See also the views of the Chairman of the Senate Commerce Committee on the floor of the Senate on final passage of the Senate version of the Telecommunications Act to the same effect. [Congressional Record, June 14, 1995 at S.8363]

Recognizing the centrality of OSS performance standards to the rapid development and long-term maintenance of competition for local telephone service, the Commission will exercise its authority appropriately and vigorously to ensure that RBOCs and other ILECs subject to Section 251 and the Commission's orders thereunder comply fully with all applicable requirements.

C. Legal authority for rule announced here

Under well-established authority from the Supreme Court and Courts of Appeal, the remedy adopted by the Commission here clearly is valid, because it is "reasonably related" to the purposes of the Telecommunications Act of 1996. *See Mourning v. Family Pubs. Serv., Inc.*, 411 U.S. 356, 369-80 (1973) (upholding agency's rule compelling sellers to make certain disclosures in connection with extending credit because "the validity of a regulation promulgated thereunder will be sustained so long as it is 'reasonably related to the purposes of the enabling legislation,'" a "standard" which "is well established under our prior cases" (citations omitted).

This principle continues to be followed diligently by Federal Courts of Appeal. *See Bicycle Trails Council v. Babbitt*, 82 F.3d 1445, 1451 (D.C. Cir. 1993) ("Unless we find that EPA's rule contravenes the unambiguously conveyed intent of Congress as to this precise issue, we will reject the petitioners' challenge so long as the regulation appears designed to implement the statutory scheme by reasonable means"); *Chevron USA, Inc. v. Natural Resources Defense*

Council, Inc., 467 U.S. 837, 844 (1984) (an agency's "regulations are given controlling weight unless they are arbitrary, capricious, or manifestly contrary to the statute").

The Commission's rule announced here is reasonably related to the purposes of the Telecommunications Act of 1996. As the legislative history set forth above makes clear, the fundamental major purpose of the Telecommunications Act of 1996 was to "let everybody into everybody else's business" (citations omitted) and to allow telecommunications providers to offer "one-stop shopping" -- end-to-end bundled local, information and long distance services to consumers. (citation omitted) The Commission finds that this central purpose of the Act would be badly frustrated in those parts of the country in which the ILEC happens not to be an RBOC without the remedy adopted here.[*/] Non-RBOC ILECs could flout the requirements of Section 251, with the only remedy being a relatively small monetary penalty, collected only after years of litigation and appeal. Such a remedy has no deterrent effect. Indeed, it invites companies to flout the law. The Congress fully intended markets to be open, and intended the

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[*/] RBOCs are subject to the plain remedial provisions of Section 271(d)(6)(iii). The Telecommunications Act of 1996 provided the mechanism whereby each Regional Bell Operating Company (RBOC) could enter the long distance market in a particular state upon a final order by the Commission approving a 271 entry application. Among the conditions for approval of a 271 application is the Commission's finding that a Bell operating company has satisfied all the requirements of Section 271(B), the competitive checklist. Sections 271(B) specifically incorporates, *inter alia*, several requirements of Section 251 as a requirement for 271 entry. *See , e.g.,* Sections 271(b)(i), (ii) and (xiv), incorporating by reference Sections 251(c)(2), 251(c)(3) and 251(c)(4).

As a specific remedy for enforcement of these conditions, the Act further provides that the Commission may, *inter alia,* (after notice and opportunity for a hearing), suspend or revoke its previously granted 271 approval if it "determines that a Bell operating company has ceased to meet any of the conditions required for such approval." See Section 271(b)(6)(iii). Under this statutory language, the Commission has independent authority to suspend a Bell operating company's right to market or enter orders for long distance service for a period of time until the company is in full compliance with Section 251 and the Commission's orders thereunder.

major long distance companies to be able to enter local telecommunications markets to offer "one-stop shopping" to consumers in those non-RBOC territories, as well as to consumers in RBOC regions. If a non-RBOC ILEC refuses to open local markets to competition, thereby preventing IXC competitors from entering those markets and offering end-to-end service and competition against the ILEC -- while at the same time offering bundled end-to-end competition against long distance companies in *their* market -- then Congress's central purpose in enacting the Telecommunications Act -- to "let everyone into everyone else's business" and to promote "one-stop shopping" -- will have been almost wholly vitiated for large portions and millions of consumers in the United States.

Based on this legislative history so clearly describing the statute's purpose, the Commission has full authority to impose the remedial measures announced here as to any ILEC which fails to comply with the mandates of Section 251 and this Commission's orders.

APPENDIX B

PROPOSED RULES THAT WOULD IMPLEMENT OSS PERFORMANCE STANDARDS

51.---. ACCESS TO OPERATIONS SUPPORT SYSTEMS

(a) ***Establishment of Performance Standards.*** The ~~Based on all comments and other information available to it, the Commission hereby adopts,~~ measurement categories, default performance intervals and measurement formulas are~~, which~~ collectively ~~are~~ denominated "performance standards."

Effective [date]~~thirty (30) days after entry of this order~~, for each of the measurement categories set forth herein, an ILEC shall measure, using the measurement formulas set forth herein, its performance with respect to the provision of access to OSS for itself and its performance with respect to carriers seeking access to its OSS. For purposes of determining whether an ILEC is providing nondiscriminatory access to its OSS, the Commission shall first consider the data included in the monthly reports that it receives from the ILEC pursuant to the reporting requirements established elsewhere in this order. In the absence of information for any particular category or subcategory regarding an ILEC's performance with respect to its own access to OSS, the Commission shall use the default performance ~~standard~~ intervals set forth herein to determine whether the ILEC is providing nondiscriminatory access to its OSS.~~ The measurement categories, default performance intervals and measurement formulas (collectively, the "performance standards") which are hereby adopted by the Commission after consideration of all comments and other information available to it are set forth below.~~

In instances in which an ILEC has provided its data and, it is complete,~~ and~~ the provision for default performance intervals is not applicable. ~~Rather, t~~The ILEC's own data (where complete) will be used to determine parity of access.

~~accordingly not applicable,~~ ILECs may be providing parity of access to CLECs to the OSS, but under performance intervals which are less than reasonable. In such instances, state public utility commissions are the appropriate bodies to establish reasonable ~~minimum~~ performance intervals.

(b) ***Categories of Performance Standards.*** The following sets forth the ~~minimum~~ performance standards for each measurement category as required by the FCC.

(1) ***Pre-order.*** The pre-order standard measures the incumbent LEC's timeliness in responding to a query for pre-ordering information. The incumbent LEC shall measure the timeliness in responding to queries for the following pre-ordering information: 1) Due Date Reservation; 2) Feature Function Availability; 3) Facility Availability; 4) Street Address Validation; 5) Service Availability Information; 6) Appointment Scheduling; 7) Customer Service Records; and 8) Telephone Number Assignments.

(i) ***Default performance intervals.*** If an incumbent LEC does not have historical data relative to the above measurement category~~performance standards~~, it shall provide such performance ~~standards~~ intervals at the following default levels. For items 1-7 above, the incumbent LEC shall provide responses to any query within 2 seconds or less and within 5 seconds or less 100% of the time. The response time of 2 and 5 seconds shall be measured from the time the query is launched until the data is received by the requesting entity. For requests of 30 telephone number assignments or less the incumbent LEC shall provide such telephone numbers within 2 seconds or less 98% of the time and within 5 seconds or less 100% of the time. For requests of 30 telephone number assignments or more the incumbent LEC shall provide such telephone numbers within 2 hours 100% of the time.

(ii) ***Measurement formulas.*** The following formulas shall be used by the incumbent LECs and requesting carriers to determine the incumbent LEC's compliance with the incumbent LEC's own performance ~~standards~~ intervals for pre-ordering and/or compliance with the default performance ~~standards~~ intervals set forth above.

$$\left[\frac{\text{Number of Responses Received on Time}}{\text{Total Number of Queries Sent}}\right] \times 100$$

Mean Cycle Time

(2) ***Ordering and provisioning.*** The ordering and provisioning standard is made up of the following four sub-categories~~:~~: 1) Orders completed within specified intervals;* 2) Order Accuracy; 3) Order Status; and 4) Number of Orders Held.

(i) ***Orders completed within specified intervals.*** This standard measures the incumbent LEC's ability to complete orders for installation, feature changes and service disconnects within a requested due date. The incumbent LEC shall measure the amount of time it takes to work and installation order relative to the following: 1) Unbundled Network Element Platform (at least DSO loop, local switch and all common elements); 2) Unbundled Network Element Platform channelized DS1 (DS1 loop and multiplexing); 3) Unbundled DS0 loop; 4) Unbundled DS1 loop; 5) Other Unbundled loops; 6) Unbundled Switch; 7) Dedicated

* Reported for the following types of service or facility: Resold POTS, Resold ISDN, Resold Centrex/Centrex-like, Resold PBX trunks, Resold Channelized T1.5 Service, Other Resold Services, UNE Platform (at least DS0 loop + local switch + transport elements), UNE Channelized DS1 (DS1 loop + multiplexing), Unbundled DS0 loop, Unbundled DS1 loop, Other Unbundled loops, Unbundled Switch, Other UNEs.

Transport (DS0/DS1); 8) Dedicated transport (DS3). The incumbent LEC shall measure the interval to complete a request for a feature change. Each Incumbent LEC shall measure the following relative to the completion of disconnection orders: 1) Resale products and/or service; 2) Unbundled Network Element switching; and 3) Unbundled Network Elements (other).

(A) ***Default performance intervals.*** If an incumbent LEC does not have historical data relative to the above measurement category~~performance standards~~, it shall provide such performance ~~standards~~ intervals at the following default levels. For items 1, 3,4,5 relative to installation orders, such items shall be completed within 24 hours. Items 2 and 6 shall be completed within 48 hours and items 7 and 8 shall be completed within 3 and 5 business days respectively. All feature changes shall be completed within 5 business hours and items 1-3 pertaining to the disconnection of service shall be completed within 24 hours. Unless specifically identified above, orders that require no premises visit or no physical work shall be completed within 1 day of service order receipt. Orders that require a premises visit or physical work shall be completed within 3 days of service order receipt. 99% of all orders shall be completed on the specified due date.

(B) ***Measurement formulas.*** The following formulas shall be used by the incumbent LEC and requesting carriers to determine the incumbent LEC's compliance with the incumbent LECs own performance ~~standards~~ intervals for ordering and provisioning relative to orders completed within specified intervals and/or compliance with the applicable state agencies or the default performance ~~standards~~ intervals set forth above.

$$\left[\frac{\text{Number of Orders Completed on Time}}{\text{Total Number of Orders Completed}}\right] \times 100$$

Mean Completion Interval

(ii) ***Order accuracy.*** This standard measures the incumbent LEC's accuracy and completeness relative to the provisioning or disconnection of service. The incumbent LEC shall measure the percentage of orders that are completed without error.

(A) ***Default performance intervals.*** If the incumbent LEC does not have historical data relative to the above measurement category~~performance standards~~, it shall provide such performance ~~standards~~ intervals at the following default levels. The incumbent LEC shall complete no less than 99% of all orders without error.

(B) ***Measurement formulas.*** The following formulas shall be used by the incumbent LEC and requesting carriers to determine the incumbent LECs compliance with the incumbent LEC's own performance ~~standards~~ intervals for ordering and provisioning relative to the accuracy of orders and/or compliance with the default performance ~~standards~~ intervals set forth above.

$$\left[\frac{\text{Number of Orders Complerted without Error}}{\text{Total Number of Orders Sent}}\right] \times 100$$

(iii) ***Order status.*** This standard measures the incumbent LEC's response time. Each incumbent LEC shall measure their response time relative to Firm Order Confirmations (C-FOCs and D-FOCs*). Jeopardies/revised due date, Rejects, and Order Completions.

(A) ***Default performance intervals.*** If the incumbent LEC does not have historical data relative to the above measurement category~~performance standards~~, it shall provide such performance ~~standards~~ intervals at the following default levels. The incumbent LEC shall provide Firm Order Confirmations and Jeopardies/revised due dates within 4 hours or less 100% of the time. - The incumbent LEC shall provide a response to rejects within 15 seconds or less 97% of the time and responses to order completions shall be provide within 30 minutes or less 97% of the time. The order status interval shall be measured from the time the order is sent to the incumbent LEC until a status is received.

(B) ***Measurement formulas.*** The following formulas shall be used by the incumbent LECs and requesting carriers to determine the incumbent LEC's compliance with the incumbent LEC own performance~~standards~~ intervals for ordering and provisioning relative to the accuracy of orders and/or compliance with the default performance ~~standards~~ intervals set forth above.

$$\left[\frac{\text{Number of C-FOCs Returned in} \leq 4 \text{ Hours}}{\text{(Total Number of Orders Sent - Syntax Rejects Returned)}}\right] \times 100$$

Mean Time to Return FOC

$$\left[\frac{\text{Number of D-FOCs Returned in} \leq 4 \text{ Hours}}{\text{(Total Number of Orders - Rejects Returned)}}\right] \times 100$$

Mean Time to Return D-FOCS

$$\left[\frac{\text{Number of Syntax Rejects Returned in} \leq 15 \text{ Seconds}}{\text{(Total Number of Syntax Rejects Returned}}\right] \times 100$$

Mean Time to Return Rejects

$$\left[\frac{\text{Jeopardies Returned Within 70\% of Allotted Order Time}}{\text{Total Number Jeopardies Returned}}\right]$$

$$\left[\frac{\text{(Number of Completions in} \leq 30 \text{ Minutes}}{}\right] \times 100$$

(Total Number Completed Orders

Mean Time to Return Completion

Jeopardies = Total C-FOCS - Total Rejects

(iv) ***Number of held orders.*** This standard measures the percentage and number of orders held in a given period. The incumbent LEC shall report two distinct measurements relative to the number of orders held. First, the incumbent LEC shall report the number of orders held between 15 and 89 days. Second, the incumbent LEC shall report the number of orders held for 90 days or longer.

(A) ***Default performance intervals.*** If the incumbent LEC does not have historical data relative to the above measurement category~~performance standards~~, it shall provide such performance ~~standards~~ intervals at the following default levels. The number of orders held by the incumbent LEC that fall between 15 and 89 days shall not be more than 0.1% of total orders. The incumbent LEC shall not hold any order for a period of 90 days or more.

(B) ***Measurement formulas.*** The following formulas shall be used by the incumbent LEC and requesting carriers to determine the incumbent LEC's compliance with the incumbent LEC's own performance ~~standards~~ intervals for ordering and provisioning relative to the number of held orders and/or compliance with the default performance ~~standards~~ intervals set forth above.

$$\left[\frac{\text{(Number of Orders Held for} \geq \text{"x" Days)}}{\text{(Total Number of Orders Sent to Incumbent LEC in Past x Days)}}\right] \times 100$$

Mean time of orders held prior to completion

(3) ***Maintenance and repair.*** The maintenance and repair category is made up of four sub-categories: 1) Time to Restore*; 2) Repeat Troubles*; 3) Troubles Per 100 Lines*; and 4) Estimated Time to Restore*.*

(i) ***Time to restore.*** This measures the percentage of services and products restored by the incumbent LEC within 24 hours or less. The incumbent LEC shall measure:
1) The number of "Out of Services" that require no dispatch; 2) All other troubles requiring dispatch.

(A) ***Default performance intervals.*** If the incumbent LEC does not have historical data relative to the above measurement category~~performance standards~~, it shall provide such performance ~~standards~~ intervals at the following default levels. The incumbent LEC shall restore

*Ibid.

85% or more of all out of services that require no dispatch within 2 hours, 95% or more within 3 hours and 99% or more within 4 hours. The incumbent LEC shall restore 95% or more of all other troubles within 24 hours, 90% or more within 4 hours, 95% or more within 8 hours and 99% or more within 16 hours.

(B) ***Measurement formulas.*** The following formulas shall be used by the incumbent LEC and requesting carriers to determine the incumbent LEC's compliance with the incumbent LEC's own performance ~~standards~~ intervals for maintenance/ repair relative to Time to Restore and/or compliance with the default performance ~~standards~~ intervals set forth above.

$$\left[\frac{\text{(Number of Troubles Restored Within "x" hours}}{\text{Total Number Troubles}}\right] \times 100$$

where "x" = 2, 3, 4, 8, 16, or 24 "running clock" hours

$$\left[\frac{\text{Total Number of Trouble Minutes}}{\text{Total Number of Trouble Reports}}\right]$$

(ii) ***Repeat troubles.*** This standard measures the frequency of recurring customer trouble on the same line, circuit or service. The incumbent LEC shall measure the percentage of customer troubles recurring within 30 days of initial problem reported.

(A) ***Default performance intervals.*** If the incumbent LEC does not have historical data relative to the above measurement category~~performance standards~~, it shall provide such performance ~~standard~~ intervals at the following default levels. The incumbent LEC shall have 1% or less of troubles recur within 30 days of the initial reported problem.

(B) ***Measurement formulas.*** The following formulas shall be used by the incumbent LEC and requesting carriers to determine the incumbent LEC's compliance with the incumbent LEC's own performance ~~standard~~ intervals for maintenance/ repair relative to repeat troubles and/or compliance with the default performance ~~standard~~ intervals set forth above.

$$\left[\frac{\text{Number of Telephone Lines Reporting} \geq 2 \text{ Troubles in the Current Report Months}}{\text{Total Number of Troubles in Current Report Months}}\right]$$

(iii) ***Trouble per 100 lines.*** This standard measures the frequency of troubles reported within the incumbent LEC's network. The incumbent LEC shall measure the number of troubles per 100 lines per month.

(A) ***Default performance intervals.*** If the incumbent LEC does not have historical data relative to the above measurement category~~performance standards~~, it shall provide such

performance ~~standards~~ intervals at the following default levels. The incumbent LEC shall have 1.5 or less troubles per 100 lines per month.

(B) ***Measurement formulas.*** The following formulas shall be used by the incumbent LEC and requesting carriers to determine the incumbent LEC's compliance with the incumbent LEC's own performance ~~standards~~ intervals for maintenance/ repair relative to troubles per 100 lines and/or compliance with the applicable state agencies or the default performance ~~standards~~ intervals set forth above.

$$\left[\frac{\text{Number of Initial \& Repeated Trouble Reports Per Exchange Per Month}}{\text{Total Number of Lines Per Exchange}}\right] \times 100$$

(iv) ***Estimated time to restore (appointments met).*** This standard measures the incumbent LEC's ability to restore services to the requesting telecommunications carrier within the time estimated for premises visits required and premises visits not required.

(A) ***Default performance intervals***. If the incumbent LEC does not have historical data relative to the above measurement category~~performance standards~~, they shall provide such performance ~~standards~~ intervals at the following default levels. The incumbent LEC shall have to meet its estimated time to restore service no less than 99% of the time.

(B) ***Measurement formulas.*** The following formulas shall be used by the incumbent LEC and requesting carriers to determine the incumbent LEC's compliance with the incumbent LEC's own performance ~~standards~~ intervals for maintenance/repair relative to estimated time to restore and/or compliance with the default performance ~~standards~~ intervals set forth above.

$$\left[\frac{\text{(Number of Customer Trouble Appointments Met}}{\text{Total Number Customer Trouble Appointments}}\right] \times 100$$

(4) ***General.*** The general standard is made up of two sub-categories: 1) Systems Availability; and 2) Center Responsiveness.

(i) ***Systems availability.*** This standard measures the availability of operations support systems and associated interfaces for pre-ordering, ordering, provisioning and maintenance. The incumbent LEC shall measure the amount of unplanned downtime associated with each of these support systems and associated interfaces.

(A) ***Default performance intervals.*** If the incumbent LEC does not have historical data relative to the above measurement category~~performance standards~~, it shall provide such performance ~~standards~~ intervals at the following default levels. The incumbent LEC shall report the unplanned downtime per month for the following interfaces: 1) Pre-ordering inquiry interface; 2) Ordering interface; and 3) Maintenance interface. The incumbent LEC shall have 0.1% or less of unplanned downtime per month for each interface.

(B) ***Measurement formulas.*** The following formulas shall be used by the incumbent LEC and requesting carriers to determine the incumbent LEC's compliance with the incumbent LEC's own performance ~~standards~~ intervals for general performance standards and/or compliance with the default performance ~~standards~~ intervals set forth above.

$$\left[\frac{\text{Number Hours Interface and/or System Not Available as Scheduled}}{\text{Total Number Hours Scheduled Availability}}\right] \times 100$$

Mean Number of Hours Available

(ii) ***Center responsiveness.*** This standard measures the time for the incumbent LEC representative to answer business office calls in provisioning and trouble report centers. Each incumbent LEC shall measure the percentage of calls answered with 20 seconds or less and the number of calls answered within 30 seconds.

(A) ***Default performance intervals.*** If the incumbent LEC does not have historical data relative to the above measurement category~~performance standards~~, it shall provide such performance ~~standards~~ intervals at the following default levels. Incumbent LECs shall answer 95% or more of all calls within 20 seconds. Incumbent LECs shall answer 100% of all calls within 30 seconds.

(B) ***Measurement formulas.*** The following formulas shall be used by the incumbent LEC and requesting carriers to determine the incumbent LEC's compliance with the incumbent LEC's own performance ~~standards~~ intervals for general performance standards and/or compliance with the default performance ~~standards~~ intervals set forth above.

$$\left[\frac{\text{Number of Calls Answered Within Specific Time Frame}}{\text{Total Number of Calls from Requesting Carrier to Center}}\right] \times 100$$

Mean Time to Answer Calls without IVR
If IVR is used - Mean Time to Answer Calls after the end of IVR

(5) ***Billing.*** The billing standard is made up of two sub-categories: 1) Timeliness of Billing Records Delivered; and 2) Accuracy.

(i) ***Timeliness of billing records.*** This standard measures the timeliness of billing records and wholesale bills. Each incumbent LEC shall measure the following relative to the timeliness of billing records sent to requesting carriers: 1) Percentage of billing records received in 24 hours or less; 2) Percentage of billing records received in 48 hours or less; and 3) Percentage of wholesale bills received within 10 calendar days of bill date.

(A) ***Default performance intervals.*** If the incumbent LEC does not have historical data relative to the above measurement category~~performance standards~~, it shall provide such performance ~~standards~~ intervals at the following default levels. The incumbent LEC shall provide requesting carriers with billing records within 24 hours 99.9% of the time or greater. 100% of billing records shall be received by requesting carriers within 48 hours. Wholesale bills shall be received within in 10 calendar days of bill date 99.95% of the time or greater.

(B) ***Measurement formulas.*** The following formulas shall be used by the incumbent LEC and requesting carriers to determine the incumbent LEC's compliance with the incumbent LEC's own performance ~~standards~~ intervals for billing performance standards and/or compliance with the default performance ~~standards~~ intervals set forth above.

$$\left[\frac{\text{Number of Billing Records Delivered On Time}}{\text{Total Number of Billing Records Received}}\right] \times 100$$

Mean Time to Provide Billing Records

Mean Time to Deliver Wholesale Bills

(ii) ***Accuracy.*** This standard measures the percentage and mean time of billing records delivered to the requesting carrier in the agreed-upon format and with the agreed-upon content. The incumbent LEC shall measure the following relative to the accuracy of billing records: 1) Percentage of wholesale bills that are financially accurate; 2) Percentage of all billing records that are accurate.

(A) ***Default performance intervals.*** If the incumbent LEC does not have historical data relative to the above measurement category~~performance standards~~, it shall provide performance ~~standards~~ intervals at the following default levels. 98% or greater of the incumbent LEC's wholesale bills to the requesting carrier shall be financially accurate. 99.99% or greater of all billing records shall be accurate.

(B) ***Measurement formulas.*** The following formulas shall be used by the incumbent LEC and requesting carriers to determine the incumbent LEC's compliance with the incumbent LEC's own performance ~~standards~~ intervals for billing performance standards and/or compliance with the default performance ~~standards~~ intervals set forth above.

$$\left[\frac{\text{Number of Accurate and Complete Formatted Mechanized Bills}}{\text{Total Number of Mechanized Bills Received}}\right] \times 100$$

$$\left[\frac{\text{Number of Billing Records Transmitted Correctly}}{\text{Total Number of Billing Records Received}}\right] \times 100$$

(6) ***Operator services and directory assistance.*** The operator services and directory assistance function measures the percent and mean time a call is answered by an operator service or directory assistance operator. Each incumbent LEC shall measure the percentage of calls answered in 10 seconds by live agents and the percentage of calls answered within 2 seconds by a voice response unit.

(i) ***Default performance intervals.*** If the incumbent LEC does not have historical data relative to the above measurement category~~performance standards~~, it shall provide such performance ~~standards~~ intervals at the following default levels. 90% or greater of all calls handled by a live agent shall be answered within 10 seconds. 100% of all calls handled by a voice response unit shall be answered within 2 seconds. The timing of a call shall be measured form the initiation of ringing until the customer's call is answered.

(ii) ***Measurement formulas.*** The following formulas shall be used by the incumbent LEC and requesting carriers to determine the incumbent LEC's compliance with the incumbent LEC's own performance ~~standards~~ intervals for operator services and directory assistance performance standards and/or compliance with the default performance ~~standards~~ intervals set forth above.

$$\left[\frac{\text{Number of Calls Answered Within~~Wtihin~~ "x" Seconds}}{\text{Total Directory Assistance Calls}}\right] \times 100$$

where "x" equals 2 or 10 seconds

Directory Assistance Mean Time to Answer

$$\left[\frac{\text{Number of Calls Answered ~~w~~Within "x" Seconds}}{\text{Total Operator Service calls}}\right] \times 100$$

where "x" equals 2 or 10 seconds

Operator Service Mean Time to Answer

(7) ***Network performance (Network Parity).*** Network performance (network parity) compares the incumbent LEC's performance for its own customer to the incumbent LEC's performance for requesting carriers' customers. Each incumbent LEC shall measure the deviation between the level of service it provides its own customers and the service it provides for requesting carriers' customers relative to network transmission quality, speed of connection and reliability. Relative to network transmission quality the incumbent LEC shall measure the percentage of deviation between the level of service it provides its own customers and the service it provides for requesting carriers' customers for: 1) subscriber loop loss; 2) signal to noise ratio; 3) idle channel circuit noise; 4) loops-circuit balance; 5) circuit notched noise; 6) attenuation distortion. The incumbent LEC shall also measure the deviation relative to the speed of connection for: 1) Dial Tone Delay; 2) Post Dial Delay; and 3) Call Completion/Delivery Rate. Finally, the incumbent LEC shall measure reliability relative to the percentage of network incidents effecting greater than 5,000 blocked calls and network incidents affecting greater than 100,000 blocked calls.

(i) ***Default performance intervals.*** If the incumbent LEC does not have historical data relative to the above measurement category~~performance standards~~, it shall provide such performance ~~standards~~ intervals at the following default levels. The deviation between the level

service the incumbent LEC provide to its own customers and that the incumbent LEC provides to the requesting carrier's customer shall be equal to or less than 0.10% for the above network performance measurements. Statistical comparison based on the mean incumbent LEC customer experience and standard deviation from this mean, the mean requesting carrier customer experience and standard deviation from this mean, and the number of observations used to determine these means.

(ii) ***Measurement formulas.*** The following formulas shall be used by the incumbent LEC and requesting carriers to determine the incumbent LEC's compliance with the incumbent LEC's own network performance ~~standards~~ intervals and/or compliance with the default performance ~~standards~~ intervals set forth above.

$$\left[\frac{\text{Mean Incumbent LEC Customer Experience - Mean Requesting Carrier Customer Experience}}{\text{Mean Incumbent LEC Customer Experience}}\right] \times 100$$

(8) ***Interconnection/unbundled network elements and unbundled network element combinations (the "network platform").*** This section is made up of two sub-categories: 1) Availability of Network Elements; and 2) Performance of Network Elements.

(i) ***Availability of unbundled network elements.*** This standard measures the availability of network elements such as signaling link transport, SCPs/Databases, and loop combinations. Each incumbent LEC shall measure the following: 1) Availability of loop combinations; 2) the unavailability of the signaling link transport relative to the A and D links and SCPs/Databases; and 3) SCPs/Databases correctly updated.

(A) ***Default performance intervals.*** If the incumbent LEC does not have historical data relative to the above measurement category~~performance standards~~, it shall provide such performance ~~standards~~ intervals at the following default levels. The incumbent LEC shall ensure that loop combinations are available 100% of the time. The unavailability of the signaling link transport associated with A and D link shall be equal to or less than 1 minute per year. The unavailability of the signaling link transport associated with the SCPs/Databases shall be equal to or less than 15 minutes per year. SCPs/Databases shall be correctly updated within 24 hours 99% or more of the time.

(B) ***Measurement formulas.*** The following formulas shall be used by the incumbent LEC and requesting carriers to determine the incumbent LEC's compliance with the incumbent LEC's own performance ~~standards~~ intervals and/or compliance with the default performance ~~standards~~ intervals set forth above.

$$\left[\frac{\text{Number of Minutes Loop Available}}{\text{Total Number of Minutes}}\right] \times 100$$

$$\left[\frac{\text{Number of Minutes A-Link Unavailable During "x" Years}}{\text{"x" Years}}\right]$$

Where X < or > year. After year, monthly reporting should be for a rolling year

$$\left[\frac{\text{Number of Seconds D-Link Unavailable During "x" Years}}{\text{"x" Years}}\right]$$

$$\left[\frac{\text{Number of Database Records Correctly Updated}}{\text{Total Number of Update Requests Received by ILEC}}\right] \times 100$$

$$\left[\frac{\text{Number of Database Records Updated Within 24 Hours of Updated Request Received}}{\text{Total Number of Database Update Requests Received}}\right]$$

(ii) ***Performance of network elements.*** This standard measures the performance of network elements. Examples of what each incumbent LEC shall measure is as follows: 1) Line Information Data Base (LIDB) reply rate to all query attempts; 2) LIDB query time-out; 3) Unexpected data values in replies for all LIDB queries; 4) Percentage of LIDB queries return a missing customer record availability of loop combinations; 5) Group troubles in all LIDB queries. In addition, the incumbent LEC must report: 1) Mean Post Dial Delay for "0" calls from local service operator (LSO) to requesting carrier operator service platform; 2) Post Dial Delay for "0+" calls with 6 digit analysis from LSO to requesting carrier operator service platform; and 3) Percent of call attempts to requesting carrier operator service platform that were blocked.

(A) ***Default performance intervals~~intevals~~.*** If the incumbent LEC does not have historical data relative to the above_–measurement category~~performance standards~~, it shall provide such performance ~~standards~~ intervals at the following default levels. Line information database (LIDB) reply rate to all query attempts shall be equal to or greater than 99.95%; LIDB query time-out shall be equal to or less than 0.05%; Unexpected data values in replies for all LIDB queries shall be equal to or less than 1%; Percentage of LIDB queries that return a missing customer record shall be 0%; Group troubles in all LIDB queries shall be equal to or less than 0.5%.

The Mean Post Dial Delay for "0" calls from LSO to requesting carrier operator service platform shall be no greater than 2 seconds 95% of the time; and the mean shall be equal to or less than 1.75 seconds.

The percentage of call attempts to a requesting carrier operator services platform that are blocked shall be equal to or less than 0.1%.

(B) ***Measurement formulas.*** The following formulas shall be used by the incumbent LEC and requesting carriers to determine the incumbent LEC's compliance with the incumbent LEC's own performance ~~standards~~ intervals for interconnect /unbundled elements and combos and/or compliance with the default performance ~~standards~~ intervals set forth above.

$$\left[\frac{\text{(Number of LIDB [or 800 or AIN or n] Query Replies Received By Requesting Carrier}}{\text{(Total Number LIDB [or 800 or AIN or n] Queries Received by ILEC}}\right] \times 100$$

$$\left[\frac{\text{(Number of LIDB [or 800 or AIN or n] Time Out Responses Received By Requesting Carrier}}{\text{(Total Number LIDB [or 800 or AIN or n] Queries Received by Incumbent LEC}}\right] \times 100$$

$$\left[\frac{\text{(Number of LIDB [or 800 or AIN or n] Query Replies with Unexpected Data Values by Requesting Carrier)}}{\text{(Total Number LIDB [or 800 or AIN or n] Queries Received by Incumbent LEC)}}\right] \times 100$$

$$\left[\frac{\text{(Number of LIDB [or 800 or AIN or n] Query Replies Missing Customer Record Received by Requesting Carrier)}}{\text{Total Number LIDB [or 800 or AIN or n] Queries Received by Incumbent LEC}}\right] \times 100$$

$$\left[\frac{\text{(Cumulative Total Number of Post Dial Delay Seconds Experienced on "0" Calls From LSO to Requesting Carrier Operator Service Platform)}}{\text{(Total Number of "0" Calls from LSO to Requesting Carrier Operator Service Platform)}}\right] \times 100$$

$$\left[\frac{\text{(Cumulative Total Number of Post Dial Delay Seconds Experienced on "0+" Calls with 6-Digit Analysis from LSO to Requesting Carrier Operator Service Platform)}}{}\right]$$

(Total Number of "0+" Calls with 6-Digit Analysis from LSO to Requesting Carrier Operator Service Platform)

$$\left[\frac{\text{(Number of "0+" Calls with 6-Digit Analysis from LSO to Requesting Carrier Operator Service Platform that have Post Dial Delay} \leq \text{2 Seconds)}}{\text{(Total Number of "0+" Calls with 6-Digit Analysis from LSO to Requesting Carrier Operator Service Platform)}}\right]$$

$$\left[\frac{\text{Number of Blocked Call Attempts to Requesting Carrier Operator Service Platform}}{\text{Total Number of Call Attempts to Requesting Carrier Operator Service Platform}}\right] \times 100$$