lt;= 6 circuits and &gt;= 6 circuits. The intervals for each category should follow the interval guide. If the performance standard is less than the guide, it simply means the measure will be missed in most cases.</p>	
<p><b>P-7 CCI Coordinated Customer Conversions – Hot Cut Duration</b></p>		
<p><b>Exclusions</b></p>	<p>---Canceled Service Orders ---Delays caused by the CLEC [what is used to determine?] ---Non-Coordinated Conversions ---Order activities of BellSouth or the CLEC associated with internal or administrative use of local services (Record Orders, Test Orders, etc., which may be order types C, N, R or T) ---Listing Orders</p> <p><b>BST Response</b> The CWINS technician populates a field in the Coordinated Cut</p>	

BellSouth Proposed SQM Changes/Comments (7/28/04)	CLEC's Proposed SQM Changes/Comments (7/28/04)	Staff Comments
<p><b>Business Rules</b></p> <p>Add</p> <p>When the cut interval for a conversion is greater than zero, yet less than one minute, that conversion will reflect a zero cut interval.</p>	<p>Scheduling System ("CCSS") when the CLEC causes a delay. CCSS logs this information into the OSSLOG section of WFA.</p>	
<p><b>P-7C CPT Hot Cut Conversions - Percent Provisioning Troubles Received within 5 Business Days of a Completed Service Order</b></p> <p><b>Definition</b></p>	<p>This report measures the percentage of provisioning troubles received within 5 business days of a completed service order associated with a Coordinated and Non-Coordinated Customer Conversion and ensures the quality and accuracy of Hot Cut Conversion activities.</p> <p><b>BST Response</b> BellSouth disagrees. BellSouth takes trouble reports 7 days a week, 24 hours a day, and therefore there is no reason to use business days. This measure should remain based on calendar days. Extending this interval will only increase the number of troubles included in this measure that are not related to a conversion. There is nothing that has occurred since the plan has been in effect that indicates a need to modify this interval.</p>	
<p><b>Calculation</b></p>	<p>Percentage of Provisioning Troubles within 5 business Days of Service Order Completion = <math>(a / b) \times 100</math></p> <p>a = The sum of all Hot Cut Circuits with a trouble within 5 days following service order(s) completion</p> <p>b = The total number of Hot Cut Circuits completed in the previous reporting period</p> <p><b>BST Response</b> BellSouth disagrees. See rationale above.</p>	
<p><b>P-9 PPT Percent Provisioning Troubles within "X" Days of Service Order Completion</b></p> <p><b>Definition</b></p>	<p>This report measures the quality and accuracy of the provisioning process by calculating the percentage of troubles received within "X" business days of service order completion.</p>	

	BellSouth Proposed SQM Changes/Comments (7/28/04)	CLEC's Proposed SQM Changes/Comments (7/28/04)	Staff Comments
		<p><b>BST Response</b> BellSouth disagrees. BellSouth takes trouble reports 7 days a week, 24 hours a day, and therefore there is no reason to use business days. This measure should remain based on calendar days. Additionally, troubles associated with the provisioning of the service are identified within a short time after service order completion. Extending this interval will only increase the number of troubles included in this measure that are not related to a conversion. There is nothing that has occurred since the plan has been in effect that indicates a need to modify this interval.</p>	
<b>Business Rules</b>		<p>The first trouble report received after the completion of a service order is counted in this measure. When the completed service order is matched to a trouble report, it is uniquely counted one time in the numerator. Candidates are identified by searching the prior report period for all completed service orders and then searching for all trouble reports received within 5 business days (POTS Non-Designed services) or 14 business days (Designed services) of the service order completion date.</p> <p><b>BST Response</b> BellSouth disagrees. See rationale above.</p>	
<b>P-11 SOA Service Order Accuracy</b> <b>Definition</b>		<p>This report measures the accuracy and completeness of CLEC requests for service by comparing the CLEC Local Service Request (LSR) to the completed service order after provisioning has been completed. Only electronically-submitted LSRs that require manual handling (Partially Mechanized or non mechanized) by a BellSouth service representative in the LCSC are measured.</p> <p><b>BST Response</b> BellSouth disagrees. The comparison of the LSRs to service orders is done mechanically as per the business rules. Non-mechanized LSRs are stored as a pdf file, which is a snapshot of the fax received from the CLEC. There is no way to mechanically compare the non-mechanized LSRs to the service order.</p> <p>Before this measure was established, BellSouth manually checked a sample of orders including non-mechanized orders to produce this</p>	

BellSouth Proposed SQM Changes/Comments (7/28/04)	CLEC's Proposed SQM Changes/Comments (7/28/04)	Staff Comments
	<p>measure. The CLECs were dissatisfied with that method and insisted on a mechanized process to check the universe of partially mechanized orders, which resulted in this measure. The current process is based on an agreement with the CLECs with respect to: (1) the fields on the service order that should be reviewed in determining service order accuracy ("CLEC-impacting" fields); (2) the disaggregation levels associated with the measure; and (3) the benchmark to be used. This is based on a mechanized process for partially mechanized LSRs. The CLECs now want to add non-mechanized LSRs to this measure, which would require BellSouth to conduct a sample on manual LSRs and expend limited resources without any corresponding benefit. Only about 5 % of the LSRs are submitted manually and many of those could be submitted electronically.</p> <p>There has been no indication of any events since the plan has been in effect that would necessitate changing this measure back to the way that it was calculated before the CLECs requested it to be changed to the way it is calculated now. The CLECs proposed change would add very little benefit to this measure and is in fact unnecessary.</p>	
<b>P-12-A POC Percent Orders Clarified Multiple Times (NEW)</b>		
<p>Definition</p>	<p>This report measures the percentage of rejected service requests for which BellSouth rejected the service request in error.</p> <p><b>BST Response</b>                      BellSouth disagrees with adding this measure. As an initial matter, BellSouth provides extensive training to its employees and believes that to the extent that there may be any rejections of LSRs in error, they are small in number. The CLECs have presented no evidence otherwise. The CLECs raised this same issue during BellSouth's 271 applications and the FCC noted that the state commissions hearing the CLECs claims of a high percentage of rejections by BellSouth in error were not persuaded that the high rejection rates were entirely attributable to BellSouth. There is no credible indication that there is a problem in this area that would warrant a new measure.</p>	
<p>Exclusions</p>	<p>---Orders canceled prior to the due date including orders that are to</p>	

	BellSouth Proposed SQM Changes/Comments (7/28/04)	CLEC's Proposed SQM Changes/Comments (7/28/04)	Staff Comments
		be provisioned on the same day they are placed. ("Zero Due Date Orders") ---Order activities of BellSouth or the CLEC associated with internal or administrative use [how determine??]of local services (Record Orders, Test Orders, etc., which may be order types C, N, R or T) ---Disconnect Orders ---Listing Orders  <b>BST Response</b> BellSouth disagrees with adding this measure. See rationale above.	
<b>Business Rules</b>		All Service requests are screened for errors and when returned placed in "duration" for 48 hours. During the duration, the order is not available for any expedite, update or change. In those instances where the CLEC's service request was rejected in error or multiple times the service delivery date is delayed. Invalid rejections are those rejections that would not have occurred if BellSouth the provided the capability to review the entire service request for errors. Rejections in error are those that are rejected despite accurate data or are rejected because a BellSouth system such as RSAG has provided the CLEC with erroneous data.  <b>BST Response</b> BellSouth disagrees with adding this measure. See rationale above. The CLECs' statement regarding service requests "placed in duration for 48 hours" is not understood by BellSouth.	
<b>Calculation</b>		Percent Service Requests Clarified in Error/Invalid Clarifications = $(a / b) \times 100$  a = Number of service requests with erroneous or invalid rejections b = Total number of service requests rejected  <b>BST Response</b> BellSouth disagrees with adding this measure. See rationale above.	
<b>Report Structure</b>		CLEC Specific CLEC Aggregate BellSouth Aggregate Geographic Scope State	



BellSouth Proposed SQM Changes/Comments (7/28/04)	CLEC's Proposed SQM Changes/Comments (7/28/04)	Staff Comments
<p><b>SQM</b> Disaggregation Analog/Benchmark</p>	<p><b>BST Response</b> BellSouth disagrees with adding this measure. See rationale above.</p> <p><u>Resale Residence (Non-Design)..... Retail Residence (Non-Design)</u>  <u>Resale Business (Non-Design)..... Retail Business (Non-Design)</u>  <u>Resale Design..... Retail Design</u>  <u>LNP (Standalone)..... Retail Residence and Business (POTS)</u>  <u>UNE Analog Loop (Design)..... Retail Residence, Business and Design (Dispatch) (Excluding Digital Loops)</u>  <u>UNE Analog Loop (Non-Design)..... Retail Residence and Business - POTS (Excluding Switch Based Orders)</u>  <u>UNE Analog Loop with LNP-Design..... Retail Residence, Business and Design (Dispatch) (Excluding Digital Loops)</u>  <u>UNE Analog Loop with LNP-Non-Design..... Retail Residence and Business - POTS (Excluding Switch Based Orders)</u>  <u>UNE Digital Loop &gt;= DSI..... Retail Digital Loop &gt;= DSI</u>  <u>UNE EELs..... Retail DSI/DS3</u>  <u>UNE xDSL (HDSL, ADSL and UCL)..... ADSL Provided to Retail</u>  <u>UNE ISDN/UDC/IDSL..... Retail ISDN - BRI</u>  <u>UNE Line Splitting..... ADSL Provided to Retail</u>  <u>UNE Other Design..... Diagnostic</u>  <u>Local Inter. Trunks..... Parity with Retail Trunks</u></p>	
<p><b>SEEM Measure</b></p>	<p><u>SEEM Tier I - Tier II</u>                  Yes <u>X</u> <u>X</u></p> <p><b>BST Response</b>                  BellSouth disagrees with adding this measure. See rationale above.</p>	

**P-12 B POC Percent Service Requests Clarified Multiple Times (NEW)**

<p><b>Definition</b></p>	<p>This report measures the percentage of service requests that BellSouth clarifies multiple times.</p> <p><b>BST Response</b> BellSouth disagrees with adding this measure. As stated in response to the CLECs' proposal to add measure P-12A, BellSouth provides extensive training to its employees to provide proper rejections/clarifications of LSRs. Also, employees are instructed to make all appropriate corrections to the CLEC's request to the extent possible at one time. However, once the CLEC makes a correction, this could generate additional errors, or uncover errors that existed on the initial LSR, but which were not apparent prior to the correction. It is the CLECs' responsibility to provide BellSouth with correct LSRs. If BellSouth is receiving LSRs that require multiple clarifications, this is simply an indication that the CLEC is making multiple errors on the LSR, which is an occurrence that indicates nothing about BellSouth's performance.</p>	<p><b>Business Rules</b></p>
<p><b>Exclusions</b></p>	<p>---Orders canceled prior to the due date including orders that are to be provisioned on the same day they are placed. ("Zero Due Date Orders")                  ---Order activities of BellSouth or the CLEC associated with internal or administrative use [how determine??] of local services (Record Orders, Test Orders, etc., which may be order types C, N, R or T)                  ---Disconnect Orders                  ---Listing Orders</p> <p><b>BST Response</b> BellSouth disagrees with adding this measure. See rationale above.</p>	<p>CLECs are experiencing a significant amount of clarifications in error, and unnecessary clarifications due to inadequate OSS capability by BellSouth. This situation increases CLEC costs and delays service delivery.                  All Service requests are screened for errors and when returned placed in "duration" for 48 hours. During the duration, the order is not available for any expedite, update or change. In those instances</p>

	BellSouth Proposed SOM Changes/Comments (7/28/04)	CLEC's Proposed SOM Changes/Comments (7/28/04)	Staff Comments
		<p>where the CLEC was clarified in error the service delivery date is delayed. By measuring the number of times a service request was clarified, a view to the amount of delay the CLEC experience is exposed.</p> <p><b>BST Response</b> BellSouth disagrees with adding this measure. See rationale above.</p>	
<p><u>Calculation</u></p>		<p>Percent Service Requests with multiple clarifications = <math>(a / b) \times 100</math></p> <p>a = Number of service requests with multiple clarifications</p> <p>b = Total number of service requests clarified during the reporting period</p> <p><b>BST Response</b> BellSouth disagrees with adding this measure. See rationale above.</p>	
<p><u>Report Structure</u></p>		<p>CLEC Specific CLEC Aggregate BellSouth Aggregate Dispatch/Non-Dispatch (except Trunks) Geographic Scope State</p> <p><b>BST Response</b> BellSouth disagrees with adding this measure. See rationale above.</p>	
<p><u>SOM Disaggregation Analog/Benchmark</u></p>		<p>Resale Residence (Non-Design)... Retail Residence (Non-Design) Resale Business (Non-Design)...Retail Business (Non-Design) Resale Design... Retail Design L/NP (Standalone)...Retail Residence and Business (POTS) UNE Analog Loop (Design)...Retail Residence, Business and Design (Dispatch) (Excluding Digital Loops) UNE Analog Loop (Non-Design)...Retail Residence and Business = POTS (Excluding Switch Based Orders)</p>	

	BellSouth Proposed SQM Changes/Comments (7/28/04)	CLEC's Proposed SQM Changes/Comments (7/28/04)	Staff Comments
		<p>UNE Analog Loop with LNP-Design...Retail Residence, Business and Design (Dispatch) (Excluding Digital Loops)</p> <p>UNE Analog Loop with LNP-Non-Design...Retail Residence and Business - POT'S (Excluding Switch Based Orders)</p> <p>UNE Digital Loop &gt;= DSI...Retail Digital Loop &gt;= DSI</p> <p>UNE EELs...Retail DSI/DS3</p> <p>UNE xDSL (HDSL, ADSL and UCL)...ADSL Provided to Retail</p> <p>UNE ISDN/UDC/IDSL...Retail ISDN - BRI</p> <p>UNE Line Splitting...ADSL Provided to Retail</p> <p>UNE Other Design...Diagnostic</p> <p>UNE Other Non-Design...Diagnostic</p> <p>Local Inter. Trunks...Parity with Retail Trunks</p> <p><b>BST Response</b> BellSouth disagrees with adding this measure. See rationale above.</p>	
SEEM Measure		<p>SEEM Tier I Tier II</p> <p>Yes X X</p> <p><b>BST Response</b> BellSouth disagrees with adding this measure. See rationale above.</p>	
<b>MAINTENANCE AND REPAIR</b>			
<b>M&amp;R-1 MRA Percent Missed Repair Appointments</b>			
Definition		<p>This report measures the percentage of customer trouble reports due in current reporting period and not cleared by the committed date and time.</p> <p><b>BST Response</b> BellSouth disagrees. PMAP does not receive data related to a</p>	

BellSouth Proposed SQM Changes/Comments (7/28/04)	CLEC's Proposed SQM Changes/Comments (7/28/04)	Staff Comments
	<p>trouble report until the trouble report is closed. If the trouble report is not closed in the same period that the trouble is reported, and the appointment is missed, it would simply be counted as a missed repair appointment for the period that the trouble is closed. Consequently, all of the trouble reports are still counted based on when the report is closed. Thus, in addition to there being no practical way to implement the CLECs' proposed change, there is no need to make the change.</p>	
<p><b>Business Rules</b></p>	<p>The negotiated commitment date and time is established when the repair report is received. The cleared time is the date and time BellSouth personnel clear the trouble and close the customer trouble report in their workstation. If this is after the commitment time, the report is flagged as a 'missed commitment' or a 'missed repair appointment'. If no access occurs after the commitment time, the report is flagged a missed appointment. <i>Please clarify.</i></p> <p><b>BST Response</b> This is language that the CLECs requested that BellSouth add in the last workshop. The CLECs wanted to clarify that a 'no access' situation did not excuse BellSouth if it occurs after the committed time. BellSouth believes that the existing language clearly states how a "no access" is handled. If the "no access" is after the committed time, then it is counted as a BellSouth missed appointment. However, if the CLECs want to clarify their own proposed language it would be more appropriate for them to propose the specific change.</p>	
<p><b>M&amp;R-2 CTRR Customer Trouble Report Rate</b></p>		
<p><b>Exclusions</b></p>	<ul style="list-style-type: none"> <li>Troubles captured in the measures P-9 [PPT] and M&amp;R-4 [PRT]</li> </ul>	
<p><b>Business Rules</b></p>	<p>Customer Trouble Report Rate contains all closed customer direct (define) reports, including repeat reports, divided by the total "number of service" lines.</p> <p><b>BST Response</b> Customer Direct Reports are troubles reported by the end-user customer. This is long standing terminology that goes back many years and relates to how the trouble is reported. For example, a 'customer direct report' is obviously a trouble reported by the</p>	

BellSouth Proposed SQM Changes/Comments (7/28/04)	CLEC's Proposed SQM Changes/Comments (7/28/04)	Staff Comments
	<p>customer. This is in contrast to an employee report that is made by an employee who may have been working in a cable and found a line that had trouble on it. In this case, the employee wants to go ahead and get the trouble cleared prior to it becoming customer affecting.</p>	
<p><u>Calculation</u></p>	<p>Customer Trouble Report Rate = (a / b) X 100                      a = Count of initial and repeated customer trouble reports closed in the current reporting period (Clarify what is in and what is out)                      b = Number of lines in service at end of the reporting period</p> <p><b>BST Response</b>                      Currently, all initial troubles, repeat troubles as well as provisioning troubles that qualify for this measure closed during the reporting month are in the calculation. BellSouth, however, proposes to remove provisioning troubles and repeat troubles from this report since they are already in other measures.</p>	
<p><u>SEEM Measure</u></p>		
<p><b>SEEM Measure</b>                      SEEM Yes/No ..... X                      Tier I ..... X                      Tier II ..... X</p>		
<p><b>M&amp;R 3 Maintenance Average Duration</b></p>		
<p><u>Definitions</u></p>	<p>This report measures the average duration of customer troubles closed during the reporting period.</p> <p><b>BST Response</b>                      BellSouth agrees with definition change.</p> <p>The duration starts on the date and time of receipt of a repair request and stops on the date and time the service is restored (when the technician completes the trouble ticket on his/her CAT or work systems).                      For tickets administered through WFA, (CLECs and BellSouth), durations do not include No Access, Delayed Maintenance and Referred Time. (Clarify)</p>	
<p><u>Business Rules</u></p>		

BellSouth Proposed SQM Changes/Comments (7/28/04)	CLEC's Proposed SQM Changes/Comments (7/28/04)	Staff Comments
	<p><b>BST Response</b> This language was added at the request and approval of CLECs to clearly state that the data received from WFA already had these intervals excluded. BellSouth does not believe that it needs to be in the measure, so if the CLECs are not clear about its meaning, it would be more appropriate for them to propose a specific change.</p> <p>All three situations listed in the business rules (i.e., No Access, Delayed Maintenance and Referred Time) specify time-periods when BellSouth's technician does not have access to the circuit for maintenance or testing functions. The 'No Access' case is clear. 'Delayed Maintenance' is a situation where BellSouth begins the repair process and cannot complete the work because, for example, the customer is closing the office and requests that BellSouth come back later to complete the work. 'Referred Time' results when BellSouth has to refer some portion of the work to another party, such as an independent company, for that party to complete its portion of the work. These are all cases when BellSouth is available to perform the work, but is unable to complete the work due to another party.</p>	
<b><u>M&amp;R-4 [PRT]: Percent Repeat Customer Troubles within 30 Days</u></b>		
<b><u>Title</u></b>	<p><b>M&amp;R-4 [PRT]:</b> Percent Repeat Customer Troubles within 30 Calendar Days</p> <p><b>BST Response</b> BellSouth agrees with the change.</p>	
<b><u>Definition</u></b>	<p>This report measures the percentage of customer trouble reports received within <u>calendar 30</u> days of a previous trouble report.</p> <p><b>BST Response</b> BellSouth agrees with the change.</p>	
<b><u>Business Rules</u></b>	<p>Customer trouble reports considered for this measure are those on the same line/circuit, received within <u>calendar 30</u> days of an original customer trouble report</p> <p><b>BST Response</b> BellSouth agrees with clarifying as "30 calendars days."</p>	

<p><u>Calculation</u></p>	<p><input type="checkbox"/> a = Count of repeat customer trouble reports, within a continuous 30 calendar day period</p> <p><b>BST Response</b> BellSouth agrees with the change.</p>		
<p><b>M&amp;R-5 [OOS]: Out of Service (OOS) &gt; 24 Hours</b></p>			
<p><u>Title</u></p>	<p><b>BST Response</b> BellSouth agrees to this change.</p>	<p>M&amp;R-5 [OOS]: Out of Service (OOS) &gt; 24 Clock Hours</p>	
<p><u>Definition</u></p>	<p>This report measures the amount of Out of Service Customer Troubles (no dial tone, cannot be called, or cannot call out) and is represented as a percentage of Total OOS Customer Troubles cleared in excess of 24 clock hours.</p> <p><b>BST Response</b> BellSouth agrees to this change.</p>		
<p><u>Business Rules</u></p>	<p>Customer trouble reports that are out of service and cleared in excess of 24 clock hours. The clock starts when the customer trouble report is created in LMOs/WFA and is counted if the elapsed time exceeds 24 clock hours.</p> <p><b>BST Response</b> BellSouth agrees to this change.</p>		
<p><u>Calculation</u></p>	<p>Out of Service (OOS) &gt; 24 clock Hours = (a / b) X 100 a = Total Cleared Customer Troubles OOS &gt; 24 clock hours</p> <p><b>BST Response</b> BellSouth agrees to this change.</p>		



	BellSouth Proposed SQM Changes/Comments (7/28/04)	CLECs Proposed SQM Changes/Comments (7/28/04)	Staff Comments
<b>BILLING</b>			
<b>B-1 [BIA]: Invoice Accuracy</b>			
<u>Exclusions</u>		<p>- Adjustments not related to billing errors (e.g., credits for service outage, special promotion credits, adjustments to satisfy the customer, adjustments as per agreements and/or settlements with CLEC, adjustments related to the implementation of regulatory mandated or contract negotiated rate changes)</p> <p>- Test Accounts</p> <p><b>BST Response</b> BellSouth disagrees with this change. These adjustments are excluded because they have nothing to do with the accuracy of the bills that BellSouth render to CLECs. These adjustments are administrative in nature due to regulatory requirements, attempts to satisfy the customer, etc. The resulting adjustments are often based on a negotiation between BellSouth and a CLEC to resolve the matter at hand. Further, in the last workshop, the CLECs requested that BellSouth be more specific with respect to this exclusion for "adjustments not related to billing errors." It was at the CLECs' request and agreement that BellSouth added these items as examples of adjustments not related to billing errors. These items are appropriately excluded from this metric and have been excluded since the measure was first established. Further, nothing has occurred since the plan has been in effect to require deleting these exclusions.</p>	
<u>Calculation</u>		<p>b = Absolute value of total billing error related adjustments entered during data month</p> <p><b>BST Response</b> BellSouth agrees, with the understanding that this is simply a clarification of the current calculation and is not intended as a change in the calculation.</p>	
<b>B-5 [BUDT]: Usage Data Delivery Timeliness</b>			
<u>Calculation</u>		<p>b = Total number of usage records sent during the reporting period.</p> <p><b>BST Response</b></p>	

BellSouth Proposed SQM Changes/Comments (7/28/04)	CLEC's Proposed SQM Changes/Comments (7/28/04)	Staff Comments
	BellSouth agrees, with the understanding that this is simply a clarification of the current calculation and is not intended as a change in the calculation.	
<b>B-10 [BEC]: Percent Billing Adjustment Requests (BAR) Responded to within 45 Business Days</b>		
<u>Title</u>	B-10 [BEC]: Percent Billing Adjustment Requests (BAR) Responded to within 45 <u>22</u> Business Days  BST Response BellSouth disagrees. See rationale below.	
<u>Business Rules/Disaggregation</u>	45 <u>22</u>  <b>BST Response</b> BellSouth disagrees. The language concerning billing disputes in BellSouth's standard Interconnection Agreement (ICA), Attachment 7, section 2, provides that the CLEC "shall electronically submit all billing disputes to BellSouth using the form specified by BellSouth. In the event of a billing dispute, the Parties will endeavor to resolve the dispute within sixty (60) days of the notification date." Within this 60-day period, BellSouth would either agree to the adjustment, or provide a denial, or partial denial, of the dispute. Thus, the 45 business days reflected for this measure is consistent with the terms of the standard ICA.  Further, BellSouth, the CLECs and Staff addressed this measure extensively in prior workshops and the 45-day interval was adopted as a result of such workshops. This measure involves activities that are administrative in nature and is not service affecting to the CLEC customer. BellSouth does not see the need to change this measure, nor has there been any activity since the plan went into effect to suggest a need for a change.	
<b>TRUNK GROUP PERFORMANCE &amp; CHANGE MANAGEMENT</b>		
<b>TGP-1 [TGP]: Trunk Group Performance</b>		

BellSouth Proposed SQM Changes/Comments (7/28/04)	CLEC's Proposed SQM Changes/Comments (7/28/04)	Staff Comments
<p><u>Exclusions</u></p>	<p><input type="checkbox"/> Trunk groups for which valid data is not available for an entire study reporting period</p> <p><b>BST Response</b> BellSouth agrees, with the understanding that this is simply a clarification of the current calculation and is not intended as a change in the calculation.</p>	
<p><b>CM-5 [ION]: Notification of CLEC Interface Outages</b></p>		
<p><u>Disaggregation</u></p>	<p>CAFÉ.....CLEC CPSS.....CLEC</p> <p><b>BST Response</b> BellSouth disagrees. These are not UNE or Resale interfaces and should not be included in this measurement. CAFÉ is a web-based interface used by IXCs and wireless carriers to submit ASRs for special access services. The CPSS, or more appropriately, CPSS-TA, is a web-based interface that allows IXCs and wireless carriers the ability to enter, update, cancel, etc., trouble reports. See rationale for OSS-1.</p>	
<p><b>CM-7 [CRA]: Percentage of Change Requests Accepted or Rejected within 10 Days</b></p>		
<p><u>Title</u></p>	<p>CM-7 [CRA]: Percentage of Change Requests Accepted or Rejected within 10 Business Days</p> <p><b>BST Response</b> BellSouth agrees.</p>	
<p><u>Business Rules</u></p>	<p>The acceptance/rejection interval begins when the acknowledgement is due to the CLEC per the Change Control Process, a copy of which can be found on the Interconnection website: (<a href="http://www.interconnection.bellsouth.com/markets/lec/ccp_live/index.html">http://www.interconnection.bellsouth.com/markets/lec/ccp_live/index.html</a>). The interval ends when BellSouth issues an acceptance or rejection notice to the CLEC. This metric includes all change requests not subject to the above exclusions that have been responded to within the reporting period. [what is data input for this measure?]</p>	

	BellSouth Proposed SQM Changes/Comments (7/28/04)	CLEC's Proposed SQM Changes/Comments (7/28/04)	Staff Comments
		<p><b>BST Response</b> The data counts that go into this measure are the change requests due in the reporting period, as specified in the measurement description.</p>	
<b>CM-8 [CRR]: Percent Change Requests Rejected</b>			
<u>Definition</u>		<p>This report measures the percentage of change requests (other than Type 1 or Type 6 Change Requests) submitted by CLECs that are rejected within the report period. [CLECs do not submit Type 2, and BellSouth is supposed to use Type 4, so should this read Type 5 CR's used?]</p> <p><b>BST Response</b> BellSouth agrees in part. The definition should be changed to read "This report measures the percentage of Type - 5 (CLEC Initiated) Change Requests submitted by CLECs that are rejected within the report period."</p>	
<u>Disaggregation</u>		<p><b>SQM Level of Disaggregation</b> SQM Analog/Benchmark Reason - Cost [can we get dollar or clarity on how this calculation is applied?] Diagnostic Reason - Technical Feasibility Diagnostic Reason - Industry Direction Diagnostic [need to discuss OOS-Out of Scope]</p> <p><b>BST Response</b> BellSouth is unclear as to what issues the CLECs want to specifically address in the areas noted in their remarks above.</p> <p>With respect to the CLECs' question regarding the basis for rejecting a request due to cost, this process was provided in the CCP Monthly Status Meeting held on October 23, 2002, which is still the process used. The following is taken from the minutes from that meeting: "When a change request is received, SMEs and other departments evaluate the CR to determine if it can be supported. SMEs review the industry standards and also evaluate whether a change request is</p>	

	BellSouth Proposed SQM Changes/Comments (7/28/04)	CLEC's Proposed SQM Changes/Comments (7/28/04)	Staff Comments
		<p>technically feasible. Factors that are considered in this evaluation include:</p> <ul style="list-style-type: none"> <li>• Determining if an industry standard exists otherwise consider opportunity to partner with CLEC at OBF for a standard</li> <li>• Cost (both from a Center and System perspective) in high, medium or low categories</li> <li>• Estimating the additional work steps required to support the request (reviewing complexity of the change request and estimate of the system costs)</li> <li>• Impact on Flow Through</li> <li>• Order Volume</li> <li>• Parity</li> <li>• Considering an alternative solution that can be provided to support this CR”</li> </ul> <p>With respect to the CLECs' statement of a need to discuss “out of scope”, the scope of CCP and Out of Scope definitions are defined in the CCP document, which can be accessed from the CCP website: <a href="http://interconnection.bellsouth.com/reference_library/processes/ccp_live/index.html">http://interconnection.bellsouth.com/reference_library/processes/ccp_live/index.html</a>. This Out of Scope process was jointly agreed to by the CCP Sub-Team comprised of BST and CLEC representatives. Section 4.0, Part 2, Types 2-5, Step 3 in Version 3.8 was added to the CCP document on 08/26/03.</p>	
<p><b>CM-9 [NDPR]:</b> Number of Defects in Production Releases (Type 6 CR)</p> <p><b>Exclusion</b></p>		<p>None [are documentation defects being excluded?]</p> <p><b>BST Response</b> This measure was not intended to address documentation defects. The CM-9 measure captures software defects.</p>	
<p><b>CM-11 [SCRJ]:</b> Percentage of Software Change Requests Implemented within 60 Weeks of Prioritization</p>			

60 48

Title/Exclusion/  
Calculation

**BST Response**  
BellSouth disagrees. The CLECs state as their reason for this proposed change from 60 weeks to 48 that the numbers of request have decreased. However, small volumes have always been a problem with this and the other change management measures. Even if the number of requests decrease, the development process involved and the associated time requirements from the point that a request is prioritized to the point in time it is implemented is still the same. There are factors related to system design life cycle requirements and release management that still affect the interval required. The 48-week interval is not appropriate and nothing has happened in the last six months to justify a change. To address the fact that small volumes have historically been a problem with this and the other change management measures, BellSouth would propose that these measurement results only be calculated once a year.

**APPENDIX**

Appendix A

**IBS**  
Integrated Billing Solution- Processes and rates UNE data as it flows from CRIS to CABS for billing

**CAFE**  
Common Access Front End - The BellSouth application CLECs use to submit ASRs for access services

**CPSS**

This system enables access, wireless, and general carriers to perform Trouble Administration tasks including creating, maintaining and viewing the status of circuit trouble reports (serial format, carrier format, telephone format, message/trunk format circuits) from a desktop via the World Wide Web. To accomplish this, CPSS-TA interacts with the BellSouth WFA systems and the carrier users.

**BST Response**

BellSouth disagrees with the proposed added interfaces. See BST's rationale for CLECs' proposed changes to OSS-1.

Appendix C

Table 3: Legacy System Access Times For LENS  
[LENS is now a TAG application, do we need to separate?]

Table 4: Legacy System Access Times For TAG/XML

CAFE  
CAFE/FAX  
SOEG  
CPSS

OSS-2 [JA]: OSS Interface Availability (Pre-Ordering/Ordering/Maintenance & Repair)

OSS Table 1: SQM Interface Availability for Pre-Ordering/Ordering  
(Delete?) SGG..... CLEC..... x  
CAFE.....LEC/BellSouth.....X

OSS Table 2: SQM Interface Availability for Maintenance & Repair

CLEC.CPSS.....X

**BST Response**

BellSouth disagrees with the proposed added interfaces. See BST's rationale for CLECs' proposed changes to OSS-1. Also, LENS is not a TAG application and should remain separate. SGG is still a valid interface and should not be deleted.

Appendix G

**C. Equity Determination**

After calculation of the Z-Score, Equity is determined using the criteria shown in the table below:

	Better Performance	Better Performance +
YES	Z <= 1.645	Z >= -1.645
NO	Z > 1.645	Z < -1.645

Exception 1: A Z-Score value cannot be determined if a Standard Error value is 0. In that case, Equity is determined using the "Direct Comparison" criteria shown in the table below.

Exception 2: Measures OSS-1 [AR], O-12 [OAA], B-1 [BIA], B-2

BellSouth Proposed SQM Changes/Comments (7/28/04)		CLEC's Proposed SQM Changes/Comments (7/28/04)		Staff Comments												
[BILL] and M & R-6 [MAAT] also use the "Direct Comparison" criteria.																
<table border="1"> <thead> <tr> <th colspan="2">Better Performance *</th> <th colspan="2">Better Performance +</th> </tr> </thead> <tbody> <tr> <td>YES</td> <td>CLEC Measure &gt;= BST Measure</td> <td>CLEC Measure &lt;= BST Measure</td> <td>Measure</td> </tr> <tr> <td>NO</td> <td>CLEC Measure &lt; BST Measure</td> <td>CLEC Measure &gt; BST Measure</td> <td>Measure</td> </tr> </tbody> </table>					Better Performance *		Better Performance +		YES	CLEC Measure >= BST Measure	CLEC Measure <= BST Measure	Measure	NO	CLEC Measure < BST Measure	CLEC Measure > BST Measure	Measure
Better Performance *		Better Performance +														
YES	CLEC Measure >= BST Measure	CLEC Measure <= BST Measure	Measure													
NO	CLEC Measure < BST Measure	CLEC Measure > BST Measure	Measure													



	BellSouth Proposed SEEM Changes (7/28/04)	CLEC's Proposed SEEM Changes (7/28/04)	Staff Comments
<b>SEEM</b>			
<b>General</b>	SEEM payments are considered remedies as opposed to penalties. Therefore, all occurrences of the words "penalty" or "penalties" when applied to SEEM liabilities have been changed to "remedy" or "remedies," respectively.		
<b>Scope</b>			
1.1	This Administrative Plan (Plan) includes Service Quality Measurements with corresponding Self Effectuating Enforcement Mechanisms to be implemented by BellSouth pursuant to Order No. PSC-05-0488-PAA-TP TBD issued on May 5, 2005 TBD by the Florida Public Service Commission (the "Commission") in Docket No. 000121A-TP		
1.2	Upon the Effective Date of this Plan, all appendices referred to in this Plan will be located on the BellSouth Performance Measurements and Analysis Platform Reports website at: <a href="https://pmap.bellsouth.com">https://pmap.bellsouth.com</a> .		
<b>Reporting</b>			
2.2	BellSouth will make performance reports available to each CLEC on a monthly basis. The reports will contain information collected in each performance category and will be available to each CLEC via the Performance Measurements and Analysis Platform website. BellSouth will also provide electronic access to the raw data underlying the SQMs.		
2.4	Final validated SEEM reports will be posted on the Performance Measurements and Analysis Platform website on the 15th of the month, following the posting of final validated SQM reports for that data month or the first business day thereafter.		
2.5	If BellSouth does not post any of the SQM or SEEM reports by the required due date, BellSouth shall pay penalties remedies to the Commission, in the aggregate, for all late SQM and SEEM reports in the amount of \$2000 per day. Such payment shall be made to the Commission for deposit into the state General Revenue Fund		

	BellSouth Proposed SEEM Changes (7/28/04)	CLEC's Proposed SEEM Changes (7/28/04)	Staff Comments									
2.6	<p>within fifteen (15) calendar days of the end of the reporting month in which the late publication of the report occurs.</p> <p>BellSouth shall pay remedies to the Commission, in the aggregate, for all reposted SQM and SEEM reports in the amount of \$400 per day, for a maximum of 120 days. The circumstances which may necessitate a reposting of SQM reports are detailed in Appendix F, Reposting of Performance Data and Recalculation of SEEM Payments. Such payments shall be made to the Commission for deposit into the state General Revenue Fund within fifteen (15) calendar days of the final publication date of the report or the report revision date.</p>											
<b>Enforcement Mechanisms</b>												
<b>4.1 Definitions</b>												
4.1.6	<p><i>Delta, Psi and Epsilon</i> – measures of the meaningful difference between BellSouth performance and CLEC performance. For volumes of less than 1000 for individual CLECs, or the CLEC aggregate, the Delta value shall be 0.5-1.0, and for volumes of greater than or equal to 1000 for individual CLECs, or for the CLEC aggregate, the Delta value shall be 0.5-0.5. The value for Psi shall be 3 for individual CLECs and 2 for the CLEC aggregate. The value for Epsilon will be 2.5 for both individual CLECs and the CLEC aggregate.</p>											
<b>4.3 Methodology</b>												
4.3.1.2	<p>When a retail analog measurement has five (5) or more transactions overall for the CLEC, at the state level, calculations will be performed to determine remedies according to the methodology described in the remainder of this document, but only for those cells containing five or more transactions. When a benchmark measurement has five or more transactions for the CLEC, calculations will be performed to determine remedies according to the methodology described in the remainder of this document.</p>											
4.3.1.4	<table border="1"> <thead> <tr> <th>CLEC Aggregate Performance</th> <th>Per Transaction Fee Below BCV</th> <th>Per Transaction Fee Between BCV and 0</th> </tr> </thead> <tbody> <tr> <td>Passes</td> <td>(Fee)*(3/21)</td> <td>(Fee)*(1/3)</td> </tr> <tr> <td>Fails</td> <td>(Fee)*(3/2)</td> <td>(Fee)*(2/3)</td> </tr> </tbody> </table>	CLEC Aggregate Performance	Per Transaction Fee Below BCV	Per Transaction Fee Between BCV and 0	Passes	(Fee)*(3/21)	(Fee)*(1/3)	Fails	(Fee)*(3/2)	(Fee)*(2/3)		
CLEC Aggregate Performance	Per Transaction Fee Below BCV	Per Transaction Fee Between BCV and 0										
Passes	(Fee)*(3/21)	(Fee)*(1/3)										
Fails	(Fee)*(3/2)	(Fee)*(2/3)										
4.3.1.5	<p>For submetrics that are assessed based on Enforcement</p>											

BellSouth Proposed SEEM Changes (7/28/04)	CLEC's Proposed SEEM Changes (7/28/04)	Staff Comments									
<p>Measurement Benchmark compliance criteria the fee paid for a particular submetric that failed at the Tier 1 level will be differentiated based on whether the same submetric that failed at the Tier 1 level (CLEC-specific) also failed at the CLEC aggregate level in the same month. In addition, fees will be assessed differently based on BellSouth's performance relative to the benchmark (&gt; 5% or &lt;= 5%). A different multiplier will be applied to the Fee Schedule (shown in Appendix A, Table 1: Fee Schedule for Tier 1 Per Transaction Fee Determination) to determine the amount of the Tier 1 payments. The chart below shows the applicable multipliers:</p> <table border="1" data-bbox="483 1176 657 1858"> <thead> <tr> <th>CLEC Aggregate Performance</th> <th>Per Transaction Fee &gt; 5 % Below the Benchmark (Fee)*(5/2) for Ordering and Flow-Through</th> <th>Per Transaction Fee &lt;= 5 % of Benchmark (Fee) * (1/3)</th> </tr> </thead> <tbody> <tr> <td>Passes</td> <td>(Fee)*(3/2)</td> <td>(Fee) * (1/3)</td> </tr> <tr> <td>Fails</td> <td>(Fee)*(3) for all other benchmark measures</td> <td>(Fee) * (2/3)</td> </tr> </tbody> </table>	CLEC Aggregate Performance	Per Transaction Fee > 5 % Below the Benchmark (Fee)*(5/2) for Ordering and Flow-Through	Per Transaction Fee <= 5 % of Benchmark (Fee) * (1/3)	Passes	(Fee)*(3/2)	(Fee) * (1/3)	Fails	(Fee)*(3) for all other benchmark measures	(Fee) * (2/3)		
CLEC Aggregate Performance	Per Transaction Fee > 5 % Below the Benchmark (Fee)*(5/2) for Ordering and Flow-Through	Per Transaction Fee <= 5 % of Benchmark (Fee) * (1/3)									
Passes	(Fee)*(3/2)	(Fee) * (1/3)									
Fails	(Fee)*(3) for all other benchmark measures	(Fee) * (2/3)									
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 method of calculation is set forth in Appendices C, and D, and E of this Plan.										
<b>4.4 Payment of Tier 1 and Tier 2 Amounts</b>											
4.4.1	If BellSouth performance triggers an obligation to pay Tier-1 Enforcement Mechanisms to a CLEC or an obligation to remit Tier-2 Enforcement Mechanisms to the Commission or its designee, BellSouth shall make payment in the required amount on the day upon which the final validated SEEM reports are posted on the Performance Measurements and Analysis Platform website as set forth in Section 2.4 above.										
4.4.2	For each day after the due date that BellSouth fails to pay a CLEC less than the required amount, BellSouth will pay the CLEC 6% simple interest per annum on the difference between the required amount and the amount previously paid. The										

	BellSouth Proposed SEEM Changes (7/28/04)	CLEC's Proposed SEEM Changes (7/28/04)	Staff Comments
4.4.3	<p>underpayment and interest will be paid to the CLEC in the next month's billing cycle.</p> <p>For each day after the due date that BellSouth fails to pay the Commission less than the Tier 2 Enforcement Mechanisms required amount, BellSouth will pay to the Commission an additional \$1,000 per day-6% simple interest per annum on the difference between the required amount and the amount previously paid. The underpayment and interest will be paid to the Commission in the next month's billing cycle.</p>		
4.4.7.1	<p>If a SEEM overpayment is made to a CLEC in a prior month, BellSouth will apply the amount of its SEEM liability to that CLEC in the current month against the amount of the overpayment made to the CLEC.</p>		
4.4.7.2	<p>If a SEEM overpayment is made to a CLEC, and BellSouth's SEEM liability calculated and payable to that CLEC in the next month's billing cycle is insufficient to offset the amount of overpayment, then within 30 days of BellSouth's request, the CLEC shall repay the amount necessary to satisfy the remaining SEEM overpayment balance.</p>		
4.4.9	<p>Administrative arrangements between BellSouth and CLECs operating in more than one state regarding SEEM payments (and the recovery of SEEM overpayments) is a matter that is beyond the scope of this SQM/SEEM plan. For example, many CLECs operate in more than one state in BellSouth's region and the determination of what SEEM payments (if any) are owed to such CLECs is calculated pursuant to each state's Commission approved SEEM plan. For administrative purposes, BellSouth and such CLECs may agree upon the issuance of one monthly, regional consolidated SEEM payment (instead of possibly nine monthly, state-specific SEEM payments). Such administrative arrangements have no impact upon BellSouth's performance or BellSouth's SEEM liability for a failure to perform in accordance with the performance standards set forth in any Commission approved SQM/SEEM plan.</p>		
4.4.10	<p>SEEM remedies will not be made if total remedies due for an individual CLEC or the Commission total less than \$100 in a given month.</p>		
<b>4.6 Change of Law</b>			
4.6.1	<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</p>		

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<p>ordered by the Commission, on the date specified by the Commission. If a change of law occurs which may relieve BellSouth's provisioning of a UNE or UNE combination, BellSouth shall Petition the Commission within 30 days if it seeks to 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 <a href="http://pmap.bellsouth.com">http://pmap.bellsouth.com</a>. 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.</p>	<p>Some metrics are calculated for the entire BellSouth region, rather than by state. Where these metrics are a Tier 1 SEEM submetric, a regional coefficient is calculated to determine the amount of the penalty remedy for the CLEC in each state. For example, the Acknowledgement Completeness Measurement can be measured for an individual CLEC, but only at the regional level. In several states it is also a Tier 1 SEEM submetric. Thus, if there is a failure in this measurement for a CLEC, it is necessary to determine the amount of penalty remedy for the CLEC in each state. A Regional Coefficient is used to do this. (Appendix E, Section E.6 describes the method of calculating the Regional Coefficients.) The amount of Tier penalty remedy for the CLEC in a state is determined by multiplying the regional affected volume by the Coefficient for the state and by the state fee.</p>	
<p>4.11</p>		
<p><b>Appendix A Fee Schedule</b> Table 1 (Tier 1 Sub-metrics)</p>	<p>For the following measures/products:</p> <ul style="list-style-type: none"> <li>• IC Trunks - Change Product name from "IC Trunks" to "IC Trunks (Trunk Group Performance)"</li> </ul>	
<p>Table 2 (Tier 2 Sub-metrics)</p>	<ul style="list-style-type: none"> <li>- New column labeled "BCV not Applicable", with the following entries populated OSS/Pre-Ordering \$6 OAAAT (new) \$6 BIA Moved fee to column entitled "BCV not applicable" BHT Moved fee to column entitled "BCV not applicable" BUDDT Moved fee to column entitled "BCV not applicable"</li> </ul>	

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	<p>not applicable" BED Moved fee to column entitled "BCV not applicable" - New columns for tiered benchmarks a. &gt;5% deviation, b. &lt;=5% deviation - Wording change to clarify name of IC Trunks to IC Trunks (Trunk Group performance)</p>		
<b>Appendix B.1 SEEM Submetrics-Tier 1</b>	Delete CTRR sub-metrics from the Tier 1 table.		
<b>Appendix B.2 SEEM Submetrics-Tier 2</b>	Delete CTRR sub-metrics from the Tier 2 table.		
<b>Appendix C Statistical Properties and Definitions</b>			
<p>C.2 (Retail analog measures not using the truncated z statistic)</p> <p>Additionally, there are measures that are compared to a retail analog at least in part where cell definitions do not exist that permit assignment of data for these measures to cells so the truncated Z statistic cannot be calculated. The measures below use a retail analog for comparison, plus or minus a variability factor applied to the retail analog, resulting in a benchmark standard. These measures are:</p> <ul style="list-style-type: none"> <li>OSS Response Interval (Pre-Ordering/Ordering/Maintenance &amp; Repair) (+ 2 seconds)</li> <li>Average Response Interval (M&amp;R)</li> <li>Billing Invoice Accuracy (- 5%)</li> <li>Billing Mean Time to Deliver Invoices Timeliness (+ 1 day)</li> <li>Speed of Average Answer Time in the Ordering Centers (+ 5 seconds)</li> <li>Trunk Group Performance (- 0.5%)</li> </ul> <p>In addition, there are two measurements that use retail results plus 2 seconds for OSS response time: 0.5% for Trunk Blocking, resulting in a benchmark standard. These measurements are: OSS Average Response Time &amp; Response Interval (Pre-Ordering) and Trunk Group Performance.</p>			
<p>C.2 (Invoice Accuracy Example)</p>	<p>Invoice Accuracy = <math>[(a - b)/a] \times 100</math></p> <p>a = Absolute Value of Total Billed Revenues during current month</p> <p>b = Absolute Value of Total Billing Related Adjustments during current month</p> <p>A numerical example of the penalty remedy calculation is given</p>		

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<p>below:</p> <p>Example:</p> <p>CLEC DATA</p> <p>Bill Adjustments \$44,660.00-30,288.00</p> <p>Total Billed Revenue \$336,529.00</p> <p>BellSouth DATA</p> <p>Bill Adjustments \$6,018,969.26</p> <p>Total Billed Revenue \$484,691,922.40</p> <p>CLEC Invoice Accuracy Ratio = [(3366,529.00-44,660.00)/336,529.00] x 100 = <u>96.00 91.00%</u></p> <p>BST Invoice Accuracy Ratio = [(484,691,922.40-6,018,969.26)/484,691,922.40] x 100 = <u>98.75%</u></p> <p>Apply a variability factor of - 5% to the BST Invoice Accuracy Ratio. (98.75%-5%=93.75%)</p> <p>Thus, the calculated values are:</p> <p>CLEC Result = <u>9691%</u></p> <p>BellSouth Result = <u>98.7593.75%</u></p> <p>In Florida once it is determined that the BST percent is higher, BellSouth pays the CLEC according to the Florida Fee Schedule.</p> <p>The calculation would be 2% of the adjustment = \$14,660 x .02 = \$293.20 the difference in the CLEC Invoice Accuracy Ratio and the BST Invoice Accuracy Ratio: multiplied by the total Bill Adjustments. Then multiply the results by 2% (Appendix A: Fee Schedule).</p> <p>For example:</p> <p>93.75% - 91% = 2.75%</p> <p>2.75% x \$30,288 = \$832.92</p> <p>\$832.92 x 2% = \$16.66</p>		
<p><b>Appendix E BST SEEM Remedy Calculation Procedures</b></p>		

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E.3 (E.3.1)	<p>Revised steps and examples for Tier-1 Calculation For Benchmarks as follows:</p> <ol style="list-style-type: none"> <li>1. For each CLEC with five or more observations, calculate monthly performance results for the State.</li> <li>2. CLECs having observations (sample sizes) between 5 and 30 will use Table I below. The only exception will be for Collocation Percent Missed Due Dates.</li> <li>3. If the percentage (or equivalent percentage for small samples) meets the benchmark standard, no remedies are required. Otherwise, go to step 4.</li> <li>4. Determine the Total Volume Proportion (TVP) by taking the difference between the benchmark and the actual performance result. There will be two volume proportions calculated. If the Total Volume Proportion is greater than 5%, "Volume Proportion 1" (VP1) will be 5% and "Volume Proportion 2" (VP2) will be the difference between the Total Volume Proportion and Volume Proportion 1. If the Total Volume Proportion is less than or equal to 5%, VP1 is equal to the Total Volume Proportion and VP2 is equal to zero.</li> <li>5. Calculate the Total affected volume (TAV) by multiplying the Total Volume Proportion from step 4 by the Total Impacted CLEC1 Volume. The Total Affected Volume that deviates from the benchmark by less than or equal to five percent ("Total Affected Volume 1" "TAV1") is obtained by multiplying Total Impacted Volume by the Volume Proportion 1 from Step 4. The Total Affected Volume that deviates from the benchmark by greater than five percent ("Total Affected Volume 2" "TAV2") is obtained by multiplying the Total Impacted Volume by the Volume Proportion 2 from Step 4.</li> <li>6. Calculate the payment to CLEC1 by multiplying the result of step 5 by the appropriate dollar amount from the fee schedule (Appendix A, Table 1) times the appropriate fee multiplier (section 4.3.1.5). That is, CLEC1 payment = (Affected Volume CLEC1 * \$\$\$from Fee Schedule * multiplier). For the example that follows, fee amounts are based on an aggregate failure. (Total Affected Volume 1 * \$\$ from Fee Schedule * fee multiplier) + (Total Affected Volume 2 * \$\$ from Fee Schedule * fee multiplier)</li> </ol>		



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E.4 (E.4.1)	<p>See Section E.3.1 for example.</p> <p>Revised steps and examples for Tier-1 Calculation For Benchmarks as follows:</p> <ol style="list-style-type: none"> <li>For each CLEC with five or more observations calculate monthly performance results for the State.</li> <li>CLECs having observations (sample sizes) between 5 and 30 will use small sample size table above.</li> <li>Calculate the interval distribution based on the same data set used in step 1.</li> <li>If the 'percent within' (or equivalent percentage for small samples) meets the benchmark standard, no remedies are required. Otherwise, go to step 5.</li> <li>Determine the <u>Total Volume Proportion (TVP)</u> by taking the difference between benchmark and the actual performance result. There will be two volume proportions calculated. If the <u>Total Volume Proportion is greater than 5 %</u>, "<u>Volume Proportion 1</u>" (VP1) will be 5% and "<u>Volume Proportion 2</u>" (VP2) will be the difference between the <u>Total Volume Proportion</u> and "<u>Volume Proportion 1</u>". If the <u>Total Volume Proportion is less than or equal to 5%</u>, VP1 is equal to the <u>Total Volume Proportion</u> and VP2 is equal to zero.</li> <li>Calculate the <u>Total affected volume (TAV)</u> by multiplying the <u>Total Volume Proportion from step 5</u> by the <u>Total CLEC1 Volume</u>. The <u>Total Affected Volume</u> that deviates from the benchmark by less than or equal to 5% ("<u>Total Affected Volume 1</u>" - "TAV1") is obtained by multiplying <u>Total Impacted Volume</u> by the VP1 from step 5. The <u>Total Affected Volume</u> that deviates from the benchmark by greater than 5% ("<u>Total Affected Volume 2</u>" - "TAV2") is obtained by multiplying the <u>Total Impacted Volume</u> by the "<u>Volume Proportion 2</u>" from Step 5.</li> <li>Calculate the payment to CLEC1 by multiplying the result of step 6 by the appropriate dollar amount from the fee schedule. <math>CLEC1\ payment = Affected\ Volume_{CLEC1} * \\$\\$ \text{from Fee Schedule} * multiplier - (Total\ Affected\ Volume_1 * \\$\\$ \text{from Fee schedule} * Fee\ Multiplier) + (Total\ Affected\ Volume_2 * \\$\\$ \text{from Fee Schedule} * Fee\ Multiplier)</math>. For the example that follows, assume CLEC fee amounts are based on an aggregate failure.</li> </ol>		

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E.5	<p>See section E.4.1 for example.</p> <p>Revised steps for Tier 2 Calculations For Benchmarks as follows:</p> <ol style="list-style-type: none"> <li>1. Tier 2 calculations for benchmark measures are the same as the Tier 1 benchmark calculations, except they are based on the CLEC aggregate performance and the CLEC aggregate data will have failed for three (3) consecutive months. If any month passes, no remedies are required.</li> <li>2. If remedies are required, calculate monthly affected volumes for the CLEC aggregate performance for each of the three consecutive months as outlined in steps 5 - 6 of Section E.4. Determine average monthly affected volume for the rolling 3-month period for both TAV1 and TAV2.</li> <li>3. Calculate the payment to the State Designated Agency by multiplying average monthly volumes by the appropriate dollar amount from the Tier 2 Fee Schedule (Appendix A, Table 2; Tier 2 Per Transaction Fee Determination).</li> <li>4. Therefore, State Designated Agency payment = (Average monthly Total Affected Volume 1, TAV1 * \$\$ from Fee Schedule) + (average monthly Total Affected Volume 2, TAV2 * \$\$ from Fee Schedule).</li> </ol>		
E.6.2	<p><b>Percent Flow Through CLEC Aggregate - UNE-Other (PFT-UOTH)</b>  <b>Percent Flow Through CLEC Aggregate - UNE-L (includes UNE-L with LNP)</b></p>		
E.6.4	<p><b>IA, OAAI</b></p> <ul style="list-style-type: none"> <li>• Interface Availability (IA) Average Answer Time - Ordering Centers (OAAI)</li> </ul>		
<p><b>Appendix F BellSouth's Policy on Reposting of Performance Data and Recalculation of SEEM Payments</b></p>	<p>Assume that service orders with an activity code of F were erroneously being included in a particular product disaggregation for Percent Missed Installation Appointments. They should have</p>		

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<p>been in another product disaggregation. Further, assume that the number of records erroneously included is 110 records out of a total of 86,000. In this example, the numerator and denominator would both be reduced by 110 records and the z-score would be recalculated. If the amount of the change was sufficient to meet criteria 2, 4 or 5 above, the Reposting policy will be invoked.</p>	<p>CLECs maintain that BellSouth should be required to pay remedies for SEEM performance measures with retail analogs during a Force Majeure event (FME). There is no provision in the Act, the FCC rules or in the state commissions' enabling statutes or rules that exempts BellSouth from providing parity service before, during or after an FME. Indeed, BellSouth itself has acknowledged that it must provide nondiscriminatory service despite an FME. Discrimination in an FME is as harmful, if not more harmful, to CLECs than discrimination in the absence of an FME. Therefore, SEEMs should apply so BellSouth is properly incented to perform. As the Florida PSC staff has already concluded, "[W]ithout protection of the SEEM plan, CLECs are put at greater risk of not receiving parity treatment."</p> <p>If BellSouth is indeed providing parity service as required in an FME, it should have no concerns regarding the application of SEEM. Nonetheless, BellSouth objects. BellSouth claims restoration after an FME was not contemplated in the formulation of the Performance Plans and restoration may involve activities inherently and incidentally discriminatory, though beneficial to the greatest number of customers based on existing conditions. The CLECs disagree, and note that force majeure has always been an issue in performance metrics proceedings, and that earlier versions of SEEM in Georgia and Louisiana required BellSouth to petition for and prove the need for force majeure relief.</p> <p>Regarding the inherently discriminatory issue, BellSouth has provided no evidence that its "greater good" restoration scenario is in reality an issue affecting performance results. Importantly, in the wake of the hurricanes in the 2005 season, several CLECs experienced incidents they believed illustrated discriminatory treatment, and the Florida PSC staff concluded that several of the examples presented legitimate cases of discrimination – none of those were related to "restoration," but, rather, were straightforward order-and-provisioning issues. CLECs also maintain that even if an FME serves to relieve</p>	
<p><b>Force Majeure</b></p>		

BellSouth Proposed SEEM Changes (7/28/04)	CLECs' Proposed SEEM Changes (7/28/04)	Staff Comments
	<p>BellSouth of its SEEMs obligations for all or certain metrics, an FME should not trigger a "restart" of the consecutive months' violation ("CMV") factor in the SEEMs calculation. Rather, with metrics excluded from SEEMs for an FME, the CMV should simply remain in effect during the FME and then continue as before after the FME abates, as though the FME never occurred. To do otherwise rewards BellSouth for its continuing poor performance when interrupted by the mere happenstance of an FME. CLECs believe that after prior years' hurricanes, the CMV factor has not been, and should not have been, restarted. CLECs now seek to have this principle confirmed in the Performance Plan.</p> <p>For those measures that remain subject to Force Majeure, CLECs recommend that BellSouth shall have the burden of demonstrating that the performance standard was not met due to causes beyond BellSouth's control before being relieved of its obligation to pay remedies.</p> <p><b>BST Response</b></p> <p>BellSouth agrees that it is obligated to continue providing nondiscriminatory service during force majeure events and is willing to discuss appropriate ways to address concerns that arise during such events. However, SEEM is not a viable method to address this concern. By definition, force majeure means that an event is prohibiting BellSouth from performing under normal circumstances, i.e., that the event significantly impairs BellSouth's ability to control its own processes. SEEM rests on the implicit assumption that BellSouth is in control of the events and conditions affecting its ability to provide service. Consequently, SEEM treats any measured shortfall in service to CLECs as an indication of discrimination.</p> <p>There is no vehicle, nor known practical method, to somehow modify SEEM to compensate for those events that are beyond BellSouth's control. Much of this inability derives from the fact that SEEM was designed to be a virtually automatic payment mechanism, again based on the assumption that performance shortfalls were likely indications of discrimination. BellSouth's agreement to implement SEEM was largely based on accepting that assumption even though it was not true in some situations. To address some of the more obvious situations where SEEM was insufficient to indicate whether discrimination occurred, SEEM has always contained, for example, limitation of liability and force</p>	

BellSouth Proposed SEEM Changes (7/28/04)	CLEC's Proposed SEEM Changes (7/28/04)	Staff Comments
	<p>majeure exemptions, which define instances where results from SEEM do not indicate discrimination. To now apply this mechanism in situations where by design it was recognized that it should not apply would be clearly inappropriate. The reasonable action is to develop a process that permits proper assessment of whether discrimination occurs during force majeure events.</p> <p>As an example, Suppose that there are two neighborhoods. They are both adjacent to each other. Neighborhood A, a mix of CLECs and BellSouth customers, was not damaged severely by the storm - a couple of downed lines, but after one day, everything is back up and normal. Neighborhood B is a heavy CLEC neighborhood where there is some cable that is exposed, trees are down all over the place, there is no power and BellSouth cannot even get into the properties to reestablish service for several days, maybe a couple of weeks as experienced with Wilma.</p> <p>In that situation, those repair and install orders for neighborhood B would be used against BellSouth to calculate BellSouth's performance for repair and install intervals through no fault of BellSouth. In both Neighborhoods A and B, BellSouth could be providing nondiscriminatory service. Even if BellSouth is providing installations and repairs in the same way for any customer regardless of whether it is a CLEC or BellSouth customer in those neighborhoods where it has access, the SEEM results would indicate discrimination.</p> <p>As to the question of treatment of Fail Month count post-force majeure, BellSouth does not reset the Fail Month count after a force majeure application is lifted. The Fail Month count is incremented based on the count before the FM application. Thus, if the Fail Month for a submetric was "2" before the force majeure exclusion applied and for the month after the force majeure exclusion is lifted, the same submetric is failed, the Fail Month count becomes "3".</p> <p>Finally, the CLECs' suggestion that BellSouth should have the burden of demonstrating that performance was not met due to causes beyond its control before being relieved of SEEM obligation is both unreasonable and impractical. Every force majeure event is unique and disruptive. Thus, it is unreasonable to require BellSouth to attempt to document the massive level of detail</p>	

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	<p>necessary to address the issue of what is in and out of BellSouth control during a natural disaster. The existence of such an event should be presumptive evidence, in and of itself, that matters outside of BellSouth's control have impacted performance. The CLECs' suggestion is impractical because what the CLECs' are effectively suggesting is that BellSouth should have the burden of proving that it is not discriminating. The nature of a force majeure event is that it overwhelms the control that BellSouth would have under normal circumstances and replaces it with the need for emergency mode procedures.</p> <p>BellSouth recognizes the CLECs' and Staff's desire to address the potential for discrimination to occur during force majeure events and is willing to work with CLECs and Staff to attempt to develop appropriate means to assess that occurrence. However, BellSouth remains of the position that simply applying SEEM during a FME is not a valid indicator (and thus not an appropriate means) of assessing whether discrimination exists during a FME.</p>	
<p><b>Commingling</b></p>	<p>The TRO defines commingling as "...the connecting, attaching, or otherwise linking of an unbundled network element, or a combination of unbundled network elements, to one or more facilities or services that a requesting telecommunications carrier has obtained at wholesale from an ILEC...</p> <p>It is the understanding of the CLECs that these products are not being measured and enforced through remedies. As these products have begun and will continue to be used to provide local service, it is imperative that BellSouth's performance be subject to metrics and enforcement mechanisms. (Details of the CLECs' proposed metric are included in SQM red-line document.)</p> <p><b>BST Response</b> BellSouth does not agree with the CLECs' suggestion that commingled products are not being measured or subject to remedies. Because commingled circuits have a UNE component, the UNE portion of the is captured in the PMAP data for the SQM measurements. These products are also subject to remedies under the SEEM plan where applicable. The special access portion of these products are captured in the special access measurements.</p>	

BellSouth Proposed SEEM Changes (7/28/04)	CLEC's Proposed SEEM Changes (7/28/04)	Staff Comments
<p><u>Special Access Measures</u></p>	<p>Add to SEEM. Like commingled products, special access is increasingly being used to provision local service, and BellSouth's performance should be incented by the same enforcement mechanisms which support other forms of local service provisioning.</p> <p><b>BST Response</b>                      BellSouth strongly disagrees for at least three reasons. As an initial matter, special access circuits should not be subject to SEEM remedies because the SEEM plan was developed in the context of section 271 proceedings, to protect against BellSouth backsliding in continuing to comply with its section 251 obligations (e.g., UNE, Resale, and Interconnection obligations) after receiving long distance approval. BellSouth has no section 251 obligation to provide special access circuits. Instead, special access service is a competitive market-driven service. Moreover, when CLECs order special access service from the FCC tariff, the FCC, not the state, has jurisdiction. Indeed, no state commission in BellSouth's territory has undertaken to impose remedies on special access measures.</p> <p>Again, there are alternatives for CLECs other than BellSouth to provide these types of circuits. Therefore, there is competition in this market and the imposition of SEEM remedies, rather than allowing the marketplace to determine such matters, is unnecessary and counterproductive.</p> <p>Additionally, in response to competitive demands in the provision of special access services, BellSouth's special access tariffs offer customers performance guarantees for the installation and reliability of certain BellSouth special access services. These guarantees include: (1) a Service Assurance Warranty ("SAW"), see FCC Tariff No. 1 § 2.4.9, and (2) a Service Installation Guarantee ("SIG"), see FCC Tariff No. 1, § 2.4.4. BellSouth also offers service level commitment in certain contract tariffs, which typically are negotiated to reflect the customer's individual needs.</p> <p>Moreover, the FCC is engaged in rulemaking that may lead to the adoption of federal performance measures and standards, including special access metrics.</p>	<p>In short, not only is it inappropriate to attempt to impose SEEM</p>

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<p><u>ATT/BST Merger</u></p>		<p>remedies on special access services, but also unnecessary and counterproductive.</p> <p>After the merger is completed, remove AT&amp;T's performance results from the CLEC aggregate results used to calculate SQM and SEEM results.** However, pursuant to Section 4.7 of the SEEM plan, BellSouth shall provide monthly performance results for each metric for each BellSouth CLEC affiliate.</p> <p>As BellSouth may well provide better service to its parent company, the inclusion of performance results for AT&amp;T in the CLEC data is likely to skew performance results, masking discriminatory performance and adversely affecting the remedy payment amounts to which CLECs would otherwise be entitled.</p> <p>In Order No. PSC-01-1019-FOF-TP, page 199, the Commission recognized that affiliate results, if in significant volume, could skew overall performance results, warranting their exclusion from calculation of CLEC aggregate results.</p> <p>** Alternatively, before the next review, Staff could require that BellSouth calculate the remedies both ways to determine if this is a problem. If the better performance results for AT&amp;T have skewed the Tier 1 remedies, the remedies that would have been due to CLECs should be paid in a lump sum and AT&amp;T removed from the plan as the CLECs initially requested.</p> <p>Increase penalties in fee schedules in proportion to the increase in revenues resulting from the merged companies.</p> <p>The merger of BellSouth and AT&amp;T will result in a more powerful and wealthy company. The current level of remedy payments will have substantially less impact on the financials of the company, and therefore on its incentive to provide non-discriminatory service and thus avoid payment of those remedies. Increasing the fee schedule proportionately will at least attempt to "keep whole" the financial incentive for BellSouth to maintain its current level of performance.</p>	



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	<p><b>BST Response</b>                      With respect to the CLECs' first issue, BellSouth's CLEC affiliate data is not currently included in the CLEC Aggregate reports. This same approach will be taken upon completion of the merger between BellSouth and AT&amp;T. However, BellSouth does not agree with the CLECs' suggestion that SEEM remedies should be increased in proportion to the revenues of the combined company after the AT&amp;T and BellSouth merger.</p> <p>As an initial matter, in each of the section 271 applications of ILECs, including BellSouth, before the FCC, the question of significant financial incentives to prevent backsliding was considered. As part of that consideration, the FCC looked at ILEC net revenues, but did so in reviewing what the cap on liabilities should be. In most cases, the FCC found that 36% of an ILEC's net revenue was significant enough of a financial threat to deter backsliding. BellSouth is subject to a cap on financial liabilities in each of its states, which is already tied to the amount of net revenues. The dollar value of this liability would increase if net revenues increase after the merger. Further, in no instance did the FCC express the need to apply some multiplier times the fee schedules based on company revenues. To have done so would run counter to its findings that these ILECs were providing CLECs with nondiscriminatory service.</p> <p>Moreover, this request has nothing to do with an actual expectation by the CLECs of discriminatory service after the merger, but is instead simply an increase in the amount paid to CLECs for no valid reason. Under the current plan, a CLEC has no obligation to show that it experienced any measurable harm. Rather, BellSouth is required to make payments automatically under a bare presumption that discrimination has occurred. BellSouth has however agreed to pay remedies according to the current plan based on negotiations that took place between BellSouth and the CLECs as an outgrowth of last six-month review.</p> <p>Thus, the CLECs are suggesting that, without any showing of need, the Commission should arbitrarily increase remedies based on the unsubstantiated speculation or remote possibility that once the merger is complete, performance will decline. This ignores the fact that even if their arbitrary proposal is rejected, the level of remedies will increase since this is a transaction-based plan. Again, the</p>	

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	<p>CLECs are looking to conveniently dramatically increase SEEM payments that it receives from BellSouth without the need for any showing of harm or discrimination. Instead, the CLECs offer the mere conjecture that the merger of AT&amp;T and BellSouth somehow equals the onset of discriminatory service.</p> <p>Proposing an increase in the fee schedule in proportion to the purported increase in revenues resulting from the merged companies is a uniformly misguided, impractical and arbitrary notion.</p> <p>First, each state that BellSouth serves and each state that AT&amp;T serves has an enforcement plan already in place. After the merger, each state will still have an enforcement plan in place. The CLECs' suggestion to increase the fee schedule for individual states in proportion to revenues of the combined companies ignores the fact that the merger does not eliminate any state from being subject to individual state-established enforcement plans.</p> <p>Second, the telecommunications marketplace, in Florida as elsewhere, is highly competitive and evolving rapidly. Arbitrarily increasing remedies in such an environment carries with it the risk that the combined company will be forced to operate inefficiently and sacrifice services to its own customers to avoid excessive remedies.</p> <p>Further, continuing to focus on remedies associated with resale and UNE products does not incent CLECs and other market participants to seriously pursue the introduction of new products, and new technologies, which is the best means to deliver benefits to consumers.</p> <p>Thus, the CLECs suggestion to arbitrarily increase SEEM remedies should be squarely rejected.</p>	
<p><u>Monthly PMAP changes</u></p>	<p>Change the process of monthly notification and implementation of changes to six months or annually (whichever coincides with overall PAP review process.)</p> <p>Based on considerable experience, CLECs have concluded that the current process, which was created to keep them informed and</p>	

BellSouth Proposed SEEM Changes (7/28/04)	CLEC's Proposed SEEM Changes (7/28/04)	Staff Comments
	<p>involved, is inadequate. It creates incremental, continual and disjointed change, and thus prevents CLECs' ability to understand the cumulative and overall impacts on the metrics. CLECs believe that accumulating and discussing these proposed changes periodically in a workshop setting will permit the true impact of the changes to be reviewed, discussed, and understood. It is likely to improve the ability of auditors to review and evaluate the changes as well. Exceptions could be permitted (with the concurrence of CLECs and Staff), should BellSouth encounter a problem that is having significant impact on reported results.)</p> <p><b>BST Response</b>                      BellSouth is willing to discuss possible solutions to the CLECs' concerns, but there is one very important consideration that must remain in focus. The changes included in the monthly data notifications are required to make sure that the PMAP reports are compliant with the SQM Plan that is in effect. Thus, the monthly notification process is not the forum in which proposals are made to change the plan. Rather, the requirements of the plan are set and BellSouth is implementing code changes to ensure compliance with the plan. The data notification process that is currently in place is a process that the CLECs requested in Georgia and BellSouth agreed to implement. The bottom-line is that BellSouth is obligated to make sure that when it finds instances where the PMAP code is not in compliance with the SQM, that it makes the necessary changes to implement compliant code. What would not be acceptable is for BellSouth to be aware of errors in the code and not be allowed to make corrections in a timely fashion.</p>	