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June 11, 1999

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
The Portals
445 12th St. S.W.
Washington, D.C. 20554

Re: Written Ex Parte in CC Docket No. 98-121 and
CC Docket No. 98-56

Dear Ms. Salas:

This is to inform you that BellSouth Corporation has made a written ex parte to Dr. Daniel Shiman and Ms. Claudia Pabo of the Common Carrier Bureau's Policy and Program Planning Division. That ex parte consists of a copy of the Georgia Public Service Commission's Order decided December 30, 1997, in that commission's Docket No. 7893-U, Performance Measurements for Telecommunications Interconnection, Unbundling and Resale. This information has been submitted in response to Dr. Shiman's request.

Pursuant to Section 1.1206(b)(1) of the Commission's rules, I am filing two copies of this notice and that written ex parte presentation in both the dockets identified above. Please associate this notification with the record in both those proceedings.

Sincerely,

Kathleen B. Levitz

Kathleen B. Levitz
Vice President – Federal Regulatory

Attachment

cc: Daniel Shiman
Claudia Pabo

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List A B C D E

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

June 11, 1999

Dr. Daniel Shiman
Policy and Program Planning Division
Common Carrier Bureau
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Written Ex Parte in CC Docket No. 98-121 and
CC Docket No. 98-56

Dear Dr. Shiman:

Attached is the copy you requested of the Order the Georgia Public Service Commission issued on December 30, 1997 in its Docket No. 7892 – U, Performance Measurements for Telecommunications Interconnection, Unbundling and Resale. If after reviewing this attachment you need additional information on this docket, please call me at (202) 463-4113.

In compliance with the Commission's rules, I have today filed with the Secretary of the Commission two copies of this written ex parte presentation in both CC Docket No. 98-56 and CC Docket No. 98-121 and requested that it be associated with the record of both dockets.

Sincerely,

Kathleen B. Levitz

Kathleen B. Levitz
Vice President – Federal Regulatory

Attachment

cc: Claudia Pabo

COMMISSIONERS:

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EXECUTIVE SECRETARY
G.P.S.C.

DOCKET NO. 7892-U

ORDER

IN RE: PERFORMANCE MEASUREMENTS FOR TELECOMMUNICATIONS INTERCONNECTION, UNBUNDLING AND RESALE.

Record Submitted: December 2, 1997
Date Decided: December 30, 1997

APPEARANCES

On behalf of MCI Telecommunications Corporation:
Martha McMillin, Attorney
Christopher Hagy, Attorney

On behalf of AT&T Communications of the Southern States, Inc.:
Kenneth P. McNeely, Attorney
Margaret Rhodes, Attorney

On behalf of BellSouth Telecommunications Inc.:
Fred McCallum, Attorney
Greg Artis, Attorney

On behalf of Sprint Communications Company, LP:
William R. Atkinson, Attorney

On behalf of American Communications Services, Inc.:
William E. Rice, Attorney

On behalf of ICG Telecom Group, Inc.:
Charles V. Gerkin, Jr., Attorney

On behalf of Intermedia Communications, Inc.:
Enrico C. Soriano, Attorney

On behalf of Teleport Communications Atlanta, Inc.:
Charles A. Hudak, Attorney

On behalf of MGC Communications, Inc.:
Kim Dymecki, Attorney

On behalf of Consumers' Utility Counsel Division:
Jim Hurt, Director
John MacLean, Attorney
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On behalf of AT&T Wireless PCS, Inc.:
Dean Fuchs, Attorney

On behalf of Georgia Public Communications Association:
Newton W. Galloway, Attorney

On behalf of LCI International Telecom Corporation:
Judith A. Holiber, Attorney

On behalf of MultiTechnology Services, LP:
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On behalf of WorldCom Technologies, Inc.:
Monica Wingler, Attorney

On behalf of Cable Television Association of Georgia:
James Comerford, Attorney

On behalf of the Telecommunications Resellers Association
Charles A. Hudak, Attorney
Andrew O. Isar, Consultant

On behalf of Commission Staff:
Stacey Ferris-Smith, Attorney
John D. McLaughlin, Jr., Principal Public Utilities Engineer

BY THE COMMISSION:

The Commission opened this docket seeking industry input on numerous issues relating to performance measurements. (*See* Procedural and Scheduling Order, Docket #7892, p.3.) The Commission goals were to (1)determine whether performance

measurements and standards are needed in Georgia's local exchange markets; (2) determine reasonable measurements and standards for BellSouth to meet in providing OSS support to competing carriers; (3) determine reasonable reporting requirements to facilitate compliance and ongoing evaluation; (4) assess the need for an expedited dispute resolution procedure to address performance related issues; and (5) assess methods for ensuring compliance, if standards are not met and no improvement is shown. Evaluating and establishing performance measurements completes an important step in developing competition in Georgia's local exchange markets.

The specific performance measures and standards adopted by the Commission are set forth in Appendix A to this Order and are explained in detail herein. Appendix A is expressly incorporated into the body of this order by this reference. The performance measurements detailed in Appendix A are both manageable and sufficiently comprehensive to evaluate non-discrimination and parity under the Telecommunications Act of 1996, 47 U.S.C. § 151 *et seq.* ("Federal Act") and to meet corresponding requirements under the Georgia Telecommunications Competition and Development Act of 1995, O.C.G.A. § 46-5-1, *et seq.* ("Georgia Act"). The Commission concludes that the best approach to determining parity under both Georgia and federal law is analyzing the services as provided to end-users.

The Commission adopted the following performance measurements: (1) Response Time OSS Interface, (2) OSS Interface Availability, (3) Firm Order Confirmation Timeliness; (4) Reject Timeliness, (5) Percent Reject Order; (6) Order Accuracy, (7) Percent Flow-Through, (8) Average Completion Interval, (9) Mean Held Order Interval, (10) Percent Missed Installation Appointments, (11) Customer Trouble Report Rate, (12) Missed Repair Appointments, (13) Out of Service More than 24 Hours, (14) Total Percent Repeat Trouble Reports Within 30 Days, (15) Invoice Accuracy and Invoice Timeliness, and (16) four separate measures relating to Operator Services and Directory Assistance: Percentage of Calls to Directory Assistance within 12 seconds; Mean Time to Answer Calls to Directory Assistance; Percentage of Calls to Operator Services; and Mean Time to Answer Calls to Operator Services. Specific minimum standards and benchmarks for these measurements were adopted by the Commission.

Although this Docket does not address any issues relating to a Section 271 Application, compliance with the measurements set forth in Appendix A will have bearing on determining

BellSouth's compliance with subsections (i), (ii), (vii), (x), (xii), and (xiv) of Section 271(c)(2)(B).

In addition, the Commission finds that monitoring of and reporting on BellSouth's performance is also necessary to ensure compliance with both Acts. Detailed reporting requirements are described in this Order as well as the dispute resolution process to be followed by the parties when a performance issue arises. The Commission shall use its authority pursuant to O.C.G.A. § 46-2-91 to penalize parties who fail to comply with this Order or any order of the Commission relating to performance issues. The findings and conclusions contained herein will enable the Commission to meet its obligations under both Acts.

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I. INTRODUCTION

A. Introductory Summary

1. Performance Measures and Reporting Requirements

The Commission has adopted performance measurements relating to six broad categories identified by the FCC[1]: pre-ordering, ordering, provisioning, maintenance and repair, billing, and operator services/directory assistance. The Commission has adopted two measurements with respect to pre-ordering, Response Time OSS Interface and OSS Interface Availability. These measurements will provide valuable information regarding the service quality BellSouth provides CLECs in terms of access to OSS features and data that are needed during the pre-ordering phase.

With respect to ordering, the Commission has adopted the following measurements: Firm Order Confirmation Timeliness, Reject Timeliness, Percent Rejects Order, Order Accuracy, and Percent Flow-Through. These measurements provide information necessary to assess the quality and timeliness involved when BellSouth processes orders from CLECs and from their own representatives.

The provisioning measurements adopted by the Commission include Average Completed Interval, Mean Held Order Interval, and Percent Missed Installation Appointments. These three measurements address timeliness and reliability of the provisioning services supplied by BellSouth. Each of these measurements pertain to situations that are highly visible to local exchange customers (eg. how quickly service is provided, how frequently are there delays in providing service, and how often installation appointments are missed) and, consequently, tend to bear directly on customer perceptions.

The four measurements relating to repair and maintenance include Customer Trouble Rate Report, Missed Repair Appointments, Out of Service More Than 24 Hours, and Total Percent Repeat Trouble Reports within 30 Days. These measurements provide information essential to evaluating parity in the repair and maintenance support provided by BellSouth.

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[1] *See* First Report and Order, § 312.

Repair and maintenance services directly influence customer perceptions of quality and reliability.

The measurements adopted for billing are Invoice Accuracy and Invoice Timeliness. These two measurements will provide the critical information in assessing nondiscriminatory treatment of CLEC billings. Since collection is another essential aspect of providing local exchange service, the billing phase must be assessed to ensure overall nondiscrimination and parity. Billing is also a highly visible activity to the customer and as such directly influences customer perceptions.

The Commission has adopted four measurements with respect to operator services and directory assistance: Percentage of Directory Assistance Calls within 12 seconds, Percentage of Operator Service Calls within 10 seconds, Mean Time to Answer Directory Assistance Calls, and Mean Time to Answer Operator Services Calls.

Finally, the Commission adopts the standard cutover time of five minutes, not to exceed fifteen minutes, for BellSouth to perform a loop cutover, including number portability as BellSouth has contracted with ACSI. For those OSS functions where a retail analogues does not exist, the Commission adopted the BellSouth contracted intervals as benchmarks. Where retail analogues exist the Commission adopted an interval comparison methodology.

2. Monitoring, Dispute Resolution, and Enforcement Provisions

Surveillance Reports.

BellSouth shall provide monthly performance reports for each of the performance measures described above to the Commission and CLECs that purchase interconnection, unbundled network elements, or resale services and shall disaggregate the information by (1) services provided to BellSouth's retail customers in the aggregate; (2) services and facilities provided to any BellSouth local exchange affiliate purchasing interconnection, unbundled network elements, or resale services; (3) services and facilities provided to CLECs in the aggregate; and (4) services and facilities provided to the individual carrier. Additional reporting requirements, if desired, should be sought through negotiation. Specific reporting requirements for each performance measure is detailed in Section II and Appendix A to this order.

Dispute Resolution.

The parties to a performance related dispute shall assemble a Joint Investigative Team comprised of subject matter experts from BellSouth and the competing carrier. The parties to the dispute must escalate the issue within each company to the person who has ultimate authority for Georgia operations in an effort to achieve a resolution. If the dispute cannot be resolved between the companies after these steps are taken, then either party to the dispute may file a formal complaint with the Commission through the Director of the Case Management Section. The Director of Case Management, or his appointee, shall rule upon the complaint within 15 days of its filing. If either party is then aggrieved, it may file a formal complaint with the Commission.

Enforcement.

The Commission will use its authority under O.C.G.A. Section 46-2-91 to penalize BellSouth if circumstances deem it necessary. No penalty imposed by the Commission shall limit competing carriers from pursuing all remedies available to them by law. The Commission encourages the parties to negotiate for terms and conditions that they determine are appropriate to address performance failures.

B. <u>Jurisdiction</u>

The Federal Act and implementing FCC Rules require that incumbent local exchange carriers ("ILECs"), such as BellSouth, provide interconnection, access to unbundled network elements and resale of telecommunication services to competing local exchange carriers ("CLECs") at parity to that which it provides itself. *See* First Report and Order (Order No. 96-325, CC Docket No. 96-98) (issued August 8, 1996) ("First Report and Order")[2],

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[2] A number of the rules adopted in this Order, particularly rules relating to pricing and FCC authority, have been vacated by the Eighth Circuit Court of Appeals. *See Iowa Utilities Board, et al. v. FCC*, No. 96-3321 (8th Cir. July 18, 1997), and *Iowa Utilities Board, et al. v. FCC*, Order on Petitions for Rehearing (8th Cir., Oct. 14th 1997)(vacating FCC Rule §51.315(b-f); §51.809; §51.405; §51.305(a)(4), §51.311(c), §51.315 (c)-(f); and §51.317). The vacated provisions do not bear directly on the adoption of performance measurements. Furthermore, the Court did not vacate the Order in its entirety and the other portions of the First Report and Order remain in effect.

¶312. Specifically, interconnection with BellSouth's network must be

> at least equal in quality to that provided by the local exchange carrier to itself or to any subsidiary, affiliate, or any other party to which the carrier provides connection[.]

47 U.S.C. § 251(c)(2)(C); 47 C.F.R. § 51-503(a)(3). Furthermore, under the Federal Act, BellSouth must provide any requesting telecommunications carrier "nondiscriminatory access to network elements on an unbundled basis…" [47 U.S.C. § 251(c)(3)], and with respect to retail service, BellSouth must not

> …prohibit…or impose unreasonable or discriminatory conditions or limitations on the resale of such telecommunications service….

47 U.S.C. § 251(c)(4)(B). The level of access must be equal in terms of "quality, accuracy, and timeliness." Application of Ameritech Michigan Pursuant to § 271 of the Communications Act of 1934, as Amended, to Provide In-region, InterLATA Services in Michigan, ("Ameritech Order") (Order No. 97-298, FCC Docket No. 96-98), ¶139.

The Commission also has the general authority and jurisdiction over the subject matter of this proceeding, conferred upon the Commission by Georgia's Telecommunications and Competition Development Act of 1995 (the "Georgia Act"), O.C.G.A. Sections 46-5-160 *et seq.*, and generally O.C.G.A. §§ 46-1-1 *et seq.*, 46-2-20, 46-2-21, and 46-2-23; and this proceeding was conducted in accordance with relevant provisions of the Georgia Administrative Procedure Act, O.C.G.A. Ch. 13, Title 50, and the Rules and Regulations of the Commission, as such statutes and rules may be applicable to this proceeding.

The Georgia Act contains several provisions pertaining to interconnection and unbundling. The Georgia Act provides that interconnection services shall be provided for intrastate services on an unbundled basis similar to that required by the FCC for services under the FCC's jurisdiction. The Commission also has the authority to require local exchange companies to provide additional interconnection services and unbundling. O.C.G.A. § 46-5-164(d). The Commission's jurisdiction under the Georgia Act includes the authority to establish reasonable rules governing service quality. O.C.G.A. § 46-5-168(b)(4).

Moreover, pursuant to O.C.G.A. § 46-2-20(a), the Commission has general supervision of all telephone companies. *See also* O.C.G.A. § 46-2-21(b)(4); *Camden Tel. & Tel. Co. v. City of St. Marys*, 247 Ga. 687, 279 S.E.2d 200 (1981); *City of Dawson v. Dawson Tel. Co.*, 137 Ga. 62, 72 S.E. 508 (1911). Pursuant to O.C.G.A. § 46-2-20(b), the Commission is also authorized to perform the duties imposed upon it of its own initiative.

The Commission has access to the books and records of telecommunications companies as may be necessary to ensure compliance with the provisions of the Georgia Act and with the Commission's rules and regulations, and to carry out its responsibilities under the Georgia Act. O.C.G.A. § 46-5-168(e). The Commission also has the general authority, pursuant to O.C.G.A. § 46-2-20(e), to examine the affairs of all companies under its supervision and to keep informed as to their general condition, their capitalization, and other matters, not only with respect to the adequacy, security, and accommodation afforded by their service to the public and their employees but also with reference to their compliance with all laws, orders of the Commission, and charter requirements. Pursuant to subsection (f) of that section, the Commission has the power and authority to examine all books, contracts, records, papers, and documents of any person subject to its supervision and to compel the production thereof.

C. PROCEDURAL HISTORY

The service quality issue was first raised to this Commission in December of 1996 in the course of the AT&T and BellSouth arbitration proceeding, Docket No. 6801-U. The Commission found at that time that:

> The Commission currently has service quality rules in place with monitoring and complaint procedures. Principally these existing measures govern the relationship between BellSouth and its end-users. In the interim, these procedures shall be considered an appropriate means to address most service quality concerns. A need exists to establish additional internal quality measurements that govern the interconnection arrangements between BellSouth and AT&T; therefore, within forty-five (45) days of the approval of this agreement, AT&T and BellSouth shall develop mutually agreeable specific quality

> measurements which shall govern the interconnection arrangements between the carriers. The parties shall submit these requirements to the Commission for approval and implementation.

Docket No. 6801-U, Order Ruling on Arbitration, p. 90. The Commission made the same finding in the MCI v. BellSouth Arbitration, Docket No. 6865-U. *See* Docket 6865-U, Order Ruling on Arbitration, p. 72.

Service quality issues have also been raised by American Communications Services of Columbus, Inc. ("ACSI"). *See* Docket Nos. 7212-U and 7818-U. ACSI filed its first complaint against BellSouth in December of 1996 alleging numerous problems with the quality of service of unbundled loops it had purchased from BellSouth. In its initial procedural decision in January of 1997, the Commission ruled that ACSI's complaint should be held in abeyance for sixty (60) days and denied ACSI's request for emergency service quality rules. Subsequently, the Commission issued a Notice of Inquiry, a Second Procedural Order, and a Scheduling Order in Docket 7212-U. Thereafter, the Commission received responses to the Notice of Inquiry, which addressed many aspects of the service quality issue.

Although AT&T and BellSouth have submitted a negotiated resolution to the Commission, ultimately, neither AT&T nor MCI has been able to resolve fully their service quality issues with BellSouth.[3] On May 27, 1997, MCI filed a Request For Hearing Regarding Performance Standards and Credits For Performance Standard Failures in Docket No. 6865-U seeking an evidentiary hearing, adoption of MCI's proposed method for performance measurements, and sanctions against BellSouth.

Because of the ongoing complaints by ACSI regarding the unbundled loops purchased from BellSouth, and efforts by ACSI and BellSouth to settle the complaints, the procedural schedule for Docket 7212-U could not be completed within the 180 days mandated by O.C.G.A. § 46-5-168(c). Accordingly, on June 19, 1997, ACSI filed a Motion to Withdraw its Complaint Without Prejudice. The Commission granted its request and held open the Notice of Inquiry portion of that docket to be referred to this proceeding. (See Order, 7212-U) ACSI refiled its complaint,

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[3] D-Pfau, 18-20.

however, on July 9, 1997 in Docket No. 7818-U seeking relief relating to service quality and performance measurement issues.

D. STATEMENT OF PROCEEDINGS

The Commission initiated this case in August 1997 to consider the adoption of a comprehensive set of performance measurements governing the provision of interconnection, unbundling, and resale between incumbent local exchange carriers and competing local exchange carriers. BellSouth, ATT, Sprint, ACSI, ICG Telecom Group, and MCI, submitted specific performance measurements for adoption by the Commission, and they and other parties submitted direct testimony, on October 22, 1997.

Several parties requested and were granted by the Commission the right to submit performance measurements with their intervention and/or rebuttal testimony in this docket. The Commission conducted hearings November 18-19, 1997. All parties were given an opportunity to present testimony and cross-examine witnesses. Additionally, the prefiled testimony of several witnesses was admitted into evidence by stipulation of the parties. All the evidence of record and arguments have been reviewed and examined in detail.

II. PERFORMANCE MEASURES AND REPORTING REQUIREMENTS

A. The Necessity for Performance Measures and Standards

In its Procedural and Scheduling Order to this docket, the Commission sought input from the parties as to whether specific performance measures and standards were necessary to ensure BellSouth's compliance with its obligations under sections 251 and 271 of the Federal Act.[4]

BellSouth witness Alphonso Varner testified that service quality measurements between BellSouth and CLECs should be negotiated by agreement and in the event the Commission did adopt performance measures they should be temporary.[5] On the other hand, the CLECs adamantly argued that performance measures were critical to their ability to compete in the local exchange market and to the Commission's ability to ensure the mandates

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[4] *See* Procedural and Scheduling Order, Docket #7892, p.3.
[5] D-Varner, p.4, 13.

under the Federal Act.[6] As one witness pointed out, "An obligation to perform in a particular manner is virtually meaningless if no provisions exist to monitor performance and assure on-going compliance."[7] The CLECs insisted that without a comprehensive set of performance measures, there would be no way to require BellSouth to comply with its obligations to the CLECs under sections 251 and 271 of the Federal Act. The CLECs uniformly claimed that they lacked sufficient bargaining power to negotiate adequate performance measures on their own.[8] ACSI, AT&T and MCI cited their past futile efforts in support of their claim.[9]

The Commission finds that it cannot rely on the negotiation process exclusively at the present time to develop adequate performance measurements. The Commission also finds, however, that ultimately, once the local exchange markets are sufficiently competitive, performance measurements should be negotiated between the parties. "Agreements Arrived at Through Negotiation"[10] are clearly the preferred outcome under the Federal Act. Nonetheless, the local exchange markets in Georgia presently are not sufficiently competitive to assure BellSouth's compliance with its parity and nondiscrimination obligations under the Federal and Georgia Acts in absence of Commission adopted performance measurements.

B. <u>Measurement Plan Criteria</u>

The Commission endeavors to adopt a performance measurements plan which fully addresses the entry of competing carriers into Georgia's local exchange markets. Several parties

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[6] ie., D-Pfau, p. 11; D-O'Donoghue, p.3; D-Closz, p.3; D-Falvey, p. 5; D-Jackson, p.2; Rebuttal Testimony (herein "R-") Strow, p.6; R-Kouroupas, p. 6.
[7] D-Pfau, p. 11.

[8] D-Pfau, p. 17; R-Pfau, p. 2; R-O'Donoghue, p. 1-2; D-Closz, p. 3; R-Closz, p. 2-3; D-Falvey, p. 5-6; R-Falvey, p. 2-3; D-Jackson, p. 2-3; R-Jackson, p. 2-5; R-Strow, p. 6-7; R-Kouroupas, p. 5.

[9] AT&T witness C. Michael Pfau also referred the Commission to docket #6863-U (the SGAT docket) for additional evidence of the unequal bargaining positions between BellSouth and the CLECs and pointed out that due to this lack in bargaining power, a negotiated standard might not satisfy the statutory requirement.
[10] 47 U.S.C. § 252(a).

proposed criteria for such a performance measurement plan. AT&T suggested that four questions should be answered: "(1) What is to be measured?; (2) How is the measurement defined and calculated ?; (3) How is unsatisfactory performance detected?; and (4) When unacceptable performance is detected, how will acceptable performance be re-established?"[11] MCI identified the following characteristics as essential: (1) permits direct comparison of ILEC to CLEC experience through recognized statistical procedures; (2) accounts for performance variations; (3) measures experiences with retail and unbundled network elements and OSS interfaces; and (4) produces results across all interfaces and a broad range of resold services and unbundled elements.[12] MCI also identified availability, timeliness of execution and accuracy of execution as important aspects to a performance measurements plan.[13] Testimony provided by Sprint, ACSI, and Intermedia echoed these considerations.[14]

The Commission acknowledges these specific suggestions and the general concerns by all parties that a performance measurement plan with clear definitions, calculations, and adequate procedures be set forth to implement the mandates under both Georgia and federal law. The Commission finds that its performance measurement plan shall include (1) clearly defined measurements (with standards and benchmarks as circumstances dictate); (2) detailed reporting requirements; (3) a dispute resolution mechanism; and (4) enforcement authority to enforce compliance when necessary. The Commission believes the specific measurements adopted and described below meet the criteria as noted above and as otherwise suggested by the individual parties.

In addition, the Commission finds that a performance measurement plan adopted in Georgia should include measurements specifically identified by the FCC as necessary to their review. Therefore, the measurements adopted by the Commission address recent concerns raised by the Department of Justice and the Federal Communications Commission regarding performance measures in the context of a Section 271 Application by another Bell Operating Company. As explained by the FCC:

> In order to provide us with the appropriate empirical evidence upon which we could determine whether

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[11] D-Pfau, p. 21.
[12] D-O'Donoghue, p.12-13.
[13] *Id.*
[14] D-Closz, p. 4-5; D-Falvey, p. 4; R-Strow, p. 10.)

Ameritech is providing nondiscriminatory access to OSS functions, Ameritech should provide, as part of a subsequent Section 271 Application, the following performance data, in addition to the data it provided in this application. (1) average installation intervals for resale; (2) average installation for loops; (3) comparative performance information for unbundled network elements; (4) service order accuracy and percent flow through; (5) held orders and provisioning accuracy; (6) billing quality and accuracy; and (7) repeat trouble reports for unbundled network elements.

Accordingly, the Commission adopts the following measurements and reporting requirements detailed below.

C. Specific Measures and Reporting Requirements

The following parties made specific proposals or requests to the Commission regarding the adoption of performance measures, methodologies, and reporting requirements: BellSouth,[15] AT&T[16], MCI[17], Sprint[18], ACSI[19], ICG[20], Intermedia[21], and Teleport[22]. There was much overlap between the various proposals, and most intervenors expressly supported the LCUG[23] document. The measurements adopted by the Commission include some of those proposed by BellSouth, which contained terms and conditions BellSouth had previously negotiated with AT&T, U.S.

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[15] *See* Exhibits to William N. Stacy's direct and rebuttal testimony: WNS-1, WNS-2, WNS-3, WNS-9, WNS-11A, 11B and WNSR-3A.

[16] *See* Exhibits to D-Pfau: CMP-1, CMP-2, and CMP-3.

[17] *See* Exhibits to D-O'Donoghue: MCI-1 and MCI-2.

[18] *See* Exhibit A to D-Closz.

[19] *See* Exhibits A and B to D-Falvey. ACSI also entered into the record provisions developed by the Association of Local Telecommunications Services (ALTS), ACSI-3, Tr. 738.

[20] *See* Exhibit JCJ-1, attached to D-Jackson.

[21] *See* R-Strow, p. 11.

[22] *See* R-Kouroupas, p. 9.

[23] LCUG is the Local Competition Users Group, an industry organization chartered to determine national long-distance telecommunications carriers' common requirements for system interfaces and operational support systems that are required from ILECs to support competitive local market entry. Its members include MCI, AT&T, Sprint, LCI, and WorldCom. (D-O'Donoghue, p.8; D-Pfau, p.22.)

South, and Time Warner, as well as certain measurements contained in the LCUG proposal which addressed particular problem areas. These measurements were also selected to address the areas identified by the FCC as deficient in § 271 applications made by other Bell companies.[24]

The following measurements, which are set forth in matrix format in Appendix A, have been adopted by the Commission. They are organized into six broad categories: (1) Pre-ordering, (2) Ordering, (3) Provisioning, (4) Repair and Maintenance, (5) Billing, and (6) Operator Services/Directory Assistance. These categories are based on the First Report and Order[25] in which the FCC found that ILECs, such as BellSouth, must provide nondiscriminatory access to OSS functions for pre-order, ordering and provisioning, maintenance and repair, and billing for both unbundled network elements and resold services.

The specific formulas for calculating these measurements are referenced and described below. The Commission has chosen not to adopt the Statistical Process Control methodology proposed by BellSouth ("SPC"). The SPC method does not appear well suited to the task of measuring performance between more than one system, and the three standard deviations proposed by BellSouth is too wide a range for differences in the performance of functions essential to competition in Georgia's local exchange market.[26] Standards for the measurements adopted by the Commission shall reflect the average intervals of the "OSS functions associated with pre-ordering, ordering and provisioning for resale services, and repair and maintenance for both resale services and unbundled network elements"[27] where retail analogous exists. In all "those OSS functions that do not have a retail analogue, such as the ordering and

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[24] Ameritech Order, ¶212: (1) average installation intervals for resale, (2) average installation for loops, (3) comparative performance information for unbundled network elements, (4) service order accuracy and percent flow through, (5) held orders and provisioning accuracy, (6) bill quality and accuracy, (7) and repeat trouble reports for unbundled network elements.

[25] First Report and Order, ¶312.

[26] D-O'Donoghue, p.6-8; D-Pfau, p.41-42.

[27] Ameritech Order ¶140.

provisioning of unbundled network elements,"[28] the Commission establishes at a minimum for these functions, the BellSouth contracted standards as benchmarks.

Pre-Ordering

1. Response Time OSS Interface.

This function measures the time required for CLECs to obtain the pre-ordering information necessary to establish and modify service while the customer is on the line. (*See* LCUG,PO-1; CMP Ex. 3, p.17, 22.) This function measures the speed with which the CLEC service representative receives information for processing a prospective order from the BellSouth supporting OSS system. For example, this would measure how quickly the CLEC representative can access availability of desired features, service delivery intervals, the telephone number to be assigned, and the validity of the potential customer's street address.

This function demonstrates whether CLECs have equal access to pre-ordering information. As the LCUG proposal aptly stated,

> Because pre-ordering activities are the first tangible contact the customer may have with a CLEC, it is critical that the CLEC be perceived as equally competent, knowledgeable, and as fast as an ILEC customer service agent.

(*See* CMP Ex. 3, p. 22.) To ascertain whether BellSouth is making this information available to the CLEC representatives at the same rate in which it is available to its own representatives, the formula set forth in LCUG,PO-1 for "Average Response Interval" should be used. (*See* LCUG, PO-1; CMP Ex. 3, p.17, 22.) First, subtract the date and time the service query was submitted to BellSouth from the date and time BellSouth responds to the service query. Do this calculation for each service query and then add the times together. This result is then divided by the total number of queries submitted by the CLEC during the reporting period. The average response interval should be reported for both BellSouth and for the CLECs in the aggregate.[29]

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[28] Ameritech Order ¶141

[29] Ameritech Order ¶141

2. OSS Interface Availability.

This function monitors how often the OSS pre-ordering supporting systems are actually available compared to how often the systems are scheduled to be available. (*See* WNSR Ex. 3A.) Information provided by this measure is helpful in evaluating whether CLECs have access to pre-ordering information when they need it.

To ascertain OSS interface availability, the actual minutes which the OSS systems are available is divided by the number of minutes which the systems were scheduled to be available; that number is then multiplied by one hundred. BellSouth should report both CLEC and BellSouth OSS availability.

Ordering

3. Firm Order Confirmation Timeliness.

Firm order confirmation timeliness ("FOC") measures the time it takes for BellSouth to confirm a syntactically correct order. (*See* LCUG, OP-5; CMP, p.17, 29.) This measure demonstrates whether CLEC representatives receive confirmation of correctly addressed orders with the same promptness that BellSouth representatives do.

The formula set forth for LCUG, OP-5 should be applied to calculate FOC. (*See* CMP Ex.3, p.17, 29.) The total number of days it takes BellSouth to confirm each syntactically correct order is divided by the number of orders confirmed during the reporting period. FOC for mechanized orders is based on actual data from the OSS; FOC for non-mechanized orders is based on a 100% sample. FOC for resale orders may be calculated using a statistically valid sample for the reporting month. BellSouth should report these measurements on a carrier specific, per order basis as delineated in footnote one to Appendix A.

4. Reject Timeliness.

Reject timeliness measures the average time it takes for BellSouth to reject an order with a syntax error. (*See* LCUG, OP-4, CMP Ex.3, p.17, 29.) This is an adequacy measure because there are no BellSouth analogs. Orders placed by BellSouth

representatives are automatically edited before they leave the service representative position. (DOJ Affidavit, p.16.)[30]

The formula set forth in LCUG, OP-4 should be applied to calculate reject timeliness. (*See* CMP Ex. 3, p.17, 29.) The total number of days it takes BellSouth to reject each order that contains a syntax error is divided by the number of orders rejected during the reporting period. Reject timeliness for mechanized orders is based on actual data from the OSS; for non-mechanized orders it is based on a 100% sample. Reject timeliness for resale orders may be calculated using a statistically valid sample for the reporting month. BellSouth should report these measurements on a carrier specific, per order basis as delineated in footnote one to Appendix A.

5. Percent Rejects Order.

This function compares the number of orders rejected by BellSouth to the total number of orders submitted. This is an adequacy measure because there are no BellSouth analogs. Orders placed by BellSouth representatives are automatically edited before the order leaves the service representative position. (DOJ Affidavit, p.16.) This measure provides important information regarding order quality.

Percent reject order is calculated by dividing the total number of rejected service requests by the total number of requests received; that result is then multiplied by one hundred. Results for mechanized orders and non-mechanized orders should be reported separately. Percent reject orders should be reported for both BellSouth and the CLECs. BellSouth should otherwise report these measurements on a carrier specific, per order basis as delineated in footnote one to Appendix A.

6. Order Accuracy.

Order accuracy measures how accurately BellSouth provisions CLEC orders. (*See* LCUG, OP-3, CMP Ex.3, p. 17, 27.) This measure is important because customers expect they will receive exactly what they ordered. Order accuracy impacts the CLEC's ability to provide reliable service.

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[30] Affidavit of Michael J. Friduss on behalf of the U.S. Department of Justice submitted in response to BellSouth's § 271 application for South Carolina.

The formula set forth in LCUG, OP-3 should be applied to calculate order accuracy. (*See* CMP Ex.3, p. 17, 27.) The total number of orders completed without error is divided by the total number of orders completed; that result is then multiplied by one hundred. Order accuracy for mechanized orders is based on actual data from the OSS; it is based on a 100% sample for non-mechanized orders. Order accuracy for resale orders may be calculated using a statistically valid sample for the reporting month. Order accuracy must be reported for both BellSouth and the CLECs. BellSouth should report these measurements on a carrier specific, per order basis as delineated in footnote one to Appendix A.

7. Percent Flow-through Orders.

This function compares the number of service orders which flow-through the ordering processes without manual intervention to the total number of completed orders. (*See* O'Donoghue Ex.2, p.3.) Information provided by this measure is helpful in evaluating the efficiency of the ordering processes used for CLEC orders. According to Mr. Friduss of the Department of Justice, "Ordering reliability is measured by the accuracy of the service order and by the success of the 'flow-through.'" (DOJ Affidavit, p.15.)

The formula set forth for "Percent Flow-Through Orders" in O'Donoghue Exhibit 2, p. 3 should be applied to calculate percent flow through. The number of orders handled through the systems without manual intervention is divided by the total number of orders completed; that result is then multiplied by one hundred. BellSouth should report these measurements on a carrier specific, per order basis as delineated in footnote one to Appendix A.

Provisioning

8. Average Completed Interval.

This function measures how long it takes BellSouth to complete an order after it is placed by the CLEC. (*See* LCUG, OP-1, CMP Ex. 3, p.17, 24.) It is the average time from receipt of a confirmed service request to actual order completion dates. Orders completed beyond the offered interval due to customer request are excluded. The average completion interval is needed to evaluate whether BellSouth provides service to CLEC customers at the same rate it provides service to its own customers.

The formula set forth in LCUG, OP-1 should be applied to calculate average completed interval. (*See* LCUG, OP-1, "Average Completion Interval"; CMP Ex. 3, p.17, 24.) The total number of days it takes for BellSouth to process each order is divided by the total number of orders completed during the reporting period. BellSouth must report the average completion interval for itself and the CLECs. If a mechanized metric from the ordering system is not available for making these calculations, then a statistically valid sample should be used instead. BellSouth should report average completed interval on a carrier specific, per order basis as delineated in footnote two to Appendix A.

9. Mean Held Order Interval.

This function measures the average time in which an order is held in a non-completed state. (*See* LCUG, OP-9; CMP Ex. 3, p.17, 32.) It is important because customers expect work to be completed when promised. This measure demonstrates whether delay in completing CLEC orders are longer than delays for BellSouth orders.

The formula set forth in LCUG, OP-9 should be applied to calculate the mean held order interval. (*See* CMP Ex. 3, p.17, 32.) A "held order" is one that has not been reported as completed but has passed its committed completion date. The held order interval for each order is calculated by subtracting the committed due date from the reporting period close date. The held order interval for each order is then added together. Finally, the mean held order interval is calculated by dividing that result (the total days orders were held past their committed completion dates) by the total number of held orders.

10. Percent Missed Installation Appointments.

This function compares the number of missed installation appointments to the total number of installation appointments completed during a reporting period. This function monitors the reliability of BellSouth estimates with respect to committed due dates. This function demonstrates to what extent CLECs can accurately quote installation dates to their customers.

Percent missed installation appointments is calculated by dividing the total number of appointments missed during a reporting period by the total number of completed orders; that result is then multiplied by one hundred. Missed appointments due to competing carriers or end-users should be counted and

reported separately. If a mechanized metric from the ordering system is not available for making these calculations, then a statistically valid sample should be used instead. Percent missed installation appointments should be reported for both BellSouth and CLECs. BellSouth should report Percent missed installation appointments on a carrier specific, per order basis as delineated in footnote two to Appendix A.

Repair and Maintenance

11. Customer Trouble Rate Report.

Customer trouble rate report compares the number of troubles reported with the number of access lines in service during the reporting period. (*See* LCUG, MR-3, "Trouble Report Rate"; CMP Ex. 3, p. 18, 38.) The information provided by this measurement demonstrates whether CLEC customers experience troubles more often than do BellSouth's customers. The trouble report rate "is the most important measure of service reliability and historically positively correlates with an end-user's perception of their local service provider." (DOJ Affidavit, p.23.)

The formula set forth in LCUG, MR-3 should be applied to calculate this function. (*See* CMP Ex. 3, p. 18, 38.) Trouble report rate is measured as the number of trouble reports per customer or access line per month. It is calculated by dividing the number of initial and repeated trouble reports in the reporting period by the number of access lines in service at the end of the report period; that result is then multiplied by one hundred. As noted in Footnote 3 of the staff's matrix (attached as Appendix A), BellSouth's report should disaggregate the customer trouble report rate by line on several different levels.

12. Missed Repair Appointments.

This function compares the number of troubles that have not been cleared by the quoted resolution time and date to the total number of customer trouble tickets closed during the reporting period. (*Cf.* LCUG, MR-4, "Percentage of Customer Troubles Resolved Within Estimate;" CMP Ex. 3, 18, 40.) Missed repair appointments gauges the reliability of BellSouth commitments with respect to committed resolution dates. This function

demonstrates to what extent CLECs can reliably advise their customers when they can expect a problem to be cleared.

The formula set forth in LCUG, MR-4 should be applied to calculate missed repair appointments. Missed repair appointments is calculated by dividing the total number of appointments missed during a reporting period by the total number of completed orders; that result is then multiplied by one hundred. Missed appointments due to competing carriers or end-users should be counted and reported separately. A mechanized metric from the ordering system should be used to make these calculations. Missed repair appointments should be reported for both BellSouth and CLECs.

As noted in Footnote 3 of the staff's matrix (attached as Appendix A), BellSouth's report should disaggregate missed repair appointments on several different levels: 1) unbundled network elements dispatched; 2) unbundled network elements not dispatched; 3) missed appointments relating to unbundled network elements where the competing carrier or end-user causes the missed appointment; 4) resale residential dispatched; 5) resale residential not dispatched; 6) resale business dispatched; 7) resale business not dispatched; 8) all missed appointments relating to resale residential or business lines, denoting misses where the competing carrier or end-user causes the missed appointment; 9) interconnection trunks; and 10) resale specials.

13. Out of Service More than 24 hours.

This function compares the number of out of service troubles cleared in excess of 24 hours to the total number of out of service troubles cleared during a reporting period and reflects on quality of repair support. "Out of service" means the customer cannot be called or call out. This measurement is made by dividing the total number of out of service troubles for more than 24 hours by the total number of out of service troubles for the reporting period; then multiplying that number by one hundred. This should be reported for both BellSouth and the CLECs in accordance with footnote 3 to Appendix A.

14. Total and Percent Repeat Trouble Reports within 30 days.

This function measures how often troubles are not resolved the first time they are reported. (See LCUG, MR-2; CMP Ex. 3, p.18, 36.) This is important information because customers expect repairs to be handled competently and effectively. This

function demonstrates whether CLECs are receiving the same quality of maintenance and repair support that BellSouth provides itself.

The formula set forth in LCUG, MR-2 (designated "Repeat Trouble Rate") should be applied to calculate this function. (*See* CMP Ex. 3, p.18, 36.) Repeat trouble rate is calculated by counting the total number of service access lines generating more than one trouble within a continuous 30 day period; dividing that number by the total number of trouble reports made during the period; then multiplying that number by one hundred. This function should be reported for both BellSouth and CLECs in accordance with footnote 3 to Appendix A.

Billing

15. Invoice Accuracy and Timeliness.

Invoice accuracy gauges the quality of billing support BellSouth provides to the CLECs. Invoice timeliness measures how quickly BellSouth responds to the scheduled close of the billing cycle. Billing accuracy and timeliness are important because after an order is provisioned, billing is the most frequent and visible contact a service provider has with the end-user (DOJ Affidavit, p.26.)

The formula set forth in LCUG, BI-3 should be applied to calculate invoice accuracy. (LCUG, BI-3; CMP Ex. 3, p.18, 48.) The total number of correct invoices (complete information, reflect accurate calculations, and are properly formatted) is divided by the total number of invoices for the reporting period; then that number is multiplied by one hundred. Invoice accuracy should be reported by carrier.

Invoice timeliness captures the elapsed time between the scheduled close of a billing cycle and BellSouth's successful transmission of the associated invoices. The formula set forth in LCUG, BI-2 should be applied to calculate invoice timeliness. (See LCUG, BI-2; CMP Ex. 3, p. 18, 46.) The date the scheduled bill cycle closes is subtracted from the invoice transmission date for each invoice transmitted to BellSouth during the reporting period. The number of days resulting from each of these calculations is then added together. That number is then divided by the total number of invoices transmitted during the reporting period. Invoice timeliness should be reported by carrier.

Operator Services and Directory Assistance

16. Average Speed to Answer.

Four measures are adopted with respect to operator services and directory assistance: percentage of calls to directory assistance answered within 12 seconds; mean time to answer a call to directory assistance; percentage of calls to operator services within 10 seconds; and mean time to answer a call to operator assistance. These measurements are important because customers expect quick, reliable operator support services.

The timeliness measurements account for the elapsed time from the entry of the CLEC retail customer call into the BellSouth call management queue until the CLEC retail customer is transferred to the BellSouth personnel assigned to handle CLEC calls for assistance.

Percentage of Directory Assistance calls within 12 seconds is calculated by dividing the number of calls to directory assistance within 12 seconds by the total number of calls to directory assistance; that number is then multiplied by 100. This function is reported in the aggregate.

Percentage of operator service calls answered within 10 seconds is calculated by dividing the number of calls to operator services answered within 10 seconds by the total number of calls to operator services; that number is then multiplied by one hundred. This function is reported in the aggregate.

The formula set forth in LCUG, OS/DA-1 should be applied to calculate mean time answer directory assistance calls and calls to operator assistance. (*See* CMP Ex. 3, p. 20, 50.) The date and time that each call is received is subtracted from the date and time the call is answered; the result for each call is then added together; that number is then divided by the total number of calls made to the respective service. These functions are reported for BellSouth and for the CLECs in the aggregate.

7. LOOP CUTOVERS

The Commission adopts the standard cutover time of five minutes, not to exceed fifteen minutes, for BellSouth to perform

a loop cutover, including number portability, as BellSouth has contracted with ACSI.[31]

III. MONITORING, DISPUTE RESOLUTION, AND ENFORCEMENT PROVISIONS

A. Surveillance Reports

The Commission agrees with the parties that surveillance reports are necessary to evaluate performance and ensure compliance with the mandates under Georgia and federal law.[32] Performance reports will also assist the Commission in continuing to assess what performance measures are necessary and helpful to the Commission as it strives to meet its obligations in the environment of deregulation and as competition continues to grow in the local exchange markets in Georgia. The Commission does not find, however, that the level of detail set forth in the LCUG proposal is necessary to serve these purposes.

BellSouth shall provide monthly performance reports for each of the performance measures described above to the Commission and CLECs that purchase interconnection, unbundled network elements, or resale services and shall disaggregate the information by (1) services provided to BellSouth's retail customers in the aggregate; (2) services and facilities provided to any BellSouth local exchange affiliate purchasing interconnection, unbundled network elements, or resale services; (3) services and facilities provided to CLECs in the aggregate; and (4) services and facilities provided to the individual carrier. In addition, BellSouth shall permit competing carriers reasonable audit rights.

Parties such as Intermedia[33] and Teleport[34] who sought reporting requirements specifically tailored to their needs

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[31] *See* the ASCI/BellSouth interconnection agreement approved in Docket No. 6881-U; *see also* D-Falvey, p. 5-7.

[32] D-Pfau, p.43-45; D-O'Donoghue, p. 13; D-Closz, p.7; D-Falvey, p.13; R-Strow, p.13; R-Kouroupas, p.3.

[33] Intermedia provided testimony and argument indicating they needed additional measurements addressing data services and the performance of BellSouth's Local Carrier Service Centers. R-Strow, p.5; Intermedia's Post-Hearing Brief, p. 11-17. It is worth noting that Ms. Strow did indicate Intermedia would negotiate with BellSouth any additional measurements not adopted by the Commission which they deemed necessary.

should continue the negotiation process with BellSouth to obtain additional reporting information.

B. Dispute Resolution Process

The Commission agrees with the parties that a procedure for expedited dispute resolution is needed for issues relating to performance measures and reporting. Many parties emphasized the need for truly expeditious resolution to performance disputes.[35]

When a performance dispute arises, BellSouth and the CLEC shall immediately assemble a Joint Investigative Team comprised of subject matter experts. The team should be co-chaired by representatives of BellSouth and the CLEC, respectively. The investigative team will conduct a root-cause analysis to determine the source of the problem, if one exists, and then develop a plan for remedying it. The parties to the dispute must escalate the issue within each company to the person who has ultimate authority for Georgia operations in an effort to achieve a resolution.

If the dispute cannot be resolved between the companies after these steps are taken, then either party to the dispute may file a formal complaint with the Commission through the Director of the Case Management Section, for binding mediation. The Director of Case Management, or his appointee, shall rule upon the complaint within 15 days of its filing. If either party is then aggrieved, it may file a formal complaint with the Commission.

C. Enforcement Provisions

The Commission acknowledges the concerns raised by many parties that none of the operating Bell companies, including BellSouth, have the economic incentive to provide competing carriers with performance equal to that which it provides to themselves or their affiliates. However, the Commission does not believe that huge financial penalties is necessarily the solution. The Commission does not want to see penalties passed on to end-users, and at least one party pointed out that they

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[34] Teleport provided testimony and argument that they needed additional measurements specifically tailored to their needs as a facilities-based carrier. R-Kouroupas, p.9; Post-Hearing Brief of Teleport, p.4-7.

[35] ie. D-Jackson, p. 10; D-Falvey, p.13; D-Pfau, p. 8, 48.

had not found financial penalties to be particularly helpful in encouraging compliance anyway.[36]

The Commission will focus its efforts through the expedited dispute resolution procedure on ensuring compliant performance. Nonetheless, the Commission will use its authority under O.C.G.A. § 46-2-91[37] to penalize BellSouth for performance failures if circumstances deem it necessary. No penalty imposed by the Commission shall limit competing carriers from pursuing all remedies available to them by law. The Commission encourages the parties to negotiate for terms and conditions that they determine are appropriate[38] to address performance failures.

IV. CONCLUSIONS AND ORDERING PARAGRAPHS

WHEREFORE it is,

ORDERED, that BellSouth enter into good faith negotiations with competing local exchange carriers for specific performance measurements and standards;

ORDERED FURTHER, that BellSouth shall prepare and provide Performance Monitoring Reports as follows:

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[36] Tr. 475-476.

[37] O.C.G.A.§ 46-2-91(a) provides as follows:

(a) Any person, firm, or corporation... subject to the jurisdiction of the commission, which utility willfully violates any law administered by the commission or any duly promulgated regulation issued thereunder or which fails, neglects, or refuses to comply with any order after notice thereof, shall be liable to a penalty not to exceed $15,000.00 for such violation and an additional penalty not to exceed $10,000.00 for each day during which such violation continues.

[38] The Commission acknowledges the detailed scheme of performance credits proposed by Teleport and the general recommendations for performance credits made by MCI and ACSI. The Commission encourages these parties to work with BellSouth for these or similar measures if they believe such measures are necessary to meet their needs. The Commission declines to administer such a system at this time.

1. BellSouth shall develop and maintain, at a minimum, the data necessary to complete Performance Monitoring Reports that include the performance measures set out above and in Appendix A.

2. BellSouth shall provide, at a minimum, to the Georgia Public Service Commission (Commission) and to each carrier purchasing interconnection (which for purposes of these rules includes interconnection, transport and termination, services for resale, and/or access to unbundled network elements under Section 251 of the Telecommunications Act of 1934, as amended) Performance Monitoring Reports regarding BellSouth's provision of:

A. Services to BellSouth's retail customers in the aggregate;

B. Services and facilities provided to any BellSouth local exchange affiliate purchasing interconnection;

C. Services and facilities provided to carriers purchasing interconnection in the aggregate; and

D. Services and facilities provided to individual carriers purchasing interconnection, unbundled network elements, and resale;

ORDERED FURTHER, that BellSouth shall provide the performance-related information for an individual carrier to that carrier only;

ORDERED FURTHER, that BellSouth shall ensure that any individually identifiable carrier information contained in the Performance Monitoring Reports is disclosed only to the individual carrier. BellSouth shall not use any individually identifiable carrier information for any purpose other than providing and reporting on its provision of services and unbundled network elements to the individual carrier and the Commission;

ORDERED FURTHER, that BellSouth shall provide Performance Monitoring Reports to carriers purchasing interconnection from BellSouth beginning 90 days after Commission approval of this order and no less than monthly thereafter, except that data for certain measures may not be available by the time of the first report, in which case the measure shall be included in the second and subsequent reports;

ORDERED FURTHER, that BellSouth shall make the Performance Monitoring Reports available to the Commission at the same time that those reports are available to individual carriers, and shall permit carriers receiving such reports to make the reports available to the Commission;

ORDERED FURTHER, that BellSouth shall maintain files of each monthly Performance Monitoring Report for a period of three years from the time when the reports are made available to individual carriers and the Commission;

ORDERED FURTHER, that BellSouth shall provide access to the available data (i.e. Data Warehouse) and information necessary for a carrier receiving Performance Monitoring Reports to verify the accuracy of such reports;

ORDERED FURTHER, that the Commission retains the authority to audit the accuracy of the data in the Performance Monitoring Reports;

ORDERED FURTHER, that BellSouth shall permit competing carriers reasonable audit rights;

ORDERED FURTHER, that BellSouth shall provide uniform interfaces for use by carriers purchasing interconnection to obtain access to operations support systems. The Commission recognizes that the measures it adopts will evolve as industry standards evolve and competition continues to emerge in local exchange markets;

ORDERED FURTHER, that BellSouth shall conduct operational testing of the interfaces used by carriers purchasing interconnection to obtain access to operations support systems;

ORDERED FURTHER, BellSouth and parties requesting interconnection shall use the Expedited Dispute Resolution process described below to resolve disputes relating to any issue relating to performance measures and reporting;

ORDERED FURTHER, that before bringing the dispute to the Commission, the parties must escalate the dispute within each company to the person that has ultimate authority for all the Georgia Operations in an effort to achieve resolution;

ORDERED FURTHER, that the internal escalation dispute resolution should begin when a performance issue arises, the

CLEC and BST shall immediately assemble a Joint Investigative Team comprised of subject matter experts;

ORDERED FURTHER, that the investigative team should be co-chaired by the effected CLEC and BellSouth representatives respectively. The BellSouth person may be from the Networking Performance Group;

ORDERED FURTHER, that the investigative team will conduct a root-cause analysis to determine the source of the problem and then determine how to remedy it;

ORDERED FURTHER, that if the issue cannot be resolved as described above, then the aggrieved party can file a formal complaint with the Commission;

ORDERED FURTHER, that the Director of the Case Management Section of the Commission, or his appointee, will rule on any such performance related complaint within fifteen (15) days of the request;

ORDERED FURTHER, that following the ruling of the Case Management Director or his appointee, any aggrieved party can file a formal complaint with the Commission;

ORDERED FURTHER, that the Commission will use its Authority under O.C.G.A. Section 46-2-91 to penalize parties who fail to comply with orders resolving their performance related disputes;

ORDERED FURTHER, that the measurement standards associated with pre-ordering, ordering and provisioning of resale services and repair and maintenance for both resale and unbundled network elements shall be measured on an average interval basis;

ORDERED FURTHER, that the BellSouth contracted intervals shall apply as benchmarks for those OSS functions where a retail analogues does not exist ;

ORDERED FURTHER, that Appendix A be adopted and incorporated into this Order;

ORDERED FURTHER, that all findings, conclusions, and decisions contained within the preceding sections of this Order are hereby adopted as findings of fact, conclusions of law, and decisions of regulatory policy of this Commission;

ORDERED FURTHER, that jurisdiction over these matters is expressly retained for the purpose of entering such further Order or Orders as this Commission may deem just and proper.

The above by action of the Commission in Special Administrative Session on the 30th day of December, 1997.

Helen O'Leary
Executive Secretary

May 6, 1998
DATE

Robert B. Baker, Jr.
Chairman

May 6, 1998
DATE

APPENDIX A

OSS PERFORMANCE MEASURES AND STANDARDS

PRE-ORDERING

Function	Objective	Methodology	Report Level
Response time, OSS interface.	Average response time per transaction for a query for appointment scheduling, service & feature availability, address verification, request for Telephone Numbers (TNs) and Customer Service Records (CSRs). The query interval starts with the request message leaving the CLEC and ends with the response message arriving at the CLEC.	Measurement Formula (see LCUG PO-1): Mean Cycle Time	• Not carrier specific. • Not product/ service specific.
OSS Interface Availability	Percent of times OSS interface is actually available compared to scheduled availability.	Measurement (see WNSR EX-3A): Percentage	• Not carrier specific. • Not product/ service specific.

ORDERING

Function	Objective	Methodology	Report Level
Firm Order Confirmation Timeliness	Average response time from receipt of service order request to distribution of order confirmation.	• Flow-through orders: OSS to provide data on a carrier specific basis. • Manual input orders: Manual tracking – 100% sample by carrier for Trunks, UNE and Unbundled Loops. • Resale –valid ILEC & CLEC statistical validated sample for reporting month may be used	See footnote 1.
Reject Timeliness **Reject Order Cycle Time**	Average reject time from receipt of service order request to distribution of rejection.	• Flow-through orders: OSS to provide data on a carrier specific basis. • Manual input orders: Manual tracking – 100% sample by carrier for Trunks, UNE and Unbunbled Loops. • Resale – Data Warehouse based ILEC & CLEC statistical validated sample for reporting month may be used.	See footnote 1.
Percent Rejects Order	Percent of total orders received rejected due to error or omission.	• Manual tracking for non-flow through orders. • Mechanized tracking for flow-through.	See footnote 1.
Order Accuracy	Measures the accuracy and completeness of the ILEC provisioning or disconnecting service by comparing what was ordered and what was completed.	Measurement Formula (see LCUG OP-3) • Percentage. • Flow-through orders: OSS to provide data on a carrier specific basis. • Manual input orders: Manual tracking – 100% sample by carrier for Trunks and UNE. • Resale – Data Warehouse based ILEC & CLEC statistical validated sample for reporting month may be used.	See footnote 1.
Percent flow-through orders	Measures percentage of orders that utilize the ILECs' OSS without manual (human) intervention.	Measurement: (# of orders handled through flow-through) ÷ (total orders)	See footnote 1.

1 Carrier specific. Reported on a per order basis as follows:
- Interconnection Trunks – average response time, percent less than 10 days.
- UNE – less than 10 lines/ circuits and 10 lines/ circuits or more, mechanized orders and non-mechanized orders.
- UNE (Specials) – less than 10 lines/ circuits and 10 lines/ circuits or more, mechanized orders and non-mechanized orders.
- Resale Residential & Business – less than 10 lines/ circuits and 10 lines/ circuits or more, mechanized orders and non-mechanized orders.
- Resale (Specials) – less than 10 lines/ circuits and 10 lines/ circuits or more, mechanized orders and non-mechanized orders.
- UNE (Unbundled Loops w /interim telephone number portability) – less than 5 and 5 or more, mechanized orders and non-mechanized orders.

PROVISIONING

Function	Definition/ Measurement Objective	Methodology	Report Level
Average Completed Interval	Average time from receipt of (confirmed) service request to actual order completion date. Excludes order where customer requested dates are beyond offered interval.	Mechanized metric from ordering system. If mechanical is not available, a (ILEC & CLEC) statistically validated sample should be used instead.	See footnote 2.
Mean Held Order Interval	Average time to detect orders continuing in a "non-complete" state for extended period of time.	Measurement Formula (see LCUG OP-9):Held Order Interval	See footnote 2.
Percent Missed Installation Appointments	Percent of orders where completions are not done by due date on order confirmation. Misses due to competing carrier or end user causes should be aggregated out and indicated.	Mechanized metric from ordering system. If mechanical is not available, a (ILEC & CLEC) statistically validated sample should be used instead.	See footnote 2.

2 Reported by Carrier on a per order basis as follows:

UNE : by groups of lines on single order. Separately tracked for dispatch and no dispatch, as follows:

- Local Interconnection Trunks
- Resale (Residence): by groups of lines on single order similar to UNE (POTS) described above.
- Resale (Business): by groups of lines on single order similar to UNE (POTS) described above.
- Resale (Specials): by groups of lines on single order similar to UNE (POTS) described above.
- UNE (Unbundled Loops w /interim telephone number portability)

REPAIR and MAINTENANCE

Function	Objective	Methodology	Report Level
Customer Trouble Report Rate	Initial customer direct or referred troubles reported within a calendar month where cause is in the network (not customer premises equipment, inside wire, or carrier equipment) per 100 lines/ circuits in service.	Mechanized metric trouble reports and lines in service captured in maintenance database(s).	See footnote 3.
Missed Repair Appointments	Percent of trouble reports not cleared by date and time committed. Appointment intervals vary with force availability in the POTS environments. Specials and Trunk intervals are standard interval appointments of no greater than 24 hours.	Mechanized metric from maintenance date base(s).	See footnote 3.
Out of Service More Than 24 Hours	For Out of Service Troubles (no dial tone, cannot be called or cannot call out). The percent of troubles cleared in excess of 24 hours.	Mechanized metric from maintenance date base(s).	See footnote 3.
Total and Percent Repeat Trouble Reports within 30 Days	Trouble reports on the same line/ circuit as a previous trouble report within the last 30 calendar days as a percent of total troubles reported.	Mechanized metric from maintenance databases.	See footnote 3.

3 Carrier specific. Reported on a per line basis as follows:

- UNE – Dispatched, Not Dispatched, and misses where the competing carrier or end user causes the missed appointment.
- Resale Residence & Business Dispatched, Not Dispatched – All misses, denoting misses where the competing carrier or end user causes the missed appointment.
- Interconnection Trunks
- Resale Specials

BILLING

Function	Objective	Methodology	Report Level
Invoice Accuracy	Measures the percentage and mean time of billing records delivered to CLEC in the agreed-upon format and with the complete agreed-upon content (includes time and material and other non-recurring charges).	Measurement Formula (see LCUG BI-3): • Percentage • Mean time	Carrier specific.

OPERATOR SERVICES (OS) AND DIRECTORY ASSISTANCE (DA)

Function	Objective	Methodology	Report Level
Average Speed to Answer	Measures the percent and mean time a call is answered by an OS or DA operator in a predefined timeframe.	DA-1 $\frac{\text{\# Calls Answered Within 12 seconds}}{\text{Total DA Calls}} \times 100$ DA-2 *DA Mean Time To Answer* OS-1 $\frac{\text{\# Calls Answered Within 10 seconds}}{\text{Total OS Calls}} \times 100$ where "x" equals 2 or 10 seconds OS-2 *OS Mean Time To Answer*	• Reported in the aggregate. • Not carrier specific.