

and PowerTel) provide PCS service to an estimated total of 35,000 subscribers. Wright Public Aff. ¶ 154.

Section 271 defines “telephone exchange service” by reference to section 3(47)(A) of the Communications Act, 47 U.S.C. § 153(47)(A), which in turn defines “telephone exchange service” as “service within a telephone exchange, or within a connected system of telephone exchanges within the same exchange area operated to furnish to subscribers intercommunicating service of the character ordinarily furnished by a single exchange, and which is covered by the exchange service charge.” See also 47 C.F.R. § 51.5 (same). PCS satisfies this definition by offering service over a radio-based network equivalent to an ordinary wireline exchange, for a non-distance-sensitive “airtime” charge.

As the Commission has held, the last sentence of section 271(c)(1)(A) confirms that technically and commercially similar cellular service “shall not be considered telephone exchange servic[e]” for purposes of Track A. 47 U.S.C. § 271(c)(1)(A). But according to the Commission, “the exclusion in the final sentence of subparagraph 271(c)(1)(A) excludes only cellular carriers, and not PCS carriers, from being considered ‘facilities-based competitors.’ . . . This statutory exclusion is specific and precise.” Louisiana Order, 13 FCC Rcd at 6289-90, ¶ 72.

Section 221(b) of the Communications Act, 47 U.S.C. § 221(b), specifically deprives the Commission of jurisdiction over “telephone exchange service” furnished by “mobile . . . radio,” further confirming that mobile service can be telephone exchange service.⁷

⁷ This section predates the 1996 Act, which added new language to the definition of “telephone exchange service” as section 3(47)(B). Accordingly, radio services must qualify as telephone exchange service under the prior definition of “telephone exchange service” (current section 3(47)(A)), which is referenced in section 271(c)(1)(A).

The Commission has held that cellular and PCS services are “telephone exchange services.”⁸ Although it relied expressly upon section 3(47)(B) — which is not relevant under section 271(c)(1)(A) — the Commission relied implicitly on section 3(47)(A) as well, by noting Track A’s carve-out of cellular service: “[I]f Congress did not believe that cellular providers were engaged in the provision of telephone exchange service,” the Commission observed, “it would not have been necessary to exclude cellular providers” from Track A.⁹ Because the cellular carve-out of Track A applies only to section 3(47)(A), the Commission thus necessarily imputed to Congress a judgment that wireless service qualifies as telephone exchange service under that section — and therefore under section 271(c)(1)(A) also.

In its Louisiana Order, the Commission noted that PCS providers “appear to be positioning their service offerings to become competitive with wireline service, but they are still in the process of making the transition ‘from a complementary telecommunications service to a competitive equivalent to wireline services.’” 13 FCC Rcd at 6290, ¶ 73 (quoting Second Report, Implementation of Section 6002(b) of the Omnibus Reconciliation Act of 1993; Annual Report and Analysis of Competitive Market Conditions With Respect to Commercial Mobile Services, 12 FCC Rcd 11266, 11326 (1997)). More recently, the FCC’s Wireless Bureau has noted that “wireless and wireline technologies are increasingly competing for a single pool of

⁸ First Report and Order, Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, 11 FCC Rcd 15499, 15999-16000, ¶ 1013 (1996) (“Local Interconnection Order”), modified on recon., 11 FCC Rcd 13042 (1996), vacated in part, Iowa Utils. Bd. v. FCC, 120 F.3d 753 (8th Cir. 1997), cert. granted, 118 S. Ct. 879 (1998).

⁹ 11 FCC Rcd at 16000, ¶ 1014.

minutes-of-use,” and that “wireless providers can compete for local access by creating pricing plans that encourage their customers to use mobile phones as substitutes for wireline phones.”¹⁰

In Louisiana, this transition from wireline to wireless has already occurred for many thousands of consumers. This is not merely the opinion of BellSouth. AT&T has recently trumpeted its PCS service as a way to “make your wireless phone your only phone.”¹¹ See also Wright Public Aff. ¶ 152. And according to the Personal Communications Industry Association, “42% of all Americans would consider switching their local phone service to wireless. Real competition [in local service] exists. It’s [in] the wireless industry.”¹²

A study of PCS users in Louisiana recently prepared by M/A/R/C Research shows that 26 percent of PCS subscribers (43 percent of business users and 10 percent of residential users) currently rely on PCS as their primary telephone service. App. A, Tab 6, at Table 7 (“M/A/R/C Study”).¹³ Moreover, a significant number of the PCS users subscribed to their wireless service as a direct substitute for BellSouth’s wireline service. According to the M/A/R/C Study, 6 percent (10 percent of business users and 4 percent of personal users) of PCS customers in

¹⁰ Third Annual CMRS Competition Report, Implementation of Section 6002(b) of the Omnibus Reconciliation Act of 1993; Annual Report and Analysis of Competitive Market Conditions With Respect to Commercial Mobile Services at 27-28, FCC 98-91, (rel. June 11, 1998). See also Statement of Daniel B. Phythyon, Chief, Wireless Telecommunications Bureau, before the Subcommittee on Communications, Committee on Commerce, Science, and Transportation, United States Senate, on Wireless Telecommunications Bureau Oversight (May 13, 1998).

¹¹ Introducing AT&T Digital One Rate (Advertisement), N.Y. Times, June 2, 1998, at A-15 (App. D, Tab 17).

¹² Personal Communications Industry Association Press Release, PCIA Launches Advertising Blitz on Wireless Competition, Mar. 26, 1998, at <<http://www.pcia.com/presmnfr.htm>> (App. D, Tab 13).

¹³ Substitution by Louisiana customers of PCS service for wireline service is further illustrated by a survey conducted by Southern Media & Opinion Research, Inc. (App. D, Tab 14).

Louisiana subscribed to their PCS service instead of a wireline offering when initiating service. M/A/R/C Study at Table 4. This represents approximately 2100 end users in Louisiana. Five percent of the PCS subscribers (approximately another 1750 customers) added PCS instead of a second wireline. Id. at Table 5. Five percent more of PCS customers eliminated wireline service and replaced it with PCS. Id. at Table 3.

Individual case studies further prove that substitution between wireless and wireline calling is occurring. One PCS user explained: "I have the advantages of mobility, but I also have the advantage of my in-state long distance It's actually saved me quite a bit of money [over wireline service]." M/A/R/C Study, Interview No. 10, at 6. Another PCS user reported: "I was running a line for voice and a line for data I'm not home most of the time, so I said, well, the logical thing for me to do is to have a mobile phone that's reasonable enough in minutes that I can just do most of my conversations that way . . . so I just got rid of my voice line" Id., Interview No. 8, at 3. A third PCS user stated that in his family, use of wireline service is "probably less than it had been in the past because we tend to . . . take more incoming calls on our PCS." Id., Interview No. 3, at 3.

Substitution of PCS for wireline telephony has increased significantly since BellSouth's first section 271 application for Louisiana. This is not surprising, because for a greater number of BellSouth residential customers, PCS offerings are now a viable substitute for comparable wireline service on the basis of price alone (that is, even ignoring the convenience and other advantages of wireless telephony). At the time of BellSouth's prior application, economist Aniruddha Banerjee determined that between 1.4 and 4.0 percent of BellSouth's local customers in the New Orleans area could consider switching to a PCS provider in their area based only on

price.¹⁴ At today's current prices, however, as many as 7 to 15 percent of BellSouth's local residential customers in New Orleans could consider switching to PCS PrimeCo on price grounds alone. Banerjee Aff. at 24 (App. A, Tab 1). Dr. Banerjee's calculations do not consider the added one-stop-shopping convenience and mobility of PCS. Nor do they take into account business customers. See id. at 26. Also, since business rates are on average higher than residential rates, Dr. Banerjee's numbers most likely underestimate the number of customers who could reasonably substitute PCS for wireline service.

The recent pricing of AT&T Wireless can only accelerate this process. It has announced a new PCS pricing structure, its Digital One Rate Plan, which eliminates roaming charges by offering flat, per-minute charges of between approximately 11 and 15 cents per minute for all local and long distance PCS calling. Id. at 26.¹⁵ In announcing the plan, AT&T Chairman Michael Armstrong stated that one of AT&T's target groups for this service is those customers who see PCS service as a replacement for wireline service.¹⁶ According to Mr. Armstrong, "[p]retty soon, someone's going to wonder why that [wireline] phone is sitting there." Id.

All of this only confirms that, in Louisiana, PCS service is "an actual commercial alternative" to wireline service for a substantial number of customers today. Louisiana Order, 13

¹⁴ See Banerjee Report appended at App. D, Tab 6, in Application by BellSouth Corporation, BellSouth Telecommunications, Inc., and BellSouth Long Distance, Inc., for Provision of In-Region, InterLATA Services in Louisiana, CC Docket No. 97-231 (FCC filed Nov. 6, 1997).

¹⁵ AT&T provides PCS coverage throughout all of Louisiana; its Digital One Rate is currently available in the Northwestern portion of the state. See AT&T Wireless Phone Service National Coverage Map, at <http://www.attws.com/nohost/cellular/coverage/ce_ncvmp.html> (App. D, Tab 15).

¹⁶ AT&T Wireless Joins Sprint PCS in Single-Rate Offer, But Adds Contracts, Communications Daily, May 8, 1998, at 7-8 (App. D, Tab 16).

FCC Rcd at 6290, ¶ 73.¹⁷ Chairman Kennard has recently reiterated that a PCS service could serve as the basis for a successful Track A application provided that the BOC could “demonstrate that PCS is used to replace, rather than merely supplement, the traditional wireline service offered by the Bell Operating Company.” July 7th Kennard Letter at 1. Indeed, BellSouth has demonstrated that Louisiana consumers are in fact substituting PCS for traditional wireline service, and has made this showing using precisely the types of evidence that Chairman Kennard indicated would be persuasive: “documentation such as studies or other objective analysis, identifying the customers that have actually or would consider replacing their wireline service with PCS service, and a showing that the marketing efforts of the PCS provider aim to induce such replacements.” *Id.* This evidence irrefutably demonstrates that, in Louisiana, PCS is a viable alternative to wireline local service, and that through this service alone, BellSouth satisfies Track A.

II. BELLSOUTH PROVIDES INTERCONNECTION AND ACCESS IN COMPLIANCE WITH THE COMPETITIVE CHECKLIST

BellSouth satisfies each of the fourteen requirements of the competitive checklist by “providing access or interconnection” to Track A carriers and other CLECs pursuant to its state-approved interconnection agreements, as well as through the general offerings of its Statement of Generally Available Terms and Conditions (“SGAT”). See generally App. B (selected agreements) and Varner Aff. Ex. AJV-I (SGAT) (App. A, Tab 25). Pursuant to the language of

¹⁷ BellSouth does not contend that PCS service is a “substitute” for BellSouth’s wireline service for all Louisianans. The 1996 Act, however, does not require that there be a “competing provider” everywhere in a State, or for all customers in a given service area, but only that there be a competitive alternative somewhere in the State. See Michigan Order, 12 FCC Rcd at 20584, ¶ 76 (“We do not read section 271(c)(1)(A) to require any specified level of geographic penetration by a competing provider.”).

existing PSC-approved agreements, the terms of 47 U.S.C. § 252(i), and the provisions of the SGAT, all CLECs in Louisiana have a legal entitlement to avail themselves of BellSouth's offerings. Should CLECs place orders for checklist items under these provisions, they will find BellSouth ready, willing, and able to furnish each item at the requisite level of quality and quantity.

In the months since its first Louisiana application, BellSouth has taken numerous additional steps to ease CLEC entry into local markets in Louisiana. As set out in detail below, BellSouth has satisfied every requirement this Commission articulated in its South Carolina Order and Louisiana Order, as well as in other decisions applying section 271. BellSouth has enhanced its OSSs and related interfaces to provide improved electronic and manual access and to aid CLECs' use of these interfaces. BellSouth has provided additional information to interested CLECs about the terms and conditions of collocation and has committed to collocation installation intervals. CSAs are now available at the state-approved wholesale discount rate of 20.72 percent. Through these and many, many other steps to ease CLEC entry, BellSouth has offered CLECs everything they need to provide local, facilities-based service.

In that regard, a clear distinction must be drawn between actual competitive entry by CLECs, on the one hand, and CLECs' ability to obtain the local facilities and services needed from BellSouth for such entry, on the other. As Chairman Kennard has explained, "[T]he law [requires] the Bells to show only that the doors to their networks are open, not necessarily that any competitors have walked through them."¹⁸ This rule avoids a circumstance where CLECs limit their local services just to slow BOC entry into long distance, or due to business plans that

¹⁸ Seth Schiesel, Atop FCC, Still Trying to Be Nice, N.Y. Times, Nov. 10, 1997, at D1.

focus on narrow, highly profitable, market segments. See Michigan Order, 12 FCC Rcd at 20602, ¶ 111; Application by SBC Communications Inc., Pursuant to Section 271 of the Communications Act of 1934, as Amended, To Provide In-Region InterLATA Services in Oklahoma, 12 FCC Rcd 8685, 8718, ¶ 56 (1997) (“Oklahoma Order”).

Likewise, CLECs cannot hold back interLATA competition by citing isolated problems that supposedly have arisen in the course of implementing interconnection and resale agreements. There have been some difficulties with new offerings for BellSouth’s CLEC customers over the last two and a half years, as would be expected with any new technical arrangements. But perfection is not the standard of checklist compliance. Michigan Order, 12 FCC Rcd at 20692-93, ¶ 278 (“holding Ameritech to an absolute-perfection standard is not required by the terms of the competitive checklist”); Letter from William E. Kennard, Chairman, FCC, to Sen. John McCain and Sen. Sam Brownback, U.S. Senate, at 2 (Mar. 20, 1998) (“Nondiscriminatory access requires BOCs to show that ‘parity’ has been achieved, not ‘perfection.’”). BellSouth has appropriately tested its systems and has promptly and responsibly addressed implementation issues as they have arisen in actual operations. BellSouth also has helped CLECs correct their own mistakes. These steps have ensured the readiness of all required checklist items and nondiscriminatory provisioning of large quantities of network facilities and services to requesting CLECs in Louisiana and throughout BellSouth’s nine-state region.

A. BellSouth Is Providing Nondiscriminatory Access to its OSSs

In its Louisiana Order, this Commission noted that during the time between BellSouth’s South Carolina application and its Louisiana application, “BellSouth continued to improve its operations support systems.” 13 FCC Rcd at 6258, ¶ 22. The Commission commended BellSouth for its efforts, id., but it concluded that there remained “deficiencies” BellSouth

needed to address. Id. at 6258-59, ¶ 22. While BellSouth believes that its OSSs were sufficient at the time of its first application, BellSouth has nevertheless substantially enhanced these systems. In the five months since that decision (and even before), BellSouth has addressed the Commission's concerns. To cite just a few examples:

- BellSouth has released an enhanced EDI interface that provides electronic reject notification;
- BellSouth has developed additional electronic edits that help CLEC service representatives submit error-free orders;
- BellSouth has distributed specifications that permit any CLEC to construct an integrated pre-ordering/ordering interface;
- BellSouth has conducted additional testing to confirm that BellSouth's systems work as designed and have ample spare capacity to meet foreseeable CLEC demand;
- BellSouth has instituted a set of service quality measurements that enables CLECs to monitor their own access to OSSs, so they can confirm that they are receiving access at least equal to the access available to BellSouth retail personnel;
- BellSouth has provided CLECs a complete set of the business rules used by BellSouth in processing CLEC orders;
- BellSouth has provided for a single address validation in the LENS inquiry mode;
- BellSouth has changed the LENS inquiry mode to allow for 30-day telephone number reservations;
- BellSouth has removed its previous restriction on the total number of telephone numbers a CLEC can keep on reserve in a central office;
- BellSouth has introduced a change control process through which CLECs may propose and discuss changes to BellSouth's electronic interfaces.

Mr. Stacy's affidavit summarizes the steps BellSouth has taken. Stacy OSS Aff. ¶ 6.

Indeed, BellSouth's OSS interfaces are much more advanced than the CLECs' abilities to make

full use of them.¹⁹ All of these developments — as well as the many other improvements set out in Mr. Stacy’s OSS affidavit — demonstrate that BellSouth has met the requirements of the 1996 Act and addressed the concerns expressed by the Commission in its South Carolina Order and Louisiana Order.

Today, all CLECs may obtain pre-ordering information, prepare and enter orders, receive provisioning information, enter and track the receipt and status of trouble reports, and bill customers accurately, “in substantially the same time and manner” as BellSouth. Local Interconnection Order, 11 FCC Rcd at 15764, ¶ 518. Electronic interfaces currently are available for each of these OSS functions and are being used by numerous CLECs. These interfaces meet existing industry standards where available; as new industry standards are developed, BellSouth will implement them too. Stacy OSS Aff. ¶¶ 7-8, 13, 79, 82, 95, 97-99, 106, 127, 154, 173.

Because there is no “best” form of access to OSSs, BellSouth offers CLECs a variety of options. As the Commission has recognized, “smaller competing carriers [may] prefer” manual access to OSSs for their own business reasons, even though the very largest carriers may ultimately (but perhaps not immediately) want the most automated process possible. Michigan Order, 12 FCC Rcd at 20616-17, ¶ 137 & n.333. By offering CLECs their choice of manual interfaces or the electronic interfaces described below (or additional interfaces that may be negotiated with particular CLECs), BellSouth has further ensured that new competitors can enter the local market on their own terms.

¹⁹ At a recent CLEC meeting, the president of Allegiance Telecom candidly characterized the CLECs’ own OSS development as their “Achilles heel,” commenting that “[i]f you gave everyone on this panel sodium Pentothal we’d all say our backroom sucks.” Residential Entry Debated: CLEC Executives at ALTS See Continued Buildouts, Dependence on New Capital, Communications Daily, May 5, 1998, at 6.

BellSouth has even made available interfaces that are tailored to individual CLECs' requirements. Stacy OSS Aff. ¶¶ 20-25. For instance, BellSouth developed a customized machine-to-machine pre-ordering interface ("EC-Lite") at AT&T's request and to AT&T's particular specifications. Id. ¶ 25. EC-Lite has been available since December 1997, and is offered to any requesting CLEC. See South Carolina Order, 13 FCC Rcd at 621-25, ¶¶ 152 n.441, 154-59.

All of BellSouth's OSS interfaces have been subjected to extensive testing. See Stacy OSS Aff. ¶¶ 199-209. For example, BellSouth has conducted tests of its combined electronic ordering interfaces to establish a minimum capacity of 14,500 total requests per day in BellSouth's nine-state region. Id. ¶ 201. BellSouth's systems are readily expandable to meet any reasonably foreseeable CLEC demand without discriminatory delays. Id. ¶¶ 192, 195-196. Actual usage of these interfaces proves that access is nondiscriminatory and capacity is sufficient to meet demand; for example, over 91,500 CLEC reports were processed through BellSouth's maintenance and repair interface from June 1997 through May 1998. Id. ¶ 215.

BellSouth retained Ernst & Young to perform an independent, third-party audit of BellSouth's OSSs, pursuant to the Commission's wishes. South Carolina Order, 13 FCC Rcd at 593, ¶ 97. As explained in the Affidavit of John W. Putnam, Ernst & Young tested the assertions that BellSouth has made regarding the capabilities of BellSouth's OSSs. Ernst & Young concluded that BellSouth's assertions about the features, capabilities, and operational readiness of the interfaces it provides for CLECs' use "fairly present[] in all material respects the performance of BellSouth's operating support systems." Putnam Aff. ¶ 20.

1. Pre-Ordering.

Although there are no industry-standard interfaces for pre-ordering, BellSouth currently offers CLECs in Louisiana a choice of three electronic interfaces — Local Exchange Navigation System (“LENS”), the Common Gateway Interface (“CGI”), and EC-Lite. Stacy OSS Aff. ¶ 14; SGAT § II.B.5.a; AT&T Agreement Attach. 15, § 7. These interfaces provide CLECs with real-time access to the same pre-ordering databases used by BellSouth’s retail representatives. Stacy OSS Aff. ¶ 14.²⁰ Indeed, LENS, CGI, and EC-Lite are superior to BellSouth’s retail systems because they provide a single interface for both residential and business customers throughout all of the States in BellSouth’s region. Id. ¶ 15. LENS, which is compatible with inexpensive, commercially available hardware and software and requires no additional development by a CLEC, provides a user-friendly, integrated pre-ordering/ordering interface for CLECs that choose to use it. Id. ¶¶ 16, 108. Alternatively, CLECs may integrate their own internal systems and/or the Electronic Data Interchange (“EDI”) ordering interface with BellSouth’s systems using CGI and/or EC-Lite. Id. ¶ 21.

To accommodate CLECs of differing sizes and needs, LENS is accessible through direct (LAN-to-LAN) connections, dial-up access, or public Internet access. Id. ¶16. Seventy-two CLECs currently use LENS for ordering, and one CLEC is using EC-Lite. Id. ¶¶ 98, 213.

²⁰ CLECs and BellSouth’s retail personnel use the same process to pre-order and order those complex services that require extensive design work and are ordered in relatively low volumes, such as SONET rings. Stacy OSS Aff. ¶¶ 136-142 & Ex. WNS-29. The service inquiry and any subsequent service requests are handled without distinguishing between orders generated by BellSouth and orders generated by a CLEC. Id. ¶ 141. The processes employed by BellSouth for these services thus afford CLECs and their customers the same level of timely service BellSouth and its retail customers receive. See id. ¶¶ 136-142.

LENS can be accessed in two different modes (the inquiry mode and the firm order mode) and CLECs can choose either mode to obtain pre-ordering information. The firm order mode assumes a CLEC representative will perform each pre-ordering step in sequence, while the inquiry mode allows a CLEC representative to choose the particular functions needed for a particular transaction. Stacy OSS Aff. ¶ 17. On February 2, 1998, at the request of CLECs, BellSouth added to the inquiry mode a new streamlined option (“View All”) that allows CLECs to perform all pre-ordering functions in the inquiry mode by using a single address validation. Id. This addresses questions about the ability of CLECs to use LENS effectively for pre-ordering. See South Carolina Order, 13 FCC Rcd at 620, ¶ 151.

CGI is a machine-to-machine interface for communicating data between an information server, such as LENS, and another independent application, such as a CLEC OSS. Stacy OSS Aff. ¶ 22. CGI allows CLECs to obtain and manipulate the LENS data electronically and to customize the LENS interface to whatever extent the CLEC chooses. Id. CLECs that choose to use CGI may integrate it with the EDI ordering interface and/or with their own OSSs. Id. ¶¶ 21, 108. The specifications for a CGI interface have been delivered to MCI and have been made available to all interested CLECs. Id. ¶ 114. At least one CLEC, Omnicall, Inc., has implemented CGI for pre-ordering functions and had made over 17,000 queries for customer service records using the interface as of June 29, 1998. Id. ¶ 24.

EC-Lite provides real-time, machine-to-machine access to BellSouth’s pre-ordering information. Id. ¶¶ 5, 25-26. Like LENS, EC-Lite allows a CLEC to enter a pre-ordering transaction interactively, using prompts and screen displays. Id. ¶ 18.

Using any of these interfaces, CLECs may gather and verify street address information, telephone number availability, service and feature availability, due-date information, and

customer service record information. Id. ¶ 27. For instance, if a CLEC initiates an address verification query through LENS, the LENS server will query the appropriate BellSouth database and verify the address on a real-time basis. Id. ¶ 32. A CLEC can use LENS, CGI, or EC-Lite to select and reserve telephone numbers (including vanity numbers) on a real-time basis while the CLEC's customer is on the line. Id. ¶¶ 34-35. These interfaces also may be used to validate which features are available to particular end user customers, either by entering a ten-digit telephone number or a street address. Id. ¶ 43.

Not all pre-ordering functions are applicable to UNEs, but where a particular function is applicable (such as assigning a telephone number for an unbundled port), BellSouth's pre-ordering interfaces can be used for UNEs as well as resold exchange services. Id. ¶ 19.

Authorized CLECs may access customer service records on a real-time basis through LENS, CGI, or EC-Lite. Id. ¶¶ 63-64. CLECs are able to determine the installation interval available for a customer by viewing the "Quick Service" and "Connect Through" indicators shown in the address validation and installation calendar screens of LENS, CGI, and EC-Lite. Id. ¶ 57.

CLECs also can obtain through LENS, CGI, and EC-Lite information needed for service installations requiring a premises visit, using the same database for due date information as BellSouth's retail service representatives use. Id. ¶ 58.

If a premises visit is necessary, LENS, CGI, and EC-Lite allow CLEC users to select morning or afternoon appointments. If the visit is to install an inside premises jack, CLECs can schedule work in the same four-hour time blocks in which BellSouth schedules its own retail operations. Id. ¶ 59.

While LENS, CGI, and EC-Lite do not provide electronic access to due date information for all products and services, such as complex services, BellSouth's retail operations have no

greater electronic access. Id. ¶ 56. The due dates for the majority of CLEC orders are determined by standard “business rules” that are set out in industry letters and the BellSouth Standard Interval Guide. Id. ¶ 51. These due dates are set using the same rules for retail and CLEC orders.

As described in the attached OSS and Performance Affidavits of William N. Stacy and in the affidavit of Mr. Putnam, tests and actual usage demonstrate that LENS is comparable in speed to the interfaces through which BellSouth’s customer service representatives access the same systems. Id. ¶¶ 199-201, 206, 210-212 & Ex. WNS-35; Stacy Performance Aff. (App. A, Tab 23); Putnam Aff. In other ways as well, BellSouth’s electronic interfaces have been designed so that CLECs and their customers will not suffer any unreasonable or discriminatory delay or inconvenience. For instance, CLECs do not have to access each pre-ordering database separately, but may obtain pre-ordering information from various BellSouth databases during the course of a single telephone call with an end user customer. Stacy OSS Aff. ¶ 18.²¹ And in response to CLEC complaints that the LENS system “times out” if idle for 20 minutes, BellSouth expanded this time limit to 60 minutes. Id. ¶ 73. BellSouth’s retail interfaces time out after either 10 minutes or 60 minutes. Id. Much like integration of pre-ordering and ordering interfaces to eliminate manual transfer of data, such steps ease the ordering process for CLECs.

The affidavits of Robert L. Yingling, Laura Narducci, and John Shivanandan, attached to Mr. Stacy’s OSS affidavit (Exs. WNS-42 through 44), describe in detail the interfaces used by BellSouth’s residential and business customer service representatives for pre-ordering functions,

²¹ For manual pre-ordering, the CLEC simply passes on pre-ordering information requests to one of BellSouth’s two (redundant) Local Carrier Service Centers (“LCSCs”) via facsimile, telephone, or mail. See generally Funderburg Aff. (discussing operation of LCSCs).

showing that the pre-ordering interfaces offered to CLECs offer essentially the same level of functionality as BellSouth's own systems.

2. Ordering and Provisioning.

Ordering and provisioning are the processes whereby a CLEC requests facilities or services from BellSouth and then receives information such as a confirmation that the order has been accepted. See 47 C.F.R. § 51.5. BellSouth provides CLECs two industry-standard electronic ordering interfaces: EDI and Exchange Access Control and Tracking ("EXACT"), as well as LENS. Stacy OSS Aff. ¶ 79; SGAT § II.B.5.b.

EDI is an interface specifically developed for CLECs. It has been available since December 31, 1996, and currently is being used by 6 carriers. Stacy OSS Aff. ¶¶ 81, 85. BellSouth has developed PC-based EDI software, which allows even the smallest CLEC to use EDI. Id. ¶¶ 83, 91. There are several EDI connectivity options available: dedicated point-to-point connections; dial-up connections; and Value-Added Network ("VAN"). Id. ¶ 92.

BellSouth's EDI interface meets the industry standards developed by the Ordering and Billing Forum (a subcommittee of the Association for Telecommunications Industry Solutions), and allows a CLEC to transmit service requests to BellSouth in standard EDI format. Id. ¶¶ 8, 82. Using the EDI format, for instance, CLECs may specify that a customer be switched "as is" (no features or functions are added or deleted) or "as specified" (specified features or functions are added or deleted). See also id. ¶ 88 (discussing complex services), ¶ 98. EDI currently supports electronic ordering for services that represent 80 percent of BellSouth's total retail operating revenue, including 34 resale services (four of which are complex) as well as four unbundled network elements: unbundled loops; unbundled ports; interim number portability; and loop plus interim number portability. Id. ¶ 86.

Mechanized order generation is available for the 30 non-complex resale services and the four UNEs. Id. ¶ 118; See South Carolina Order, 13 FCC Rcd at 616-17, ¶¶ 143-144 (expressing concern regarding mechanized ordering for UNEs). All aspects of the order generation process for these services — including firm order confirmations and completion notices — are fully mechanized and available for the 30 non-complex resale services and four UNEs. Mechanized order generation is available on BellSouth's side of the EDI interface for resale services that collectively represent 90 percent of BellSouth's consumer and small business revenues. Stacy OSS Aff. ¶ 118 & Ex. WNS-27.

EXACT is the same interface BellSouth uses to process access service requests from interexchange carriers. Id. ¶ 97. It supports the industry standard Access Service Request (“ASR”) process. Id.

After a CLEC submits an order through its preferred interface, the request is screened for formatting errors and the complete and correct service request is transferred to the same service order control system used for BellSouth's own retail orders. Orders are processed, scheduled and filled on a first-come, first-served basis; thus no distinction exists between CLEC- and BellSouth-originated order records. Stacy OSS Aff. ¶ 80.

The order flow-through rate — which was a concern of the FCC when it reviewed BellSouth's initial Louisiana application — demonstrates parity. Id. ¶ 121. After adjusting for CLEC errors that required manual intervention, 82 percent of CLEC electronic orders flowed through BellSouth's systems without any human intervention in May 1998. Id. (Nearly three-quarters of the CLEC orders flowed through before adjustment for CLEC errors. Id.) BellSouth's retail flow-through percentages were 96 percent for residential orders and 83 percent for business orders. Id.

As noted above, CLECs may integrate ordering and pre-ordering functions. This can be done using the CLEC's own interface (such as AT&T's EC-Lite), by using the CGI specification to integrate pre-ordering information from LENS with the ordering functions of EDI, or by using LENS or CGI for both pre-ordering and ordering. Id. ¶ 108. Interpretation eliminates the need for CLECs to copy pre-ordering data and re-enter it manually into their OSS, thereby reducing CLEC errors and addressing the Commission's concerns on this point. See South Carolina Order, FCC Rcd at 602, 621, 623-24, ¶¶ 112, 152, 156-157. BellSouth has demonstrated that an interested CLEC can quickly and inexpensively integrate the CGI and EDI-PC interfaces. BellSouth contracted with a third-party vendor, Albion International, Inc., to build a "proof-of-concept" interface integrating CGI and EDI-PC. Stacy OSS Aff. ¶ 110. Using the same information BellSouth has supplied to CLECs, Albion integrated the two interfaces in eight weeks. Id. ¶ 112.

If a CLEC chooses not to use an electronic interface, it may request resale services or UNEs using a manual process. Id. ¶ 146. The Affidavit of Jan Funderburg describes these processes in detail.

In its South Carolina Order, the FCC expressed the belief that CLEC ordering errors could be lessened by requiring BellSouth to provide "timely" order status information to CLECs. South Carolina Order, 13 FCC Rcd at 596, ¶ 102. In response, BellSouth has created a standard set of error messages that will be transmitted electronically to CLECs via EDI, LENS, or CGI. These notifications allow CLECs to recognize and correct orders that contain errors. Stacy OSS Aff. ¶¶ 22,125.

In addition, CLECs utilizing BellSouth's OSS interfaces have been provided with a complete set of business rules used by BellSouth in processing CLEC orders. Id. ¶ 104. Copies

of these rules are available in the Local Exchange Ordering Implementation (“LEO”) Guide and on the Internet at BellSouth’s Web site. Id. ¶ 105. See also id. Ex. WNS-CD-2. By making available these business rules — which govern all of the systems and databases used by BellSouth to process CLEC orders — BellSouth has addressed the FCC’s concern that some CLEC errors may have been caused by ignorance about the actual operation of BellSouth’s OSSs. See South Carolina Order, 13 FCC Rcd at 601, ¶ 110.

BellSouth’s electronic interfaces also provide CLECs with firm order confirmations (“FOCs”). Stacy OSS Aff. ¶¶ 129-130. FOCs assure CLECs that their orders have been properly submitted and accepted by BellSouth. Id. ¶ 129.²² They are timely returned to CLECs; for example, in May 1998 a FOC was returned within 24 hours 93 percent of the time for accurate business resale orders submitted electronically and 99 percent of the time for accurate residential orders submitted electronically. Stacy Performance Aff. Ex. WNS-3 (May 1998: Firm Order Confirmation Timeliness).

All of BellSouth’s systems for ordering and provisioning are easily capable of meeting current demand and are scalable to meet reasonably foreseeable demand, including order “spikes,” without discriminatory delays. Stacy OSS Aff. ¶¶ 192, 195-196. The current capacity for LENS and EDI is more than 14,500 orders per day, more than double the forecasted demand. Id. ¶¶ 201, 211 & Ex. WNS-38.

The Affidavits of Robert L. Yingling, Laura Narducci, and John Shivanandan describe in detail the interfaces used by BellSouth’s residential and business customer service

²² At AT&T’s request, BellSouth has also developed an electronic report that notifies local exchange carriers when they have lost a customer. Id. ¶¶ 154-155.

representatives for ordering functions, respectively, showing that the ordering interfaces offered to CLECs afford essentially the same level of functionality as BellSouth's own systems.

3. Service Maintenance and Repair.

To initiate maintenance or repair inquiries for services associated with a telephone number, CLECs can use BellSouth's interactive Trouble Analysis Facilitation Interface ("TAFI"), the T1/M1 interface developed for interexchange carriers, the machine-to-machine Electronic Communications Trouble Administration ("ECTA") Gateway, or a manual interface. Stacy OSS Aff. ¶¶ 159, 172, 175, 178; SGAT § II.B.5.d; AT&T Agreement Attach. 15, §§ 4.4, 6.

The TAFI used by CLECs is the same maintenance and trouble repair system used by BellSouth's own retail representatives, except that for CLECs it conveniently combines both business and residential functions in a single TAFI (BellSouth representatives must use separate TAFIs for business and residential). Stacy OSS Aff. ¶¶ 163, 165. If the CLEC chooses to use TAFI, its personnel are able to enter trouble reports, obtain commitment times, and check on the status of previously entered reports in the same way BellSouth retail service representatives do. Id. ¶¶ 159-163. CLECs' customer information is kept confidential throughout this process. BellSouth has created an electronic, almost instantaneous security screening step for TAFI that prevents CLECs from obtaining information about the customers of other CLECs. Id. ¶ 165.

TAFI automatically performs diagnostic tests and, by interacting with other internal BellSouth systems, is often able to correct a trouble report while the customer is still on the line. Id. ¶ 159. If TAFI cannot automatically correct the trouble, and further action is required, TAFI will advise the CLEC of the steps being taken and the time they will take, so that the CLEC can inform its customer. Id. ¶ 162. CLECs can also check the status of the repair order.

Thirty CLECs have used TAFI to enter trouble reports. Id. ¶ 163. The TAFI interface can support 150 simultaneous users and 3000 trouble reports per hour for the BellSouth region; this capacity far exceeds actual CLEC usage and foreseeable demand. Id. ¶ 195.

ECTA, BellSouth's machine-to-machine local exchange trouble reporting interface, conforms to the T1/M1 industry standard for local exchange trouble reporting and notification. Id. ¶ 175. This interface, which was built at AT&T's request, supports both resold services and UNEs. Id. BellSouth completed testing of this ECTA in November 1997. Although AT&T now claims that its report volume is insufficient to warrant use of the interface it requested, BellSouth is ready to deploy ECTA with any interested CLEC. Id. ¶¶ 175-176.

BellSouth also offers CLECs access to the T1/M1 trouble reporting interface interexchange carriers use to report troubles with access services. Id. ¶¶ 173-174. Or, if a CLEC elects to use a manual process, BellSouth will handle the CLEC's phoned-in trouble reports in the same way it handles reports from its own retail customers. Funderburg Aff. ¶ 38. Thereafter, the CLEC can check the status of a repair order by contacting the BellSouth Residence Repair Center or Business Repair Center with which it placed the initial report. See Id. ¶ 5.

4. Billing.

BellSouth provides CLECs with access to billable usage information in substantially the same time and manner as BellSouth's retail customers gain such access. Stacy OSS Aff. ¶ 181; SGAT § II.B.5.e. Generally, services ordered from BellSouth's General Subscriber Services Tariff and Private Line Services Tariff are billed using BellSouth's Customer Records Information System ("CRIS"), while services ordered from the Access Services Tariff are billed using BellSouth's Carrier Access Billing Systems ("CABS"). Stacy OSS Aff. ¶ 180; see

generally Scollard Aff. (App. A, Tab 19). CRIS measures billable call events (e.g., the use of a vertical service that is charged on a per-use basis) and accumulates call record details, while CABS measures billable access usage. Scollard Aff. ¶ 5. A CLEC receives separate bills from CRIS and CABS, just as a BellSouth end user who subscribes to a service that is recorded in both systems would receive two bills. Stacy OSS Aff. ¶ 181. To accommodate the preferences of CLECs, however, BellSouth has provided CRIS bills in CABS format since August 1997. Id. ¶ 182; Scollard Aff. ¶ 23.

BellSouth provides CLECs with an optional interface — the Optional Daily Usage File (“ODUF”) — detailing daily use of all usage-based services. Stacy OSS Aff. ¶¶ 184-185, 187. The bill records are provided in the industry-defined Exchange Message Record format. Id. ¶ 184. Daily usage files may be transferred to the CLEC electronically or via magnetic tape. Twenty-six CLECs currently receive daily usage files, and more than 41 million CLEC billable usage records have been processed. Id. ¶ 189. BellSouth also provides access to the Access Daily Usage File (“ADUF”) for CLECs interested in access billing. Id. ¶ 190.

BellSouth has adopted a variety of safeguards to prevent double-billing and other billing errors and has successfully addressed the few issues of this sort that have arisen. Scollard Aff. ¶ 27.

B. All Fourteen Checklist Items Are Available in Accordance With the Act’s Requirements

BellSouth’s OSSs enable CLECs to obtain the local network facilities and services BellSouth provides in accordance with other checklist requirements. See 47 U.S.C. § 271(c)(2). The Commission has explained that “[t]o be ‘providing’ a checklist item, a BOC must have a concrete and specific legal obligation to furnish the item upon request,” and “must demonstrate

that it is presently ready to furnish each checklist item in the quantities that competitors may reasonably demand and at an acceptable level of quality.” Michigan Order, 12 FCC Rcd at 20601-02, ¶ 110. BellSouth satisfies both elements of this test with respect to all checklist items. BellSouth is legally obligated to provide all fourteen checklist items through both its state-approved interconnection agreements and its SGAT. This legal obligation is not a mere paper promise. Rather, commercial usage and thorough testing in Louisiana and elsewhere within BellSouth’s region, confirm that all checklist items are available today on a nondiscriminatory basis. These checklist offerings enable CLECs to provide the same quality telecommunications services as BellSouth, and they are available in sufficient quantities to meet reasonably foreseeable CLEC demand.

1. Interconnection.

Subsection 271(c)(2)(B)(i) requires BellSouth to provide interconnection with its network facilities in accordance with the requirements of sections 251(c)(2) and 252(d)(1) of the Communications Act. BellSouth’s approved interconnection agreements make available interconnection for the exchange of local traffic between BellSouth and CLECs, as does BellSouth’s SGAT. Varner Aff. ¶ 45; SGAT § I.A. CLECs may negotiate their own, unique interconnection agreements, or opt into another CLEC’s entire Louisiana PSC-approved agreement or the SGAT. Id. ¶ 18.²³ BellSouth additionally makes available to interested CLECs a Bona Fide Request (“BFR”) process that addresses CLEC desires for services, features,

²³ BellSouth does not allow CLECs to “pick and choose” specific sections from various CLEC agreements. Iowa Utils. Bd. v. FCC, 120 F.3d 753, 801 (8th Cir. 1997) (holding that the “pick and choose” rule is “an unreasonable construction of the Act”), cert. granted, sub nom. AT&T Corp. v. FCC, 118 S.Ct. 879 (1998). However, BellSouth will honor interconnection agreements with this option that were negotiated before the Eighth Circuit’s decision. Varner Aff. ¶¶ 18-19.

capabilities, or functions that are not contained in the negotiated contract. Id. ¶ 21; SGAT § II.A & Attach. B; AT&T Agreement Attach. 14.

BellSouth makes available trunk termination points, trunk directionality, multiple trunk termination methods, and interconnection billing on non-discriminatory terms. Varner Aff. ¶ 45. BellSouth has technical service descriptions outlining its local interconnection trunking arrangements and switched local channel interconnection. These and other technical service descriptions are included in Exhibit WKM-4 to W. Keith Milner's affidavit (App. A, Tab 14). BellSouth also has procedures in place for ordering, provisioning, and maintenance of interconnection services. As of June 1, 1998, BellSouth had provisioned 5324 trunks interconnecting its network with the networks of CLECs in Louisiana (that is, trunks from CLEC switches to BellSouth switches). In its nine-state region, BellSouth had installed 69,595 interconnection trunks from CLECs' switches to BellSouth's switches as of June 1, 1998. Wright Public Aff. ¶ 51; Milner Aff. ¶ 14.

Trunk termination points. BellSouth allows interconnection at the line-side or trunk-side of the local switch, as well as at trunk interconnection points for a tandem switch, central office cross-connect points, and out-of-band signal transfer points. Varner Aff. ¶ 46. Through the BFR process, BellSouth will provide local interconnection at any other technically feasible point, including meet-point arrangements. Id. BellSouth also offers local tandem interconnection for carrying traffic destined for BellSouth end offices that subtend a local tandem as a standard arrangement. Id. ¶ 47.

Trunk directionality. BellSouth offers routing of local and intraLATA traffic over a single trunk group. Id. ¶ 48. Access traffic, as well as other traffic utilizing BellSouth's intermediary tandem switching function, is routed via a separate trunk group. Id. A CLEC may

choose to order two-way trunks for the exchange of combined local and intraLATA toll traffic at BellSouth end offices or access tandems. Id. Two-way trunking, however, requires a mutually acceptable point of interconnection; if the parties cannot agree upon the point of interconnection, each party may establish its own one-way trunk group. Milner Aff. ¶ 15.

Trunk termination method. BellSouth offers interconnection of facilities and equipment through physical collocation, virtual collocation, and through the purchase of facilities. Varner Aff. ¶ 49.

Physical collocation of CLECs' equipment in BellSouth's buildings is available wherever space permits, on a first-come, first-served basis. Milner Aff. ¶¶ 23, 27; Tipton Aff. ¶ 5 (App. A, Tab 24); SGAT § I.C; AT&T Agreement Attach. 3, § 2. Any equipment used to provide telecommunications services may be located in a CLEC's collocation space, with the CLEC having responsibility for installation, operation, and maintenance of its own equipment. Tipton Aff. ¶¶ 12-13. "Cageless" collocation arrangements are available for CLECs that prefer not to incur the expense of constructing a secure enclosure. See id. ¶¶ 10-11; see Milner Aff. Ex. WKM-2; Varner Aff. ¶ 71.

BellSouth has taken a number of steps to address the FCC's concerns regarding CLECs' ability to receive timely collocation. See South Carolina Order, 13 FCC Rcd at 638-39, ¶ 182. BellSouth generally responds to a physical collocation request within 30 business days, and a virtual collocation request within 20 business days. Tipton Aff. ¶ 21. Under ordinary circumstances, BellSouth will complete construction of physical collocation space within 120 days from the date that BellSouth receives the firm order, excluding the time necessary to obtain appropriate government permits and licenses. Id. ¶ 27. Even under extraordinary circumstances, and excluding the time to obtain appropriate government permits and licenses, BellSouth will