would be unduly burdensome because they ignore the business and practical realities of ILEC ordering processes. Contrary to the implications of AT&T and Sprint,[49] routine internal reporting for virtually all ILEC functions is not done at less than a state-wide basis. For GTE, reporting at lower than a state level would require significant resources and provide little benefit. For example, if reporting was required on a LATA basis for California, the total measures reported for all telephone operating companies in that state would increase from 195,000 reported measurements to 2.1 million. Accordingly, the Commission should adopt guidelines that propose state-wide reporting for all measures.[50]

At the same time, many ILECs, including GTE, provision some of their CLEC services from centralized call centers and reporting is done on a nationwide basis. For example, GTE's results for the following measures are almost the same on the state level as they are on the national level: Per-Order Average Response Time; Order Status – Average Reject Notice Interval; Order Status-FOC Notice Interval; Order Quality – Percentage of Order Flow Through; Order Quality – Percentage of Rejected Orders, Order Quality – Average Submissions per Order; System Availability – Percentage of Time Interface is Available; and Center Responsiveness – Average Time

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[49] AT&T Comments at 34-37; Sprint Comments at 6-7.

[50] GTE does not oppose providing greater geographic disaggregation of performance data – including as LATA and regional reports – where necessary to explain apparent discrepancies in state-wide performance. However, even in these circumstances, reporting by MSA, city, or other basis would be inappropriate because ILEC processes are not city- or MSA-specific. Similarly, reporting by product type is viable when necessary to explain apparent discrepancies, though general reporting of performance measures by product type would be unduly burdensome.

to Answer Competing Carrier Calls. Thus, the Commission should encourage states to adopt national reporting, or other relevant bases, for the ILECs in their states where appropriate.

B. ILECs should not have to release performance information for affiliated CLECs with interconnection agreements.

Teleport and other CLECs propose that all ILECs disclose service and performance measurement information that pertains to their affiliated CLEC.[51] GTE disagrees and maintains that disclosure of all service and performance information is inappropriate where an interconnection agreement exists between the ILEC and its CLEC affiliate. The only performance measures that should be made available are those that validate that the ILEC is not discriminating in favor of its affiliate, to the extent that the measures do not contain customer-specific or confidential information. In these instances, an ILEC generally will be precluded from disclosing service information pursuant to a non-disclosure obligation contained in the interconnection agreement. As in the case of unaffiliated CLEC agreements, GTE is required to uphold its obligations in these state-approved agreements, absent a waiver by the CLEC or appropriate state action that discharges its obligation under such a provision. As with all CLECs, ILEC-affiliate data will be included in the CLEC averages and ILEC-affiliate data that are competitively sensitive will be available to state commissions.

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[51] Teleport Comments at 19; Sprint Comments at 7-8; Ohio PUC Comments at 7-8; WorldCom Comments at 11; Allegiance Comments at 10-12; ALTS Comments at 6-7.

C. Reporting methods that minimize costs and facilitate access for CLECs should be encouraged.

GTE concurs with commenters who support the development of efficient reporting methodologies that rely on electronic access and other methods to minimize burdens on ILECs. For example, BellSouth suggests that ILEC reporting may be accomplished through web-based access methods whereby competing carriers could use secured passwords to access appropriate performance measures and comparative data.[52] These and similar approaches will ensure that CLECs receive necessary information without requiring ILECs to consume significant resources to generate traditional paper reports. However, because of the complexity involved with the collection and production of such large quantities of data, an industry committee should be formed within the Alliance for Telecommunications Industry Solutions ("ATIS") to consider a clearinghouse approach. Such a committee could study issues surrounding data collection, security, access, and database formatting and develop solutions acceptable to states, incumbent carriers, and new entrants.

MCI states that ILECs should be required to file any performance reports with the Commission so that "new entrants can be assured that a regulatory authority with the expertise to review such documentation maintains the documents and that they will have ready access to this vital information."[53] The Commission should reject this request. MCI fails to recognize the states' expertise, the burden of producing such

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[52] BellSouth Comments at 8.

[53] MCI Comments at 29-30.

reports, and the purpose behind ILEC reporting. First, as explained above, state commissions have invested significant efforts through interconnection agreement approval processes and independent proceedings on ILEC performance measure and reporting issues. Through these efforts, they have gained valuable expertise. Second, as GTE demonstrated in its Comments,[54] supplying the Commission with copies of the reports proposed in the NPRM would involve significant expense and effort. This expense and effort is unwarranted since these reports are not needed by the Commission. There is no sound policy basis for the Commission to require submission of ILEC reports because use of these reports to set national performance standards or benchmarks as MCI suggests would impermissibly exceed the Act's non-discrimination requirement.[55]

D. The Commission need not specify model auditing measures.

In its Comments, MCI states that it is "essential that CLECs have the right and ability to audit the underlying data and all related processes bearing upon the results reflected" in ILECs' performance reports.[56] MCI further urges the Commission to require that CLECs have access to ILEC raw performance data outside the context of an audit so that "a CLEC can review its own data on an ongoing basis to better track, and further analyze if necessary, ILEC performance."[57] GTE disagrees.

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[54] GTE Comments at 12-13.

[55] MCI Comments at 30.

[56] MCI Comments at 31.

[57] MCI Comments at 33.

Rather than suggesting new auditing procedures, the Commission should encourage states to rely upon auditing requirements included in existing interconnection agreements. MCI and other CLECs have negotiated specific audit provisions in their agreements with GTE and other ILECs. Imposing additional audit requirements would be unduly burdensome.[58] Where a state wishes to investigate performance data based upon a complaint of discriminatory treatment, it can conduct an audit of the ILEC's performance data and require the ILEC to provide access to other relevant information. This safeguard, combined with existing auditing procedures, will ensure the integrity of reported data.

Along similar lines, GTE disputes MCI's assertion that ILECs should transmit underlying performance measurement data to CLECs on a routine basis.[59] As noted above, access to these data is warranted only where there is some question concerning discriminatory conduct. Even if reporting of raw data were deemed to be appropriate by a state, such a proposal would be fraught with practical concerns. At the outset, there is no agreement among industry members as to what information could or should be reported, how the data would be formatted, and how such data could be transmitted from ILEC to CLEC. Further, requiring ILECs to meet CLEC-specific reporting standards would be unduly burdensome and unnecessary in light of states' authority to audit ILECs and to examine raw data where necessary.

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[58] Of course, state commissions have the authority to create a standard audit process.

[59] MCI Comments at 32-33.

V. GTE SUPPORTS THE ADOPTION OF APPROPRIATE STATISTICAL GUIDELINES THAT MAY BE USED BY STATES TO ASSESS OSS PERFORMANCE MEASURES.

GTE agrees with Ameritech that a recommended set of objective statistical methods would be a useful and efficient first step in evaluating ILEC compliance with the non-discrimination requirements of the Act.[60] Properly developed statistical tests may used by states as an important tool to monitor and evaluate whether disparate treatment may be occurring and whether action need be taken. By identifying potential differences in ILEC and CLEC performance measures, statistical tests will allow states to determine if further review is warranted. Accordingly, GTE supports the issuance of model statistical evaluation methodologies to assist state efforts in developing and implementing OSS performance measurement rules.

As Ameritech and SBC emphasize, it is important to recognize that, while statistical tests may provide a first indication of problem areas, statistical variations are not conclusive proof that discriminatory conduct has occurred.[61] Any statistical test is accompanied by the probability that false results will occur due to Type I statistical error, which is defined as the probability of rejecting the null hypothesis, when in fact, it is true. In addition, given the lack of experience in measuring ILEC performance data of service order, installation, and maintenance procedures and analyzing this information in the context of CLEC processes, little is known about the statistical properties of the Commission's proposed measurement elements. Thus, particular

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[60] Ameritech Comments at 89.

tests should be finalized only after their effectiveness has been tested with actual data over a reasonable period of time.

To this end, the Commission should develop statistical models that allow for meaningful comparisons between performance measures by accommodating different sample sizes and data distributions. Based upon an initial evaluation of potential statistical models, GTE supports use of a "classic" Z-test in which the data to be studied either have a normal statistical distribution or are characterized by a relatively large sample size. In situations where sampled data are not consistent with a normal distribution or normal approximation, a non-parametric test may be more appropriate, which may include a Mann-Whitney-Wilcoxon or Komolgorov-Smirnoff test. The circumstances under which each test may apply will have to be determined through data simulation exercises or some form of permutation analysis.

GTE disagrees with AT&T's assertion that the "modified" Z-test as proposed by LCUG should be used to evaluate ILEC performance.[62] One serious problem with this test is that it does not follow a standard formulation of the test statistic. In the absence of a rigorous derivation, the sampling properties and maintained hypotheses of this test are unknown. Accordingly, GTE cannot support adoption of such a test without further documentation and analysis.

(...Continued)

[61] Ameritech Comments at 90-92; SBC Comments at 24-31.

[62] *See* AT&T Comments at 51.

VI. OSS TECHNICAL STANDARDS SHOULD BE LEFT TO INDUSTRY ORGANIZATIONS.

Numerous commenters – including several CLECs – agree with GTE that industry organizations should consider and develop appropriate technical standards for OSS interfaces.[63] The substantial progress made by ATIS committees concerning OSS issues obviates the need for the Commission to mandate a particular interface standard. In addition, as several commenters point out, industry standards bodies are open to all interested parties, thereby ensuring that both ILECs' and CLECs' needs may be considered.[64] Therefore, GTE urges the Commission to leave resolution of OSS technical standards issues to ATIS and ATIS-sponsored committees.

In addition, the Commission should not impose a specific deadline for compliance with industry-developed OSS interface standards. WorldCom, Teleport and Sprint suggest that the Commission require ILECs to implement industry standards for OSS interfaces either within a specific time period or within a deadline established by the relevant industry standards organization.[65] This issue is currently before the OBF Committee and will be considered in August 1998. Because of the complexities involved with implementing interface standards, the Commission should allow the industry forum to study these issues.

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[63] Ameritech Comments at 107-108; BellSouth Comments at 33-34; Sprint Comments at 13; Teleport Comments at 16-18; WorldCom Comments at 21-24.

[64] WorldCom Comments at 21-24; Sprint Comments at 13.

[65] Teleport Comments at 17.

VII. CONCLUSION

In general, the Commission has proposed reasonably balanced performance measurements that provide states with guidance for adopting rules while giving them the flexibility to take ILEC legacy systems, CLEC needs, and state-approved interconnection agreements into account. Some commenters ask the Commission to exceed its authority and adopt binding, excessively burdensome rules while others see no need for any uniformity. The Commission should reject these extreme positions, and instead adopt the proposed guidelines with the minor modifications GTE has recommended.

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