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FEDERAL COMMUNICATIONS COMMISSION
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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	CC Docket No. 96-98
Implementation of the Local	)	RM 9101
Competition Provisions of the	)	
Telecommunications Act of 1996	)	

AT&T Comments on Petition for Expedited Rulemaking

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Summary

Section 251(c) of the 1996 Act expressly requires incumbent LECs to provide new entrants with nondiscriminatory and commercially reasonable access to unbundled network elements and resale services (collectively "Section 251(c) offerings"). The Commission's Local Competition Orders, as well as the statements of the Department of Justice ("DOJ") and numerous state PUCs reinforce these statutory mandates and recognize that nondiscriminatory and commercially reasonable access to incumbent LECs' Operations Support Systems ("OSSs") is critical to assure ILEC compliance with Section 251, and also to achieve the Act's central goal of developing competition in the local services market.

AT&T strongly agrees with LCI and CompTel that incumbents LECs have failed to provide key information that is essential to determine whether they are currently providing the required access to their Section 251(c) offerings and whether they will continue to do so in the future. Therefore, AT&T agrees that the Commission should commence an expedited rulemaking proceeding that, at a minimum, establishes mandatory OSS functional performance measurements; imposes reporting requirements on ILECs; addresses enforcement and remedies applicable to all

incumbent LECs; and fosters the adoption of uniform technical standards for OSS interfaces.

Specifically, AT&T recommends that the Commission immediately commence, and promptly conclude, a rulemaking that:

(1) Establishes specific and uniform functional performance measurements, applicable to all ILECs, consistent with those proposed by the Local Competition Users Group ("LCUG"). These functional measurements cover each of the types of OSSs identified in the Local Competition Order for the purchase of unbundled network elements ("UNEs") (including the UNE "Platform") and resale services;

(2) Provides specific guidance on how ILECs should make and validate such functional measurements, to assure that they fairly and accurately characterize the ILECs' performance in serving themselves, their affiliates and new entrants;

(3) On an interim basis, requires all ILECs immediately to provide a description of all aspects of performance that they currently measure and plan to measure, and to provide all currently available functional measurements for recent periods, together with a detailed explanation of how such measurements have been (or will be) made;

(4) Establishes a prompt timeframe within which ILECs must complete the processes necessary to provide reports regarding the uniform functional measurements identified above;

(5) Requires each ILEC to submit (a) monthly reports for each of the required uniform functional measurements that include the ILEC's performance for itself and for all new entrants in the aggregate, and (b) at the request of individual carriers, carrier-specific monthly reports covering the Section 251(c) offerings the ILEC provides to that carrier;

(6) Requires each ILEC to conduct, and permits new entrants to conduct, periodic audits of the ILEC's performance measurement processes, and requires ILECs to retain relevant data for future use; and

(7) Establishes meaningful and predictable remedies for new entrants who do not receive Section 251(c) offerings and associated support processes that comply with the statute's requirements for nondiscrimination and commercial reasonableness.

In addition, the Commission should establish a timetable it expects the industry to follow to adopt uniform technical standards applicable to OSSs, monitor the industry's standards setting process and, if necessary, intervene in the process to assure prompt development and implementation of industry standards for OSSs. All of the above are necessary to create an environment that will assure all ILECs comply -- both now and in the future -- with the fundamental requirements of Section 251.

Finally, the Commission should confirm that the pendency of the Petition, and any proceeding commenced in response thereto, does not -- indeed cannot -- excuse a BOC's failure to demonstrate in an application for in-region interLATA relief under Section 271 that it is providing nondiscriminatory and commercially reasonable access to its OSSs. Indeed, the Commission should state that it may rely on any or all of the LCUG measurements and proposed benchmarks in a Section 271 proceeding when the applicant BOC has not provided adequate proof of compliance with the nondiscrimination and commercial reasonableness requirements in that section and Section 251.

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AT&T Comments on Petition for Expedited Rulemaking

Pursuant to the Commission's Public Notice (DA 97-1211, released June 10, 1997) ("Notice") AT&T Corp. ("AT&T") hereby comments on the Petition for Expedited Rulemaking filed by LCI International Telecom Corp. ("LCI") and the Competitive Telecommunications Association ("CompTel") ("Petition"), and also responds to the additional questions posed by the Commission in the Notice. As explained below, AT&T strongly supports the Petition.

Introduction

The Petition requests the Commission to commence an expedited rulemaking and adopt rules applicable to incumbent LECs' provision of operations support systems ("OSSs") for new entrants who purchase unbundled network elements and resale services under Section 251(c) of the Telecommunications Act of 1996 ("1996 Act") (collectively "Section 251(c) offerings"). Specifically, the Petition requests that the Commission promulgate rules that adopt the functional performance measurements suggested by the Local Competition Users Group ("LCUG"). The Notice expands upon

the specific items referenced in the Petition and seeks comments on additional issues, including appropriate remedies for ILECs' failure to conform with the nondiscrimination requirements of the 1996 Act, the Commission's role in assuring the adoption of national technical standards for OSS activities, and the process the Commission should follow in conducting the proposed rulemaking.

AT&T strongly supports the Petition and urges the Commission promptly to require each incumbent LEC ("ILEC") to provide information sufficient to show whether it satisfies the statutory requirements with respect to the functional performance measurements suggested by LCUG. ILECs' performance of their nondiscrimination duties under Section 251(c) is critical to the development of local competition. Current experience, however, shows that ILECs have not been forthcoming with the information needed to assess whether they are complying with the statutory requirements. Therefore, the Commission should act promptly to adopt the LCUG functional performance measurements and require ILECs to provide frequent reports regarding their performance for themselves and competitive LECs ("CLECs"). As explained below, it is also important for the Commission to establish guidelines on how the ILECs should make the functional performance measurements to assure that they are

accurate, to require that the ILECs apply statistical analysis to the reported data and to conduct audits of their data collection processes to assure the validity of ILEC claims that they are providing nondiscriminatory access to their Section 251(c) offerings and associated support processes.

The Commission should also consider establishing additional incentives that will encourage ILECs to provide the required access to their Section 251(c) offerings and support processes, including appropriate injunctive remedies. Finally, if the Commission desires to conduct a negotiated rulemaking regarding these matters, it should prescribe specific procedures and timelines for such proceeding.

Discussion

I. Nondiscriminatory Access To ILEC OSSs Is Essential To Assure Compliance With Section 251(c) And The Development Of Effective Local Competition.

Section 251(c) expressly requires incumbent LECs to provide new entrants with nondiscriminatory and commercially reasonable access to unbundled network elements ("UNEs") and to provide services for resale without unreasonable or discriminatory restrictions (collectively "Section 251(c) offerings").[1] The Commission, the Department of Justice

[1] Section 251(c)(3) requires ILECs to provide "nondiscriminatory access to network elements . . . on

(footnote continued on following page)

("DOJ") and State Public Utilities Commissions ("PUCs") all agree that nondiscriminatory access to ILEC Operations Support Systems ("OSSs") is essential to assure that ILECs comply with these statutory requirements.

In its Local Competition Order the Commission determined that "it is absolutely necessary for competitive carriers to have access to operations support systems functions in order to successfully enter the local service market."[2] Moreover, the Commission concluded that OSSs "are essential to the ability of competitors to provide services in a fully competitive local services market [and] that competitors' ability to provide service successfully would be significantly impaired if they did not have access to incumbent LECs' operations support systems functions."[3] On the basis of these findings, the Commission properly held that ILECs "must provide nondiscriminatory access to their

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rates, terms and conditions that are just, reasonable and nondiscriminatory." Section 251(c)(4) requires ILECs to offer to new entrants services for resale and "not to impose unreasonable or discriminatory conditions or limitations" on such resale.

[2] Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, First Report and Order, FCC 96-325, released August 8, 1996 ("Local Competition Order"), ¶ 521 (emphasis added).

[3] Id., ¶ 522 (emphasis added).

operations support systems functions for pre-ordering, ordering, provisioning, maintenance and repair, and billing available to the LEC itself."[4]

The Commission reaffirmed these conclusions in the Second Reconsideration Order, stating that

> "[t]he issue of nondiscrimination under several provisions of sections 251(c)(3) and 251(c)(4) is independent of the issue of access to unbundled network elements under section 251(c)(3). . . . Specifically, we found that the obligation to offer access to OSS functions was an essential component of an incumbent LEC's duty to offer nondiscriminatory access to all network elements under section 251(c)(3), and to provide services for resale without conditions or limitations that are unreasonable or discriminatory under section 251(c)(4). We observed that the 'just, reasonable and nondiscriminatory' standard of section 251(c)(3) requires incumbent LECs to provide network elements on terms and conditions that 'provide an efficient competitor with a meaningful opportunity to compete.'"[5]

The DOJ has also recognized the essential link between access to OSSs and the development of local competition. For example, in its recent evaluation of Ameritech's Section 271 application for Michigan, the DOJ states "[e]fficient wholesale support processes -- those manual and electronic processes, including access to OSS functions, that provide competing carriers with meaningful access to resale services, unbundled elements and other items required by

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[4] Id., ¶ 523.

[5] Second Order on Reconsideration, FCC 96-476, released December 13, 1996 ("Second Reconsideration Order"), ¶ 9.

Section 251 and the checklist of Section 271 -- are of critical importance in opening local markets to competition."[6] Many PUCs have reached identical conclusions.[7]

Thus the governmental bodies responsible for overseeing the implementation of the 1996 Act agree that Section 251(c)'s requirement that ILECs provide nondiscriminatory access to their OSSs is central to achieving the statutory goal of effective local competition. Moreover, because Section 251(c)'s nondiscrimination requirements apply to all ILECs, these requirements profoundly affect the development

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[6] Application of Ameritech Michigan Pursuant to Section 271 of the Telecommunications Act of 1996 to Provide In-Region InterLATA Services in the State of Michigan, Evaluation of the United States Department of Justice, June 25, 1997 ("DOJ Michigan Evaluation"), pp. 21-22.

[7] E.g., BellSouth Telecommunications, Inc.'s Statement of Generally Available Terms and Conditions Under Section 252(f) of the Telecommunications Act of 1996, Order Regarding Statement, Docket No. 7253-U (Georgia PSC, decision filed March 20, 1997), p., 28 ("[n]ondiscriminatory access to operational support systems (OSS) is an integral part of providing access to unbundled network elements, as well as making services available for resale"); AT&T Communications of Illinois, Inc., Petition for a total local exchange wholesale service tariff from Illinois Bell Telephone Company d/b/a Ameritech Illinois and Central Telephone Company pursuant to Section 13-505.5 of the Illinois Public Utilities Act, Order, Docket No. 95-0458 (Illinois Commerce Commission, June 26, 1996), p. 54 ("[t]he importance of equal operational interfaces is essential to the development of resale competition"); Matters Relating to Satisfaction of Conditions for Offering InterLATA Service (Wisconsin Bell, Inc. d/b/a Ameritech Wisconsin), Docket No. 6720-T1-120, Findings of Fact, Conclusions of Law, and Second Order (Wisconsin PSC, May 29, 1997), p. 16.

of local competition in every part of the country. Yet despite -- or perhaps because of -- the vital importance of OSSs to the development of local competition, ILECs and CLECs do not agree upon the criteria that should be used to determine whether ILECs are complying with this essential statutory mandate.

Accordingly, it is imperative that the Commission define the minimum standards necessary to assure that ILECs' Section 251(c) offerings and associated support processes are provided in a nondiscriminatory and commercially reasonable manner, and the data they must make available to determine whether those standards are being met.

II. Prompt Commission Action Is Necessitated By The ILECs' Failure To Provide Information Needed To Assess Their Compliance With Section 251(c).

The need for prompt Commission action is highlighted by current industry experience, which shows that ILECs either do not have -- or have and refuse to provide -- information that is critical to determine whether they are complying with the statutory requirements. As the Petition amply shows, this problem applies in two different but related contexts. First, in many cases, there is no agreement on the functional measures of performance ("functional performance measurements") that should be used to determine whether ILECs are complying with Section 251(c). Second, even when the parties are able to agree on the relevance of

particular functional measures, ILECs have not provided the underlying data needed to assess the ILECs' performance against those measures.

Ameritech's Section 271 application for Michigan provides a recent case in point. In that case, the DOJ correctly noted that an applicant for interLATA authorization under Section 271 must provide "concrete evidence, rather than paper promises" of its compliance with the Act.[8] However, DOJ determined that Ameritech fell short in its attempt to prove that it is providing nondiscriminatory and commercially reasonable support processes for CLECs, noting that "commercial use and clearer reporting of the results of such use" will be needed.[9] The Michigan PSC's echoed this view, noting that "sufficient performance standards do not exist by which [ILECs'] performance can be judged."[10]

Further, the DOJ not only found that Ameritech had provided "inadequate performance benchmarks" to demonstrate it is complying with Section 251(c), it also highlighted

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[8] DOJ Michigan Evaluation, p. 22.

[9] Id., p. 23 (emphasis added).

[10] Application of Ameritech Michigan Pursuant to Section 271 of the Communications Act of 1934, as amended, to Provide In-Region InterLATA Services in Michigan, CC Docket No. 97-137, Consultation of the Michigan Public Service Commission, June 9, 1997 ("MPSC Michigan Consultation"), p. 21.

areas in which Ameritech declined to provide key data.[11] This was confirmed by the MPSC, which noted that "Ameritech believes . . . that its OSS systems can only be judged by the timeliness, reliability and availability of the interfaces themselves [and] that such measures as order completion intervals, average restoral intervals and speed of answer measurements do not relate to OSS."[12] The Act, however, clearly requires more.

The MPSC further found that "measures utilized by Ameritech do not, in many cases, provide measures of Ameritech's own operations on which parity judgments can be made."[13] DOJ also cited this omission and correctly concluded that "proper performance measures with which to compare BOC retail and wholesale performance, and to measure

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[11] See DOJ Michigan Evaluation, pp. 38 and A-12 (Ameritech "declined to provide actual installation intervals for resale services or elements, choosing instead to emphasize the meeting of due date commitments"); see also id., p. A-24-A-27 (Ameritech's application is missing data regarding resale service installation, loop installation and UNEs); Application of SBC Communications Inc., et al. Pursuant to Section 271 of the Telecommunications Act of 1996 to Provide In-Region, InterLATA Services in the State of Oklahoma, CC Docket, No. 97-121, Evaluation of the United States Department of Justice, May 16, 1997 ("DOJ Oklahoma Evaluation"), p. 60 (finding that "SBC has not agreed to report its performance in several areas critical to CLEC competitive entry" in Oklahoma, including information on installation intervals and repair frequencies and intervals).

[12] MPSC Michigan Consultation, pp. 21-22.

[13] Id., p. 23.

exclusively wholesale performance, are a necessary prerequisite to demonstrating compliance with the Commission's 'nondiscrimination' and 'meaningful opportunity to compete' standards." DOJ further recognized that such information is not only needed to determine Ameritech's present compliance, but also to detect future backsliding.[14] Thus, even the BOCs, which have Section 271-based incentives to demonstrate compliance with the Act's nondiscrimination requirements, have failed to make necessary OSS performance information available.

Not surprisingly, the ILECs that already are permitted to provide interLATA services, and thus lack the incentives created by Section 271, have also failed to provide necessary data. For example, SNET, which is already competing in both the local and long distance markets -- and has amassed a very significant share in the latter to augment its virtual monopoly over the former -- refuses to provide many of the functional performance measurements identified in the Petition. Indeed, SNET proposes no performance measurements at all for any of the critical pre-ordering functions that CLECs must access in order to negotiate orders with customers. Moreover, in many cases,

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[14] DOJ Michigan Evaluation, pp. A-4&A-5 ("without a track record of performance described by comprehensive measures, it will be difficult -- if not impossible -- for competitors and regulators to detect a backsliding of performance").

SNET proposes to provide reports that do not distinguish between its performance for CLECs and for its own retail operations, and the measures SNET proposes aggregate multiple service and order types. Further, SNET's proposals generally would aggregate the reporting of its performance for both the provision of resale services and unbundled network elements.[15] All of these omissions can mask critical differences in SNET's provisioning of, and support processes for, its offerings for CLECs and its own retail customers.

III. The LCUG Functional Performance Measurements Are The Correct Minimum Uniform Standards For the Commission To Apply To All ILECs.

The above discussion shows that Commission action is urgently needed now (1) to establish appropriate functional performance measurements; (2) to collect appropriate data on ILECs' actual performance to date; and (3) to set benchmarks of ILEC internal data against which ILECs' performance will be judged in the future. By acting now, the Commission will help new entrants avoid situations in which competitive opportunities are lost or start-up ventures are discouraged, simply because there is no assurance that ILECs will comply with the statutory requirement to provide nondiscriminatory

[15] In addition, in developing some of the measurements SNET proposes for UNEs, SNET relied solely on input from its internal subject matter experts and did not even use input from CLECs.

support processes. In addition, prompt action will help all interested parties (including ILECs, PUCs, DOJ and new entrants) to assess BOC Section 271 applications.[16]

DOJ, the MPSC and CLECs have all urged that the Commission define appropriate performance standards against which to measure ILECs' provisioning of Section 251(c) offerings and associated support processes. DOJ recognizes that:

> "[t]he ability to detect discrimination in the performance of [support] functions is dependent on the establishment of performance measures, allowing competitors and regulators to measure the BOC's performance. The development of appropriate measures is critical to establishing that the local market is open. On an ongoing basis, the measures must be able to assure that the local market remains open and that any BOC backsliding will be detected. . . . While performance measures are generally easy to identify, there is no universally accepted definition of what the measure proposes to reveal, nor specifically how to gather the necessary data that comprises the measure."[17]

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[16] DOJ states that the "most complicating factor" in assessing Ameritech's compliance with the OSS requirements "is the lack of clarity in the performance results reported by Ameritech and the absence of a common language of measures and standards with which to gauge the operation of these . . . processes. Clarification in these areas will permit the states, the Department and the Commission to determine whether Ameritech is satisfying its obligation to provide resale services under Sections 251 and 271" (DOJ Michigan Evaluation, pp. A-11-A-12). As shown in Part VII below, the Commission already has the authority to use the proposed performance measures in a Section 271 proceeding. However, prompt establishment of uniform performance measures will remove uncertainty for all parties preparing for such proceedings.

[17] DOJ Oklahoma Evaluation, Affidavit of Michael J. Friduss ("DOJ Friduss Aff."), ¶¶ 19, 23. See also DOJ

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MPSC also recognizes that "[w]ithout properly developed performance standards it is not possible to tell" whether or not a BOC has met the nondiscrimination requirements of the 1996 Act, and that "[s]tandards of performance must be established to assure nondiscriminatory access" to ILEC support processes.[18] DOJ further states that measures of parity must be "'apples to apples' comparisons," and that such measures are inherently different from measurements of the adequacy of performance, i.e., measures that are based only upon the ability to meet an objective or target.[19]

The members of LCUG, including AT&T, MCI, Sprint, WorldCom and LCI, now joined by CompTel, have proposed that the Commission adopt the specific functional performance measurements and associated measurement objectives identified in Attachment B to the Petition. As shown below, these provide the appropriate minimum set of measures that the Commission should apply to all ILECs.

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Michigan Evaluation, p. A-3 ("proper performance measures with which to compare BOC retail and wholesale performance, and to measure exclusively wholesale performance, are a necessary prerequisite to demonstrating compliance with the Commission's 'nondiscrimination' and 'meaningful opportunity to compete' standards").

[18] MPSC Michigan Consultation, pp. 25-26.

[19] DOJ Friduss Aff., ¶¶ 28, 29.

The LCUG measurements were derived from an analysis of all measurements proposed by the LCUG member companies, based upon their substantial experience in serving telephone customers for many years. From an initial unedited list of over 150 possible measurements, an LCUG subteam clarified definitions for the group and eliminated redundancies. The complete revised list was then submitted to the member companies, each of whom internally reviewed and prioritized the list based on consultation with its own technical and customer support experts. The companies were asked to prioritize the list based on the degree to which each proposed measurement had a direct impact on end users and CLECs' ability to serve customers. After these company-specific reviews, the LCUG subteam reconvened to establish a final proposal for the entire group. The measures proposed in Attachment B to the Petition reflect the subteam's consensus as to the minimum necessary to determine whether an ILEC is providing nondiscriminatory and commercially reasonable Section 251(c) offerings and support processes.

There are several specific reasons why the LCUG proposals are an appropriate minimum standard that should be applied to all ILECs. First, the LCUG measures cover all OSS categories, i.e., pre-ordering, ordering and provisioning, maintenance and repair, and billing, as well as some general measures of performance. Moreover, as MPSC

suggests,[20] they assess both the OSS interface and the performance of the underlying OSSs themselves. They can also be applied to all ILEC Section 251(c) offerings, including the UNE Platform.[21] Thus, they are inclusive enough to apply to all of the important functions ILECs must support. Second, the LCUG measurements are limited to such key indicators as the timeliness, accuracy and reliability of ILEC performance. Thus, they are not overinclusive and only require ILECs to provide information that is directly pertinent to their statutory duties. Third, the LCUG measurements permit determinations of parity to be made on the basis of comparisons with the ILEC's own retail operations.[22] Finally, nearly all of the LCUG functional performance measurements are similar to measurements suggested by the DOJ.

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[20] MPSC Michigan Consultation, p. 27; see also DOJ Michigan Evaluation, p. 22 (automation will often be required for both the interfaces between a BOC and competing carriers and "the interaction of these interfaces with a BOC's OSSs"); DOJ Oklahoma Evaluation, p. 83 (SBC failed to show its "efforts with regard to the [OSS] interface itself or the automation that must take place between the interface and SBC's OSSs").

[21] DOJ correctly expects that ILEC "provisioning of an end-to-end combination of loop, switching, and transport elements" would "normally [be processed] . . . in the same automated fashion that [the ILEC] processes retail POTS lines" (DOJ Oklahoma Evaluation, p. 71). See also MPSC Michigan Consultation, p. 27.

[22] MPSC Michigan Consultation, p. 27; DOJ Michigan Evaluation, p. A-3.

A. Pre-Ordering

Each of the LCUG functional performance measurements has a specific and important purpose. For example, the measurements proposed for pre-ordering relate to the timeliness of CLECs' receipt of pre-ordering information from an ILEC.[23] CLEC representatives need access to this data while customers are on the line negotiating orders (or potential orders) with the customer for service that may require the CLEC to purchase UNEs or resale services. Thus, it is obviously appropriate to require ILECs to measure their ability to provide parity access to such data.[24]

B. Ordering and Provisioning

With respect to ordering and provisioning functions, CLECs need to be assured that their orders for resale services and UNEs (including UNE combinations) that require work similar to that which the ILEC performs in providing services to its retail customers can be placed, processed and filled as timely, accurately and completely as orders for ILEC customers. Thus, the LCUG proposal appropriately requires ILECs to provide data on the time to provide

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[23] Pre-ordering information includes data regarding customer service records, service and feature availability, address verification, telephone number availability and appointment scheduling.

[24] See also DOJ Friduss Aff., pp. 25-26 (necessary measures of parity include BOC OSS response time for all pre-order functions).

confirmation (i.e., acceptance) and rejection of CLEC orders, as well as the percentage of orders rejected.[25] These are critical measures, because CLECs (as ILECs) must be able to keep their employees and retail customers abreast of the status of their orders. Moreover, ILEC customers' orders are typically accepted in the ILEC's systems immediately after they are input by an ILEC service representative, who can then track the status of the order, as well as its completion or any possible jeopardies, through the ILEC's provisioning processes.

Orders must also be provisioned in a nondiscriminatory and commercially reasonable manner. As to timeliness, customers will be less likely to order a service from a CLEC if they can obtain it more promptly from the ILEC. Thus, measures regarding the time to complete orders (for both ILECs and CLECs) and the percentage of orders completed on time is essential. Moreover, "on time" performance for a CLEC must be based on the time it takes the ILEC to provision similar orders, not just whether the ILEC meets an assigned due date.[26] Information on the ILEC's return of order completion data is also needed to assure that CLECs

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[25] See id., p. 27.

[26] Id., pp. 28-29; DOJ Michigan Evaluation, p. A-12.

can inform their customers when service begins and know when to start billing.[27]

CLECs also need information regarding the percentage of "held orders" to ensure that the ILEC is provisioning CLEC orders in the same timeframes that it is provisioning ILEC orders. "Held orders" are orders that are not provisioned for specific (and significant) periods of time. Thus, this measurement is different from "due dates not met," because it measures the percentage of orders that exceed their due dates by extended periods of time.

Finally, CLECs need information to assure that their orders are filled as accurately as ILEC orders, because customers expect, and the Act requires, that CLEC orders should be as well executed as ILEC orders. Otherwise, the CLEC's business reputation can be harmed by discriminatory ILEC performance. Thus, information regarding the ILEC's accuracy in provisioning both ILEC and CLEC orders is also necessary.[28]

C. Repair and Maintenance

LCUG proposes five key measurements for maintenance and repair. The first, average restoral time, measures the

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[27] CLECs also need information regarding the ILEC's acceptance (or rejection) and provisioning of any other Section 251(c) offering they may purchase for which the ILEC does not perform an analogous activity for retail customers.

[28] See DOJ Friduss Aff., pp. 28-29.

average time it takes an ILEC to resolve customer troubles in response to a call from the customer, a straightforward comparison for ILEC and CLEC customers. The second, restoral intervals, provides information on the number of troubles resolved within specified intervals. Comparative information on this measure is needed to track the range of the ILEC's repair performance, because lengthy out-of-service periods are of particular concern to customers. The third measurement, repeat troubles, is also an area of particular concern to customers, who are especially annoyed when a repair effort does not fully resolve their problem.[29]

The fourth measurement, troubles per 100 lines, permits a general comparison of the overall quality of the local network performance experienced by CLEC and ILEC customers.[30] Finally, the last measurement, estimated time to restore, measures the percentage of repairs made on the ILEC's lines within the ILEC's estimated restoral interval. This is important because CLECs will quote the ILEC's estimated intervals to their customers, and those customers will view the ILEC's failure to meet its commitments as a CLEC failure. Thus, the ILECs should be required to report

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[29] Id., p. 30.

[30] Id., p. 29.