

Matilda Sanders

From: Barclay, Lynn [Lynn.Barclay@BellSouth.com]
Sent: Monday, November 20, 2006 12:42 PM
To: Filings@psc.state.fl.us
Cc: Woods, Vickie; Randa, Johna A; Nancy Sims; Holland, Robyn P; Bixler, Micheale; Slaughter, Brenda; Culpepper, Robert
Subject: 000121A-TP BellSouth's Response to October 25, 2006 Workshop Action Items
Attachments: 000121A-TP BST Response to Workshop Action Items.pdf

ORIGINAL

A. Lynn Barclay
 Secretary to Robert Culpepper
 BellSouth Telecommunications, Inc.
 c/o Nancy Sims
 150 South Monroe, Rm. 400
 Tallahassee, FL 32301-1558
 404 335-0788
lynn.barclay@bellsouth.com

B. Docket No. 000121A-TP: In Re: Investigation into the Establishment of Operations Support Systems Permanent Incumbent Local Exchange Telecommunications Companies.

C. BellSouth Telecommunications, Inc.
 on behalf of Robert A. Culpepper

D. 33 pages total (includes Bayó letter, certificate of service, attachments)

E. BellSouth's Telecommunications, Inc.'s Response to October 25, 2006 Workshop Action Items.
 <<000121A-TP BST Response to Workshop Action Items.pdf>>

CMP _____
 COM _____
 CTR _____
 ECR _____
 GCL _____
 OPC _____
 RCA _____
 SCR _____
 SGA _____
 SEC 1
 OTH _____

Lynn Barclay
 Legal Department
 675 West Peachtree Street
 Suite 4300
 Atlanta, GA 30375
 404 335-0788

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Robert A. Culpepper
Senior Regulatory Counsel

BellSouth Telecommunications, Inc.
150 South Monroe Street
Room 400
Tallahassee, Florida 32301
(404) 335-0841

ORIGINAL

November 20, 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:

Enclosed is BellSouth Telecommunications, Inc.'s Responses to Workshop
Action Items Nos. 1-12. 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
James Meza, III

658792

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10615 NOV 20 06
FPSC-COMMISSION CLERK

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 20th day of November, 2006 to the following:

Adam Teitzman
Jerry Hallenstein
Lisa Harvey
David Rich
Staff Counsel
Florida Public Service
Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
Tel. No. (850) 413-6175
Fax. No. (850) 413-6250
ateitzma@psc.state.fl.us
ihallens@psc.state.fl.us
lsharvey@psc.state.fl.us
drich@psc.state.fl.us

Tracy W. Hatch
AT&T
101 North Monroe Street
Suite 700
Tallahassee, FL 32301
Tel No. (850) 425-6360
Fax No. (850) 425-6361
thatch@att.com

Sonia Daniels
AT&T
1230 Peachtree Street
Suite 400
Atlanta, GA 30309
Tel. No. (404) 810-8488
Fax. No. (281) 664-9791
soniadaniels@att.com

Verizon, Inc.
Kimberly Caswell
P.O. Box 110, FLTC0007
Tampa, FL 33601-0110
Tel. No. (813) 483-2617
Fax. No. (813) 223-4888
kimberly.caswell@verizon.com

Peter M. Dunbar, Esquire
Karen M. Camechis, Esquire
Pennington, Moore, Wilkinson,
Bell & Dunbar, P.A.
Post Office Box 10095 (32302)
215 South Monroe Street, 2nd Floor
Tallahassee, FL 32301
Tel. No. (850) 222-3533
Fax. No. (850) 222-2126
pete@penningtonlawfirm.com

Supra Telecommunications and
Information Systems, Inc.
Marva Johnson
2901 S.W. 149th Avenue
Suite 300
Miramar, FL 33027-4153
Phone: (786) 455-4248
FAX: (786) 455-4600
marva.johnson@supratelecom.com

Michael A. Gross
Vice President, Regulatory Affairs
& Regulatory Counsel
Florida Cable Telecomm. Assoc.
246 East 6th Avenue
Tallahassee, FL 32303
Tel. No. (850) 681-1990
Fax. No. (850) 681-9676
mgross@fcta.com

Douglas C. Nelson
Sprint Nextel
233 Peachtree Street, NE
Suite 2200
Atlanta, GA 30303
Tel. No. 404 649-0003
Fax No. 404 649-0009
douglas.c.nelson@sprint.com

Brian Sulmonetti
MCI WorldCom, Inc.
6 Concourse Parkway, Suite 3200
Atlanta, GA 30328
Tel. No. (770) 284-5493
Fax. No. (770) 284-5488
brian.sulmonetti@wcom.com

William Weber, Senior Counsel
Gene Watkins (+)
Covad Communications
1230 Peachtree Street, N.E.
19th Floor, Promenade II
Atlanta, Georgia 30309
Tel. No. (404) 942-3494
Fax. No. (508) 300-7749
wweber@covad.com
jbelle@covad.com
qwatkins@covad.com

John Rubino
George S. Ford
Z-Tel Communications, Inc.
601 South Harbour Island Blvd.
Tampa, Florida 33602
Tel. No. (813) 233-4630
Fax. No. (813) 233-4620
gford@z-tel.com

Vicki Gordon Kaufman
Moyle Flanigan Katz Raymond
& Sheehan, PA
118 North Gadsden Street
Tallahassee, FL 32301
Tel. No. (850) 681-3828
Fax. No. (850) 681-8788
vkaufman@moylelaw.com
Represents KMC Telecom
Represents Covad
Represents Mpower

Jonathan E. Canis
Kelley Drye & Warren, LLP
1200 19th Street, N.W., Fifth Floor
Washington, DC 20036
Tel. No. (202) 955-9600
Fax. No. (202) 955-9792
icanis@kelleydrye.com

Tad J. (T.J.) Sauder
Manager, ILEC Performance Data
Birch Telecom of the South, Inc.
2300 Main Street FL
Kansas City, MO 64108
Tel. No. (816) 300-3202
Fax. No. (816) 300-3350

John D. McLaughlin, Jr.
KMC Telecom
1755 North Brown Road
Lawrence, Georgia 30043
Tel. No. (678) 985-6262
Fax. No. (678) 985-6213
jmclau@kmctelecom.com

Andrew O. Isar
Miller Isar, Inc.
7901 Skansie Avenue
Suite 240
Gig Harbor, WA 98335-8349
Tel. No. (253) 851-6700
Fax. No. (253) 851-6474
aisar@millerisar.com

Renee Terry, Esq.
e.spire Communications, Inc.
14405 Laurel Pl.
Suite 200
Laurel, MD 20707-6102
Tel. No. (301) 361-4298
Fax. No. (301) 361-4277

Mr. David Woodsmall
Mpower Communications, Corp.
175 Sully's Trail
Suite 300
Pittsford, NY 14534-4558
Tel. No. (585) 218-8796
Fax. No. (585) 218-0635
dwoodsmall@mpower.com


Suzanne F. Summerlin, Esq.
Attorney At Law
2536 Capital Medical Blvd.
Tallahassee, FL 32308-4424
Tel. No. (850) 656-2288
Fax. No. (850) 656-5589
summerlin@nettally.com
sbharvey@suzannesummerlinattorney.com

Dulaney O'Roark III (+)
WorldCom, Inc.
Six Concourse Parkway
Suite 3200
Atlanta, GA 30328
Tel. No. (770) 284-5498
De.OROark@mci.com

Matthew Feil
FDN Communications
2301 Lucien Way, Suite 200
Maitland, FL 32751
Tel. No. (407) 835-0460
mfeil@mail.fdn.com

Bill L. Bryant, Jr.
Akerman Senterfitt
106 East College Avenue
Suite 1200
Tallahassee, FL 32301
Tel. No. (850) 224-9634
Bill.Bryant@akerman.com

D. Anthony Mastando
DeltaCom
VP-Regulatory Affairs
Senior Regulatory Counsel
Ste 400
7037 Old Madison Pike
Huntsville, AL 35806
Mary.Conquest@deltacom.com



Robert A. Culpepper

**(+) Signed Protective
Agreement**

BellSouth Telecommunications, Inc.
FPSC Dkt. No. 00121A-TP
Responses to October 25, 2006
Workshop Action Items
Filing Date: November 20, 2006
Item No. 1
Page 1 of 1

REQUEST: Revise the exclusion for bundled transactions or excessive volumes for the measures OSS-1 and PO-2.

RESPONSE: BellSouth proposes the follow language for this exclusion.

- Failed transactions due to unanticipated significant increases in CLEC volumes (an unanticipated, significant increase in CLEC volume is indicated by a 100% increase over the CLEC forecasted volumes or the average of the normalized volumes for the most recent prior six months)

REQUEST: What is the Tier 1 impact of changing the benchmark for measure O-11 from 95% to 98% for Fully Mechanized requests?

RESPONSE: BellSouth provided the SEEM Tier 1 impact of changing the benchmark for Fully Mechanized requests for the six-month period January – June 2006 in response to action item 6, filed with the Commission on September 15, 2006. This represents an annualized amount of approximately \$28,000 for the state of Florida.

Irrespective of the potential Tier 1 SEEM payment impact of changing the benchmark, it is BellSouth's position that no change to the benchmark is warranted because the CLECs have failed to demonstrate that a change is necessary in order to provide an efficient CLEC a meaningful opportunity to compete in the local market. Absent such a demonstration, it is inappropriate to arbitrarily change the benchmark. In short, no empirical evidence was presented by the CLECs as to why the benchmark should be 98% as opposed to 95%. On the contrary, the fact that there have been no events that CLECs have been able to cite that indicates a need to increase this benchmark is strong evidence that the benchmark should not be increased. Rather, the basis for the CLEC's proposed change is that the process is mechanized and BellSouth outperforms the current standard in the aggregate. This is not a valid basis for changing the benchmark.

The dramatic nature and unwarranted risks of this change cannot be overemphasized. Even though the change may appear to be small, it requires BellSouth to sustain a minimum of a 60% performance increase above the requirements of the previous benchmark. Further, using the change in SEEM payments past several months of data is not a valid means to assess the impact of this change. BellSouth can meet the benchmark for ordering measures for a long period and suddenly a small change in the type of orders submitted, method of capturing measurement results or temporary glitch in system performance can produce a large change in measurement results.

BellSouth Telecommunications, Inc.
FPSC Dkt. No. 00121A-TP
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With a benchmark as stringent as 98%, the volume of transactions that are involved with fully mechanized orders, and the \$20 per transaction fee in the SEEM Fee Schedule, a small glitch can very quickly result in huge remedies even though there was no impact to the CLECs ability to compete in the marketplace. Consequently a potential windfall for CLECs is being created, simply because BellSouth has been able to outperform the required benchmark in the past. At a minimum, to provide some protection against an unwarranted windfall, the measure should be made Tier 2 only if this change in benchmark is implemented.

BellSouth Telecommunications, Inc.
FPSC Dkt. No. 00121A-TP
Responses to October 25, 2006
Workshop Action Items
Filing Date: November 20, 2006
Item No. 3
Page 1 of 1

REQUEST: With respect to the Order Completion Interval (OCI) measure, if no separation is provided for < 6ckts and >= 6 ckts for UNE xDSL and UNE Line Splitting in the SQM, what should be the weighted interval used based on the interval guide and volumes for each of these two categories?

RESPONSE: No data appeared for these products for the >= 6 circuits category over the last 12-months. If Staff is not proposing the removal of the disaggregation bucket of >=6 circuits from the SQM/SEEM, BellSouth proposes to make this category diagnostic. At a minimum, since this is obviously an extremely low volume category and the benchmark will be based on the quoted interval for orders <6ckts, the >=6ckts category should be excluded from SEEM. Consequently, if circuits are submitted in this category and BellSouth meets its commitments, CLECs will not receive an unwarranted windfall in SEEM payments.

REQUEST: What is the impact of changing the standard for the B-10 measure from 90% in 45 business days to 95% in 45 calendar days.

RESPONSE: The chart below summarizes the impact on the SQM results of changing the standard for the B-10 measure from 90% in 45 business days to 95% in 45 calendar days.

Month	Benchmark	CLEC Numerator	CLEC Volume	CLEC Metric
Mar- 06	95% <= 45 Calendar Days	7671	7931	96.72%
Apr- 06	95% <= 45 Calendar Days	1994	2377	83.89%
May-06	95% <= 45 Calendar Days	4200	4682	89.71%
Jun - 06	95% <= 45 Calendar Days	2355	3825	61.57%
Jul - 06	95% <= 45 Calendar Days	21982	23598	93.15%
Aug- 06	95% <= 45 Calendar Days	7206	8569	84.09%

The same concerns expressed in response to action item 2 are also applicable in this case. A dramatic change in the benchmark is being proposed even though there is no indicated need for any change at all in order to give an efficient CLEC a meaningful opportunity to compete in the local market. Further, evidence that this benchmark should not be changed is the fact that the current metric tracks the billing dispute provisions in many CLECS current interconnection agreement. Even worse, the measurement results would indicate that BellSouth failed to meet the necessary standard for five of the last six months. This would be an inaccurate portrayal of whether CLECs were hampered by BellSouth's performance and cause implementation of methods to meet a higher standard, if it can be achieved, even though CLECs who were concerned enough to have this issue addressed in their contract are satisfied with the existing standard.

BellSouth understands that Staff reviewed similar measures in the measurement plans of other companies in making its decision to change the current standard for this measure. BellSouth reviewed similar measurements on the websites of Verizon and AT&T and found some fundamental differences between the measurement definitions and exclusions when compared to BellSouth's measure. See Attachments 1 and 2 for copies of these measures. For example, the measure definition for the Verizon measure BI-3, Billing Accuracy and Claims Processing, is limited to CLEC claims submitted within 60 calendar days of the bill date. In contrast, BellSouth's measure includes claims submitted by CLECs for adjustments going back 4 or 5 years in some states. Compared to the Verizon measure, this obviously substantially increases both the number of requests processed and the difficulty of resolving disputes because the records are not readily available for older bills as they are for newer bills. The impact is especially significant because the same BellSouth groups process requests for adjustments from both CLECs and Interexchange Carriers for all nine BellSouth states.

In addition to the 60 calendar-day limitation, the Verizon measure also contains exclusions for CLEC claims for adjustments such as: charges for directories, incentive regulation credits, credits for performance remedies, out-of-service, and special promotional credits. It is unclear how broadly Verizon interprets the "claims for adjustments" exclusion. This could potentially eliminate a large number of requests from this measure. The Verizon link used to retrieve the description of this measure is:
<http://www.dps.state.ny.us/Version12EastC2CguidelinesBlackline.pdf>

Similarly, in viewing the AT&T website, the measure CLEC BLG-3: Percent of Billing Claim Resolution Notifications Sent/Made Available within 30 Business Days appears to be similar to BellSouth's B-10 measurement.¹ However, the AT&T measure excludes claims on invoices greater than 4 months old, rejected claims, duplicate claims, claims received on non-standard forms, etc. There are no such exclusions in BellSouth's billing measurement data. The AT&T link is given below:
https://clec.att.com/clec_documents//unrestr/pm//UserGuideV2.0d_clean121905file.pdf

¹ SBC Midwest 2005 6MR V2.5 Business Rules (all redlines accepted), revised 08/22/06.

In short, BellSouth is concerned that Staff's review of similar measures for other companies, which served as a basis for changing the standard for BellSouth's B-10 measure, may not have taken into account these significant differences.

Staff also expressed a concern that a large percentage of adjustment requests are submitted electronically via EBAR forms and, therefore, it should take less time to process these requests. . However, it is important to point out that there are two processes BellSouth used when an adjustment request is received depending whether non-CABS and CABS billed services are involved.

For non-CABS billed services, in this case resale, CLECs may utilize the EBAR process, which allows the customer to input disputes directly into the BDATS tracking system. Most resale customers, approximately 70%, utilize EBAR and the dispute is entered into BellSouth's tracking system, BDATS, immediately. The fact that the dispute is entered immediately into the tracking system, however, does not eliminate the need for BellSouth to perform preliminary validations on a manual basis

Further, a significant number of adjustment requests cannot be entered via the EBAR process, namely CABS billed items. For CABS billed services, the dispute system is not a database, but a data warehouse that is a part of the CABS billing system (ACATS). Dispute entry is manual in this case due to the complex nature of CABS billed services. In any event, it is not a correct assumption that the majority of billing disputes are submitted via the EBAR process.

Staff also questioned why BellSouth's performance did not change in direct relationship to the volume of disputes. Based on the method of submission and the type of dispute, as shown above, the effort required varies widely based on the type of dispute. Consequently, volume is not the only, and in some cases, not the principal driver of performance results.

Carrier-to-Carrier Guidelines Performance Standards and Reports

Verizon Reports

**Connecticut
Delaware
District of Columbia
Maine
Maryland
Massachusetts
New Hampshire
New Jersey
New York
Pennsylvania¹
Rhode Island
Vermont
Virginia
West Virginia**

June 2006

¹ Not Applicable to former GTE Territory

Function:
BI – 3 Billing Accuracy & Claims Processing
Definition:
<p>For sub-metrics BI-3-04, BI-3-05, BI-3-07 and BI-3-08:</p> <p>These sub-metrics measure the promptness with which Verizon acknowledges and resolves CLEC billing adjustment claims processed in the Verizon Bill Claim Center. These sub-metrics include CLEC claims relating to a Wholesale Local bill presented by Verizon to the CLECs and is the CLEC's bill of record. These sub-metrics apply to CLEC claims that are submitted within 60 calendar days of the bill date and that are related to bill periods beginning on or after April 1st, 2003 in Verizon NY, CT and MA²⁴.</p> <p>Procedural Issues:</p> <ul style="list-style-type: none"> • Business hours for receipt of billing claims and transmission of responses are Monday through Friday, 8:00AM to 5:00PM Eastern Time, excluding Verizon Holidays; • CLEC claims for billing errors or Verizon responses received outside these business hours shall be considered received at 8:00AM Eastern Time on the first business day thereafter. • Claims must be submitted by e-mail to the appropriate claims organization. Refer to the URL matrix at the beginning of the C2C guidelines for the URL on Inquiries, Claims and Adjustments in effect at the time of the filing. All requested information must be provided. Only claims submitted via e-mail are included in the BI-3 metric calculations. Claims submitted via fax or US mail or any means other than email are not included in the BI-3 metric calculations. <p>Acknowledgment</p> <ul style="list-style-type: none"> • Acknowledgement is defined as the transmission of a specifically formatted message acknowledging receipt of the claim with required information or transmission of a message informing the CLEC that the (numbered) claim cannot be processed for a specified reason(s) (for example, if additional detail or information is needed) by e-mail to the e-mail address from which the CLEC sent the claim. The message will contain both the Verizon claim number and the associated CLEC claim number (when provided by the CLEC). • Day of receipt shall be considered Day zero (0) for computing acknowledgement performance. The e-mail date/time stamp on the CLEC e-mail of claim submission will determine Day 0. • The date/time stamp on the e-mail containing the Acknowledgement message will be considered the Acknowledgement time of record. <p>Resolution</p> <ul style="list-style-type: none"> • A claim is considered "resolved" when Verizon transmits an e-mail (in a predefined standard format) to the e-mail address from which the CLEC sent the claim and that either 1) denies the claim, 2) grants the claim or 3) denies the claim in part and grants the claim in part. • Day of acknowledgement of a billing claim (as evidenced by the e-mail date/time stamp on the acknowledgement message) shall be considered Day "0" • If the 28th calendar day falls on a weekend or Verizon Holiday, resolution will be considered timely if returned on the next business day.

²⁴ The April 1, 2003 start date applies to New York, Connecticut, and Massachusetts. The start dates for the remaining VZ East states are as follows: New Hampshire, Maine, Rhode Island and Vermont: December 1st, 2001; Pennsylvania: April 1st, 2003; Delaware: July 1st, 2002; New Jersey: Contingent on Guideline approval; Maryland: Jan 1st, 2003; District of Columbia: Sept 1st, 2002; Virginia: June 1st, 2002, West Virginia: Feb 1st, 2003.

Definition, continued:	
<p>Closure</p> <ul style="list-style-type: none"> A claim is considered "closed" when the credit appears (with both the Verizon and CLEC claim numbers) in the adjustment section of the Verizon invoice or when the CLEC agrees (via e-mail with Verizon's denial of the claim. 	
<p>Scope</p> <ul style="list-style-type: none"> For each master billing account number (BAN), each reason code submitted by a CLEC will count as a separate claim. There is no limitation on the number of claims by BAN or by reason code. 	
<p>Note: Sub-metric BI-3-08 is reported on a two (2) month delayed basis.</p>	
Exclusions:	
<ul style="list-style-type: none"> For sub-metrics BI-3-04, and BI-3-05, BI-3-07 and BI-3-08: CLEC claims for adjustments such as: charges for directories, incentive regulation credits, credits for performance remedies, out-of-service credits, and special promotional credits. 	
Performance Standard:	
<p>BI-3-04: 95% within two (2) business days after receipt</p>	
<p>BI-3-05: 95% within 28 calendar days after acknowledgement</p>	
<p>BI-3-07: No standard</p>	
<p>BI-3-08: 97.5% within 45 calendar days</p>	
Report Dimensions	
<p>Company:</p> <ul style="list-style-type: none"> CLEC Aggregate CLEC Specific (applicable to MD for BI-3-04 and BI-3-05 only) Verizon Affiliate Aggregate (applicable to MD for BI-3-04 and BI-3-05 only) Verizon Affiliate Specific (applicable to MD for BI-3-04 and BI-3-05 only) 	<p>Geography:</p> <ul style="list-style-type: none"> State Specific

Sub-Metrics		
BI-3-04 % CLEC Billing Claims Acknowledged within two (2) Business Days		
Calculation	Numerator	Denominator
	Number of billing adjustment claims received during the month that are acknowledged within two business days after receipt.	Total number of billing adjustment claims received during the month.
BI-3-05 % CLEC Billing Claims Resolved within 28 Calendar Days After Acknowledgement		
Calculation	Numerator	Denominator
	Number of billing adjustment claims where the resolution was due in the report month and are resolved within 28 calendar days after acknowledgement.	Total number of billing adjustment claims where the resolution was due during the month.
BI-3-07 % Full or Partial Denials		
Calculation	Numerator	Denominator
	Number of claims for which the Verizon resolution is a full or partial denial in a month.	Total number of current month resolved claims.
BI-3-08 % CLEC Billing Claim Adjustments Appearing on the Bill within 45 days		
Calculation	Numerator	Denominator
	Number of resolved billing claims in the report month where the adjustment has appeared on an invoice in 45 or less days from the resolution date.	Total number of resolved billing claims in the report month where adjustment is granted.

Exhibit 4 (Redlined Rules w/All Changes Accepted)
SBC MIDWEST PERFORMANCE MEASUREMENT USER GUIDE
Version 2.5

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SBC MIDWEST PERFORMANCE MEASUREMENT USER GUIDE

Version 2.5

CLEC BLG-3 Percent of Billing Claim Resolution Notifications Sent/Made Available within 30 Business Days

Definition:

Measures the percent of time that SBC Midwest sends/makes available claims resolution notifications to the CLEC within 30 business days of receipt by SBC Midwest.

Exclusions:

- Claims on invoices greater than 4 months old
- Rejected Claims
- Duplicate Claims
- Claims received on non-standard forms
- Holidays and weekends
- JEP Time
- Excludes Access and LSB Billing claims

Exclusion definitions are detailed on CLEC Online and can be found in the Billing Adjustments and Claims section of the CLEC Online Handbook at <https://clec.sbc.com/clec/hb/>.

Business Rules:

The purpose of this measure is to track the percentage of billing claims resolution notifications sent/made available within 30 business days. Day of receipt (not date of acknowledgement) shall be considered Day zero (0) for computing resolution performance. The end time is the date the resolution is sent to the CLEC via email or the day the acknowledgment is posted to the website for claims sent through the Electronic Exchange of Claims (ExClaim) on-line application. These acknowledgements are made available through the ExClaim batch process and can be viewed by the CLEC the next business day..

Any valid Local claims sent to the e-mail address of AICS-TC.Billing@Ameritech.com or through ExClaim will be included. Any claims that are incorrectly sent to this e-mail address will be rejected.

Any valid Collocation claims sent to the e-mail address of AITCBLCL@txmail.sbc.com or through ExClaim will be included. Any claims that are incorrectly sent to this e-mail address will be rejected.

Levels of Disaggregation:

- Local Billing Claims (excluding negotiated projects)
- Collocation Billing Claim (excluding negotiated projects)
- Negotiated projects (5 disaggregations):
 - % sent within 0-30 days
 - % sent within 31-60 days
 - % sent within 61-90 days
 - % sent within 91-120 days
 - % sent in more than 120+ days

Exhibit 4 (Redlined Rules w/All Changes Accepted)
SBC MIDWEST PERFORMANCE MEASUREMENT USER GUIDE
Version 2.5

Calculation:

(# of billing claim items resolution notices sent/made available within 30 business days ÷ total # of billing claim item resolution notices sent/made available) * 100

Report Structure:

Reported for -

- CLEC
- All CLECs
- SBC Midwest Affiliate

Measurement Type:

	IL/IN/MI/WI	OH
Tier 1	Remedied	Low
Tier 2	None	None

Benchmark:

- Local Billing Claims (excluding negotiated projects) 95% within 30 business days. Remedy at per occurrence with a CAP for Tier 1 only.
- Collocation Billing Claim (excluding negotiated projects) - Diagnostic
- Negotiated Projects - Diagnostic only. This disaggregation is for project performance display only and will not have a benchmark or remedy.

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REQUEST: BellSouth will propose revised language for SEEM section 2.6, with respect to the \$400.00 per day penalty to account for the delay due to Notification Policy intervals

RESPONSE: BellSouth proposes the following revised language for section 2.6 of the SEEM Administrative Plan.

BellSouth shall pay penalties to the Commission, in the aggregate, for all reposted SQM and SEEM reports in the amount of \$400 per day, less the ninety (90) day period required for Data Notification. 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.

REQUEST: BellSouth will provide an alternative proposal for SEEM section 4.3.1.2 to address low volume issues, without excluding data.

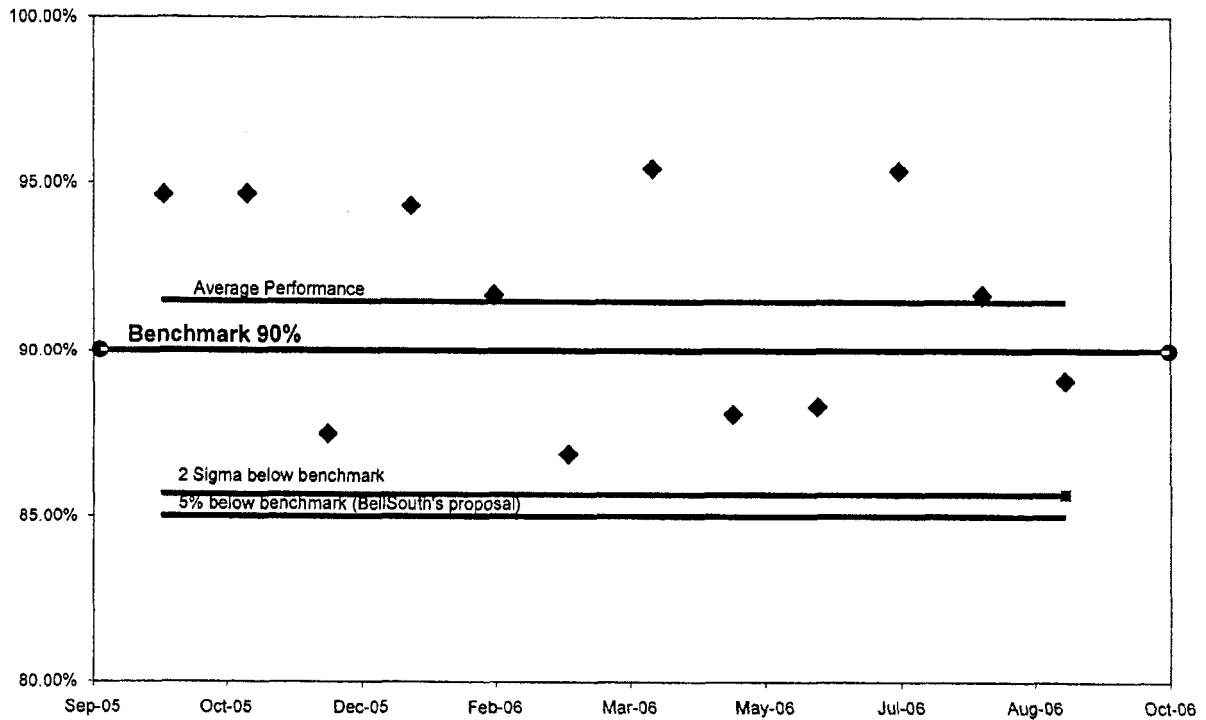
RESPONSE: In response to action item 13, filed with the Commission on September 15, 2006, BellSouth indicated that it believed using aggregate CLEC results to address the nondiscriminatory determination issues associated with low volumes is feasible. In that response, BellSouth also suggested an approach to implementing such a proposal. One variation to that approach is to use the truncated z-test PASS/FAIL determination at the aggregate level in a little different manner. Specifically, if BellSouth passes the test at the aggregate level no Tier 1 remedies would apply, just as with the approach given in BellSouth's September 15th filing. This is because an aggregate pass, where volumes are better suited for making determinations of equity, suggests that there has been no systemic discrimination. If, however, the truncated z-test is failed in the aggregate, the truncated z-test would be performed for each CLEC for the purpose of identifying where to attribute the overall failure. That is, in this case, rather than simply allocating Tier 1 remedies by CLEC volume, as described in BellSouth September 15th response, BellSouth would use the CLEC specific results to determine which individual CLEC results was associated with a failure and remedies would apply only to those CLECs.

An alternative approach is to aggregate results by product group rather than aggregating individual CLEC results together. More specifically, for SEEM, CLEC results would be grouped into three categories: Resale, UNE and Local Interconnection Trunks (LIT). For Tier 1 calculations, each CLEC's individual results would still be calculated at the cell level, but the results would be aggregated by Resale, UNE or LIT. Tier 1 and Tier 2 payments would be made on this basis.

REQUEST: Please provide, with respect to SEEM section 4.3.1.5, examples of fluctuations in the benchmark measures to substantiate the need for the proposed reduced fee schedule when BellSouth's performance is within 5% of the standard.

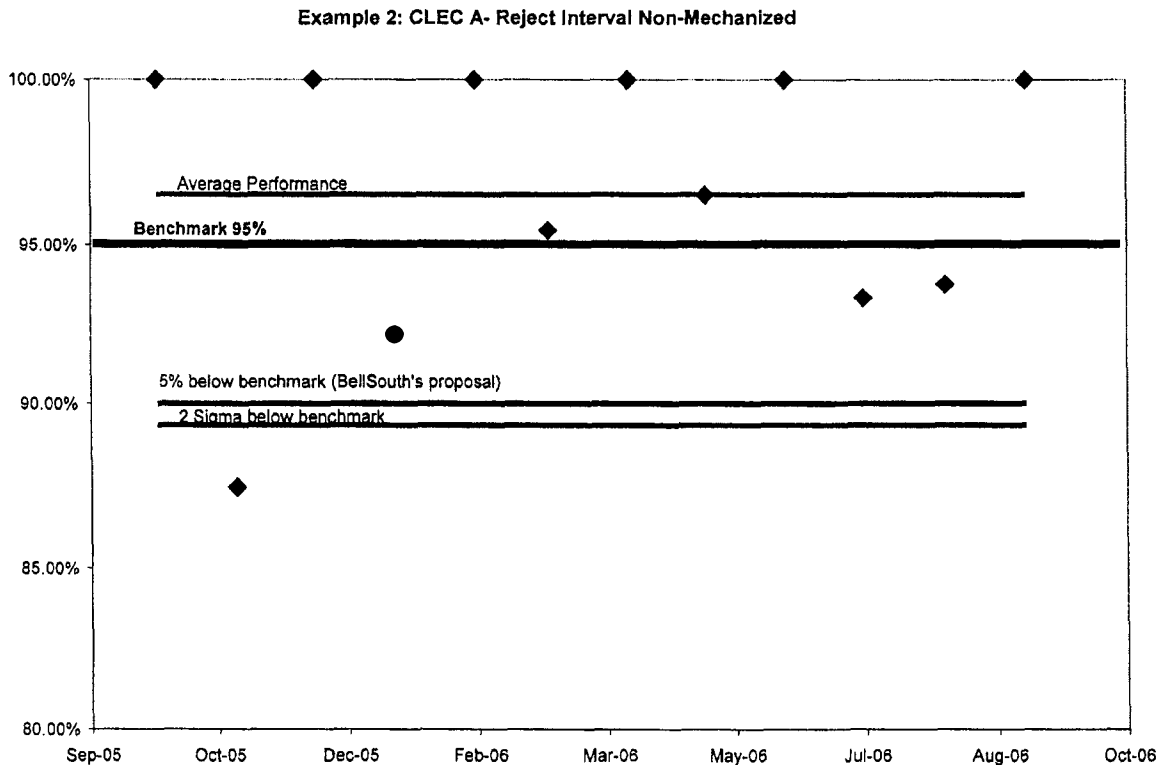
RESPONSE: BellSouth has provided two examples of fluctuations in the benchmark in support of the proposed reduced fee schedule for performance within 5% of the standard. The graphs of these three examples are also included in Attachment 3 to this filing.

Example 1: CLEC A - Percent Flow Through Business



A review of Example 1 shows the average performance of the process over time is above the benchmark. The fluctuations in the data do not indicate a systemic, attributable problem in the process. However, there is evidence of normal random variation in the process. What is displayed is the random variation from month-to-month but the hour-to-hour, day-to-day, and week-to-week variations could be presented in the exact same format. BellSouth suggests that if the process's performance measure in a given month is within a reasonable range from the benchmark that the remedy payment should be much less than what is charged today. As can be seen in the above graph, 5% below the benchmark is close to 2 standard deviations below the 90% benchmark.

Recall that BellSouth is not suggesting that a remedy would not be assigned if the monthly proportion is below the benchmark but within the variability factor of 5%. Rather, BellSouth is only suggesting that the current remedy amounts are excessive for performance within that range.

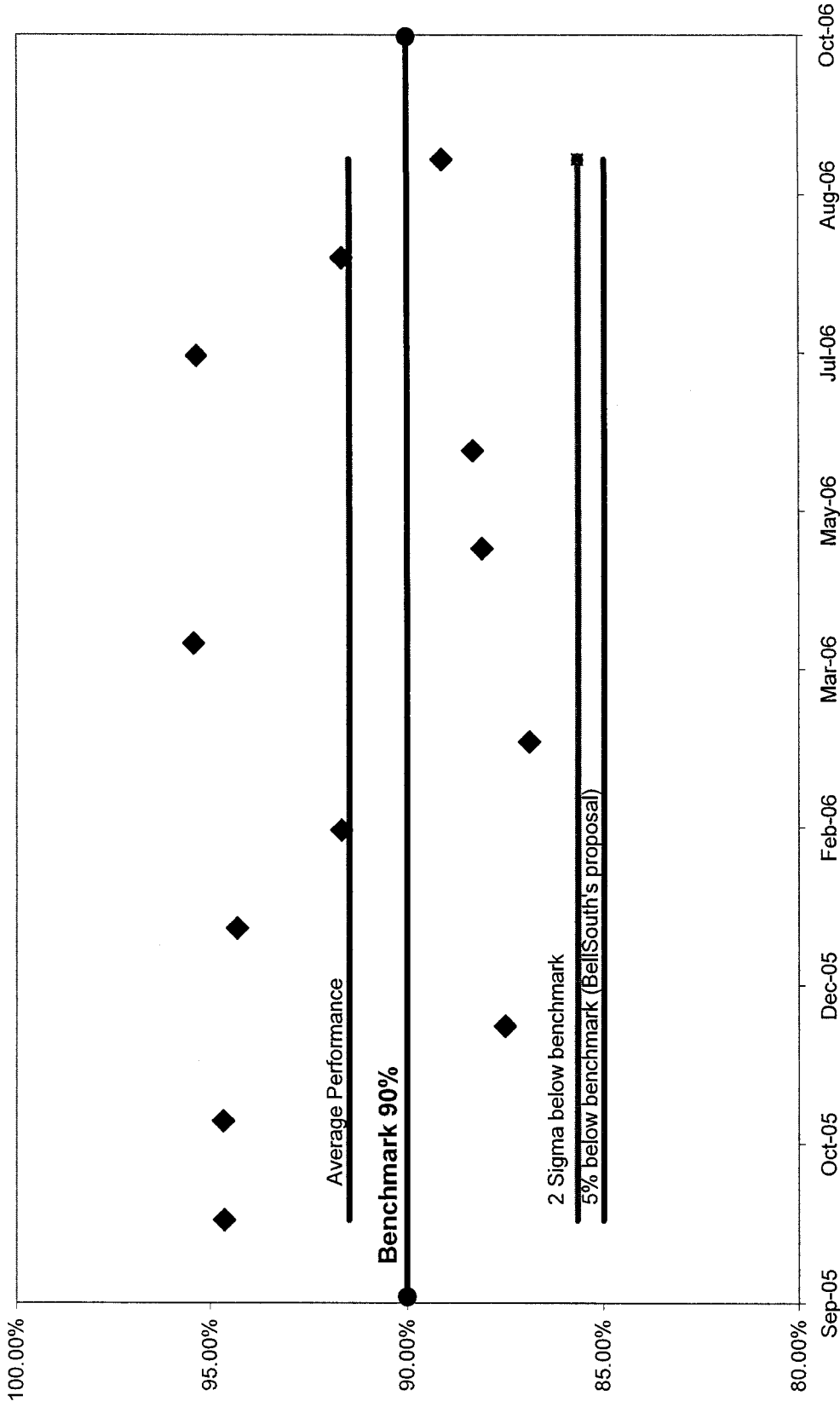


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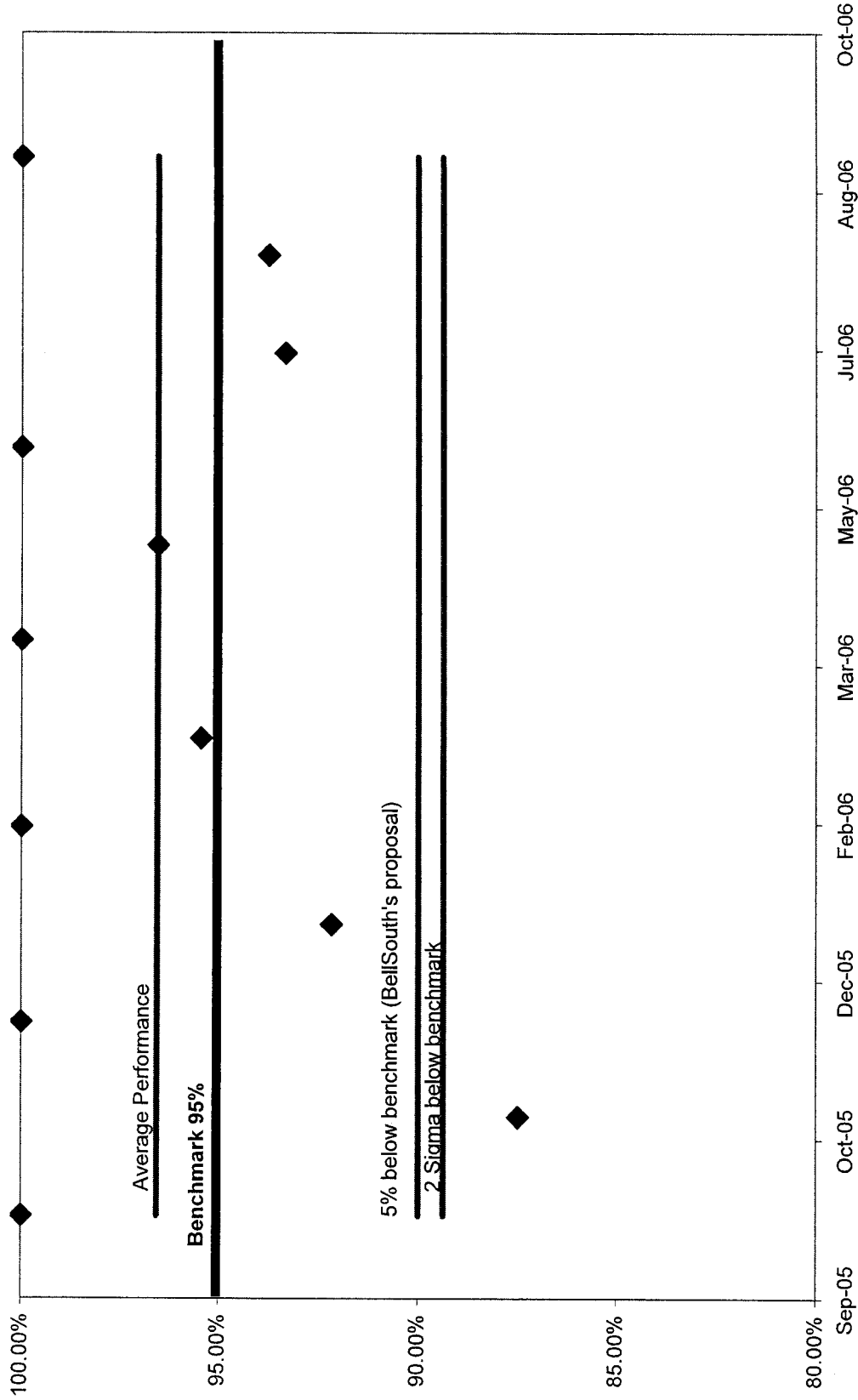
This situation presented by Example 2 is similar to Example 1. Over time, this process looks to be providing nondiscriminatory service. However, a few months' results are below the benchmark but within an acceptable range of a nondiscriminatory process. One month, in particular, is below the 5% proposal and BellSouth agrees that the current remedies should be assessed.

Conclusion: From the data that has been observed, a limit of 5% below the benchmark appears to be a reasonable estimate of a lower bound for the process. However, if there is a better method to find a sufficient range below the benchmark, BellSouth is willing to discuss the alternative method.

Example 1: CLEC A Percent Flow Through Business



Example 2: CLEC A- Reject Interval Non-Mechanized



REQUEST: BellSouth may provide a proposal for a reduced fee for the measure Customer Trouble Report Rate.

RESPONSE: BellSouth proposes using a fee amount of twenty dollars (\$20.00) for the Customer Trouble Report Rate (CTRR) measure. This amount is used because a trouble report does not mean that there is a problem with the quality of service that BellSouth is providing, and if there is a problem, it is captured in other measures. Therefore, the amount used in the fee schedule is based on the recurring rate that the CLEC pays for service. Specifically, the UNE Loop recurring rate for Florida is: Zone 1 - \$10.69; Zone 2 - \$15.20; Zone 3 - \$26.97. The average recurring charge based on these three separate rates is \$17.62. Similarly, for a Resale Business Line (1FB), per the Florida General Services Subscriber Tariff, the zone prices range from \$22.00 to \$26.00, averaging \$24.00. The \$24.00 average zone price is discounted by 16.8% to yield \$19.97. BellSouth rounded these two figures (\$17.62 for a UNE Loop and \$19.97 for a 1FB) up to \$20.00.

BellSouth believes that the \$20.00 amount is more than sufficient given that the more meaningful maintenance measures, Maintenance Average Duration, Percent Repeat Customer Troubles within 30 Days and even Out of Service (OOS) > 24 Hours, which is somewhat duplicative of Maintenance Average Duration, are all in the SEEM plan as Tier 1 and Tier 2 measures. Unlike CTRR, these measures are actually intended to indicate whether BellSouth is providing nondiscriminatory restoration of CLEC customers' service compared to the timeliness and accuracy of restoration for retail customers.

BellSouth would also propose that no escalation apply to the fee for CTRR. This is because to the extent that troubles reports persist for CLEC customers and are indicative of a repair quality problem, the measure Percent Repeat Customer Troubles within 30 Days in the SEEM plan would capture such and this metric already includes escalation.

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REQUEST: BellSouth may provide data supporting the variability around the reported results for the retail analog measures that do not use the truncated z methodology to determine nondiscrimination.

RESPONSE: A response to this action item will be provided on November 22, 2006.

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REQUEST: Please provide BellSouth proposal for providing more detailed information to CLECs related to SEEM adjustments.

RESPONSE: Reason codes for SEEM adjustments are currently provided on the CLEC Specific Tier 1 and Tier 2 PARIS reports. BellSouth will add a brief narrative description of these reason codes, which will be accessible by clicking on the adjustment code found on the PMAP website: <https://pmap.bellsouth.com/> under PARIS Reports, Adjustment Reasons Report. The reason code descriptions are provided as Attachment 4 to this filing. In addition to the reason codes, BellSouth will provide, on the CLEC specific Tier 1 and Tier 2 PARIS reports, any applicable RQ codes where the RQ is associated with a change published on the Data Notification reports. However, BellSouth does not believe that the creation of a separate report containing the RQ or adjustment codes, Description of the reason code, Date Issue opened, Date Issue Corrected/Closed, Month(s) and Year(s) affected is necessary because this information would already be provided either on the PARIS reports or, with respect to the reason code descriptions, on the PMAP website.

RMDY_UNIT_RSN_CD	RMDY_UNIT_RSN_DESC	NARRATIVE
IC	Inclement Weather	The Inclement Weather (IC) code is used when a weather event such as a hurricane, tornado, etc., has occurred which would negate the calculation of remedies in that geographic area. It is used during, but not limited to, Force Majeure events.
CR	Changed PSC Requirement	The Changed PSC Requirement (CR) code is used when a state PSC requires a change in the calculation specifications of a measurement or measurements that results in an adjustment based on the new specifications in order to comply with the ordered change.
MC	Mitigating Circumstance	The Mitigating Circumstance (MC) code is used to alleviate or explain remedies that change for reasons other than those for which an existing code already explains.
SE	Software Error	The Software Error (SE) code is used when an error is discovered in the coding of the software calculation of a particular submetric such that a remedy adjustment is required.
CE	Manual Calculation Error	The Manual Calculation Error (CE) code is used when an error is discovered in the manual calculation of a particular submetric that has resulted in the remedy adjustment.
DE	Data Error	The Data Error (DE) code is used when an error in the data used to calculate a particular submetric is discovered that has resulted in the remedy adjustment.
TP	Triple Pay for Nascent Svcs.	The Triple Pay for Nascent Svcs. (TP) code is used to identify remedy payments that resulted from the calculation of triple damage payment to the state PSC.
RR	PARIS Re-Run	The PARIS Re-Run (RR) code is an internal system code and is not utilized on any final transactions
FM	Failure Month Count	The Failure Month Count (FM) code is used when the adjustment resulted from an incorrect count in the failure month of the original calculation of the submetric.
SP	Subsequent pass in a rerun	The Subsequent Pass (SP) code is used when an adjustment is made to completely back out the original payment, as the result of a rerun, when performance results change from a FAIL to a PASS. In addition, it serves to maintain the proper failure month counts for fee schedule purposes
AB	Alternate Benchmark	The Alternate Benchmark (AB) code is used to identify utilization of exceptions to billing as provided in some Service Level Agreements.
RA	Adjustment to existing rmdy	The Remedy Adjustment (RA) code is used for adjusting an existing remedy when the remedy is not completely reversed by the rerun. This applies whether the result was a reduction or an addition to the existing remedy.
NF	New failure in an rerun	The New Failure (NF) code is used to identify an added remedy discovered as the result of a rerun.

REQUEST: Please provide modifications to the current force majeure provisions of the SEEM plan based on BellSouth's proposal to address Staff's concerns.

RESPONSE: BellSouth proposes the following revised language for the Force Majeure provision of the SEEM Plan.

- 4.5.2 BellSouth shall not be obligated to pay Tier-1 or Tier-2 Enforcement Mechanisms for non-compliance with a performance measurement if such non-compliance was the result of any event that ~~performance under this SQM/SEEM Plan is either directly or indirectly prevented, restricted, or interfered with~~ performance as measured by the SQM/SEEM Plan. Such an event includes non-compliance caused by reason of fire, flood, earthquake or like acts of God, wars, revolution, civil commotion, explosion, acts of public enemy, embargo, acts of the government in its sovereign capacity, labor difficulties, including without limitation, strikes, slowdowns, picketing, or boycotts, or any other circumstances beyond the reasonable control and without the fault or negligence of BellSouth. BellSouth, upon giving prompt notice to the Commission and CLECs, shall be excused from such performance on a day-to-day basis to the extent of such prevention, restriction, or interference; provided, however, that BellSouth shall use diligent efforts to avoid or remove such causes of non-performance.
- 4.5.2.1 To invoke the application of Section 4.5.2 (Force Majeure Event), BellSouth will provide written notice to the Commission wherein BellSouth will identify the Force Majeure Event, the affected measures, and the impacted areas including affected NPAs and NXXs.
- 4.5.2.2 No later than ten (10) business days after BellSouth provides written notice in accordance with Section 4.5.2.1 affected parties must file written comments with the Commission to the extent they have objections or concerns regarding the application of Section 4.5.2.
- 4.5.2.3 BellSouth's written notice of the applicability of Section 4.5.2 ~~would~~ shall be presumptively valid and deemed approved by the Commission effective thirty (30) calendar days after BellSouth provides notice in accordance with Section 4.5.2.1. The Commission may require BellSouth to provide a true-up of SEEM fees to affected carriers if a Force Majeure Event declaration (or some portion thereof) is found to be invalid by the Commission after it has taken effect.
- 4.5.2.4 During the pendency of a Force Majeure Event, BellSouth shall provide the Commission with periodic updates of its restoration/recovery progress and efforts as agreed upon between the Commission Staff and BellSouth.

4.5.3 In the event of a natural disaster, such as a hurricane(s) and/or tropical storm(s) that result in a Force Majeure Event, the following provisions are applicable:

4.5.3.1 **Severity Category 1:** This severity category applies if any wire center in the state requires a color code of red or orange, as defined in BellSouth's Emergency Preparedness and Restoration document, as a result of the Force Majeure Event. At this severity level, the following provisions apply:

a) The Force Majeure exception for SEEM payments applies to all measures in the provisioning, maintenance and repair, and trunk group performance domains ("Affected Measures") in any wire center with a status of red or orange for the lesser of sixty (60) days or the point at which a wire center no longer remains at severity code red or orange;

b) Where circumstances warrant, such as when BellSouth must deploy resources from areas outside the service area of wire centers that are in a red or orange status to assist in restoration activity, BellSouth may declare a statewide Force Majeure exception for the lesser of sixty (60) days or the point at which a statewide Force Majeure exception is no longer necessary;

c) Any extension of the Force Majeure exception for SEEM payments beyond sixty (60) days requires concurrence from the Commission Staff.

4.5.3.2 **Severity Category 2:** This severity category applies if the most severe damage of any wire center requires a severity code of yellow as a result of the Force Majeure Event, or where any wire center requires a severity code of yellow after the expiration of the Force Majeure exception applicable under the Severity 1 classification. At this severity level, the following provisions apply:

a) The Force Majeure exception for SEEM payments applies to all Affected Measures in those wire centers where the severity code of yellow exists, for the lesser of thirty (30) days or the point at which the status of the impacted wire center becomes green;

b) Any extension of the exception for SEEM payments beyond thirty (30) days requires concurrence from the Commission Staff;

4.5.3.4 In addition to these specific limitations of liability, BellSouth may petition the Commission to consider a waiver based upon other circumstances.

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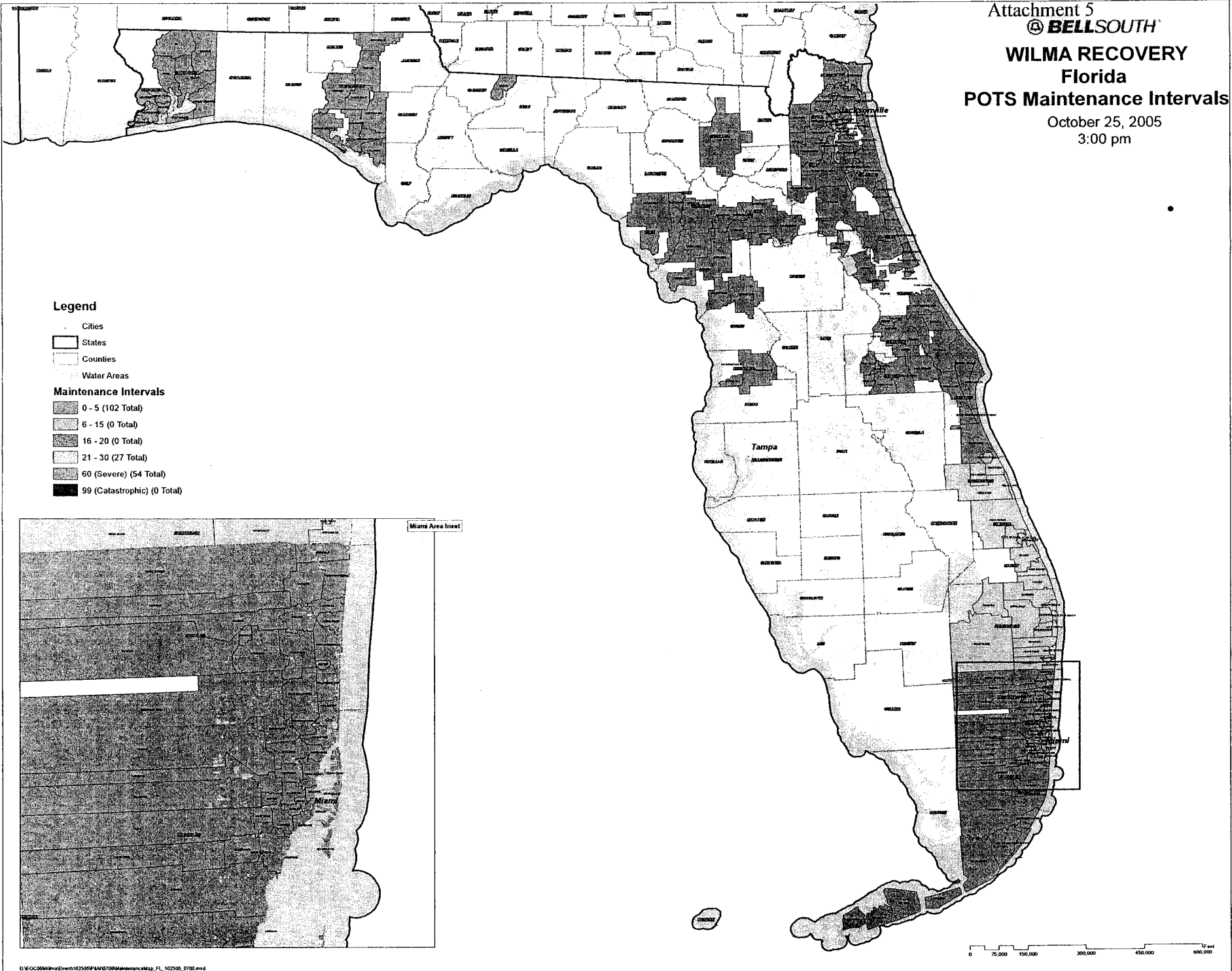
REQUEST: For each hurricane in 2005 where BellSouth invoked the Force Majeure provision, please provide the color-coding used to identify the status of the affected areas.

RESPONSE: Attachment 5 to this filing is the color-coded map (dated October 25, 2005) used to establish the status of the wire centers affected by Hurricane Wilma. This is the only map available for the hurricanes that impacted Florida in 2005 as the color-coded map process was not implemented until after Hurricane Katrina made landfall in the Gulf.

As additional clarification, please note that the map provided includes in the legend two additional color codes other than the red, orange, yellow and green designations in BellSouth's Force Majeure proposal. This is a result of timing, as the Emergency Preparedness and Restoration Guidelines (EPRG) document was not developed until June 2006. It is BellSouth's intent, on a going-forward basis, to provide a map of the wire centers limiting the color codes to the four (red, orange, yellow, and green) denoted in the BellSouth's Force Majeure proposal.

WILMA RECOVERY Florida POTS Maintenance Intervals

October 25, 2005
3:00 pm



Legend

- Cities
- ▭ States
- ▭ Counties
- ▭ Water Areas

Maintenance Intervals

- ▭ 0 - 5 (102 Total)
- ▭ 6 - 15 (0 Total)
- ▭ 16 - 20 (0 Total)
- ▭ 21 - 30 (27 Total)
- ▭ 60 (Severe) (54 Total)
- ▭ 99 (Catastrophic) (0 Total)

