85. MCI WorldCom began asking BA-NY to support an EDI-based interface for pre-ordering many months before BA-NY finally agreed to develop such an interface in its Pre-Filing Statement. When BA-NY released its Pre-Filing Statement, MCI WorldCom immediately began working with BA-NY on the interface. But this effort proceeded sporadically and eventually stalled. Recognizing the CLECs' dissatisfaction with BA-NY's progress, and in hopes of including the EDI interface for pre-ordering as part of the third-party testing, the NYPSC convened a second OSS Collaborative in June 1998. On July 18, 1998, the second OSS Collaborative ended, and BA-NY produced what it claimed to be complete and accurate documentation for EDI for pre-ordering, EDI Version 1.9.

86. Based on BA-NY's representations that its specifications were complete, MCI WorldCom, KPMG, and HP began writing software code. Review by MCI WorldCom's developers, however, quickly revealed that BA-NY's "final" specifications were not consistent with BA-NY's own business rules. MCI WorldCom brought this to the attention of KPMG and HP, and they agreed. BA-NY attempted to correct the inconsistencies and, several weeks later, released Version 1.9A. A series of other "final" specifications--versions 1.9B, 1.9C, 1.9D, and 1.9E--followed. Between July 18 and the release of Version 1.9E on September 4, 1998, MCI WorldCom identified and resolved hundreds of issues regarding the pre-ordering specifications with BA-NY. Unfortunately, dozens of other important issues remained unaddressed. The problems with BA-NY's documentation delayed testing and were the primary reason that MCI WorldCom postponed its launch of residential local service. See KPMG Final Report, II-8; Letter from MCI WorldCom to NYPSC (Sep. 24, 1998) (BA-NY App. C, Tab 509).

87. On September 18, 1998, before all of the open issues for EDI Version 1.9 could be resolved, BA-NY issued a completely new set of EDI specifications for pre-ordering, which it called EDI Version 2.0. BA-NY did not, however, release any business rules to accompany the new specifications, claiming that the revised specifications could be implemented based on the old business rules for EDI Version 1.9. Unfortunately, this was not the case. The new specifications required far more substantial changes to the interface than BA-NY had led the parties to believe. EDI Version 2.0 introduced no fewer than 71 new data elements across the different pre-order inquiry types.

88. On September 21, 1998, MCI WorldCom once again met with KPMG regarding pre-ordering development. When the parties met, MCI WorldCom and the third-party testers were on equal footing, trying to work with BA-NY to produce an accurate, complete, and consistent set of business rules and EDI specifications for pre-ordering. MCI WorldCom and KPMG separately pressed development forward during October and November, meeting frequently with BA-NY to discuss problems and open issues concerning BA-NY's pre-ordering documentation. In December, however, unbeknownst to MCI WorldCom, BA-NY began providing KPMG and HP with around-the-clock dedicated assistance in developing the test interface for the EDI pre-ordering capability. BA-NY established an "open bridge" for KPMG and HP representatives to pose questions and raise issues during pre-ordering development. In other words, KPMG and HP were given immediate, dedicated, real-time access to BA-NY representatives to work through problems quickly and efficiently as they arose. No such procedures were made available to MCI WorldCom. BA-NY failed fully to support MCI

WorldCom's development efforts. MCI WorldCom and other CLECs were relegated to weekly meetings and conference calls with BA-NY representatives, while BA-NY provided an "open bridge" to KPMG and HP.

89. During this period, MCI WorldCom repeatedly asked BA-NY for complete and updated EDI pre-ordering specifications, but BA-NY did not provide them. Nonetheless, MCI WorldCom continued its development efforts, raising many issues with BA-NY in an attempt to lay the groundwork for the pre-ordering interface despite the incomplete specifications.

90. MCI WorldCom learned for the first time of BA-NY's special arrangement with KPMG and HP in a meeting with NYPSC Staff and KPMG in February 1999. MCI WorldCom immediately requested similar treatment from BA-NY, which BA-NY declined to provide. At MCI WorldCom's request, NYPSC Staff called an emergency meeting, and requested that BA-NY give the CLECs the same treatment accorded KPMG and HP over the past months. BA-NY then promised to provide MCI WorldCom with open access to BA-NY representatives and complete EDI pre-ordering documentation in March, with testing to begin in June 1999.

91. BA-NY released EDI Version 2.2 in March, but again there were significant problems with the documentation. KPMG reviewed the new documentation and released KPMG Exception Report 55 on April 2, concluding that BA-NY's documentation was insufficient to permit a CLEC to construct, test, or use an EDI interface for pre-ordering. KPMG found that BA-NY had not modified its business rules to reflect the lessons learned during prior

testing and that significant discrepancies between BA-NY's pre-ordering documentation and its software still existed. See KPMG Exception Report 55, at 1. In sum, KPMG found BA-NY's documentation for EDI Version 2.2 "inadequate" and stated that "[w]ithout further clarification of the existing documentation, CLECs will be hindered in submitting correct pre-order inquiries without extensive trial and error." Id. at 2.

92. BA-NY committed to addressing these problems with a new release, EDI Version 2.3, which BA-NY issued in April. With renewed vigor, MCI WorldCom threw itself again into its pre-ordering development efforts. This time, MCI WorldCom was determined to gain access to at least some pre-ordering functionality via EDI, so we focused on implementing parsed CSR, address validation, and telephone number selection and reservation. Progress was slow, however; and the problems continued.

93. In order to establish a secure, near real-time connection for pre-ordering, BA-NY had to implement the industry standard TCP/IP transport connection with SSL3 security for the EDI interface. The parties, however, disagreed about the appropriate implementation schedule. The NYPSC again intervened, and required BA-NY to provide the necessary connectivity for testing by the beginning of July. In order to push development forward on this schedule, MCI WorldCom took the extraordinary steps of providing BA-NY with an engineer and certain software testing tools. As a result of these efforts, the TCP/IP with SSL3 connection was ready for testing by the July 2 date and was production-ready in August.

94. While the development of the parsed CSR and TCP/IP connectivity were ongoing, Bell Atlantic announced in June 1999 that it would be rolling out new back office

systems for pre-ordering in the North, including New York. The new systems would replace its old address validation and telephone number reservation systems in August and would be implemented in conjunction with the documentation for EDI Version 2.4 for pre-ordering. BA-NY characterized the change as minor, meaning that, under the change management rules, BA-NY would not support both Versions 2.3 and 2.4, but rather would be replacing Version 2.3 with 2.4.

95. MCI WorldCom challenged BA-NY's characterization and requested that BA-NY either postpone the roll out of Live Wire or, at least, agree to support the Version 2.3 that MCI WorldCom had been working on since April. MCI WorldCom explained that the number of new elements, business rule changes, and modified functionalities made the EDI Version 2.4 a substantial release. See Email from M. Turner (MCI WorldCom) to Bell Atlantic Change Control, dated June 28, 1999, appended as Attachment 2 to this Declaration. MCI WorldCom expressed its concern that "Live Wire is an untested pre-order release for Bell Atlantic North" and "[i]f past pre-order releases are used as a baseline to predict future testing success, any new defects identified could push pre-order development out into the 4th quarter 1999, at which time the Year 2000 system freezes will be in place." Id. This is precisely what has happened.

96. BA-NY refused to postpone Live Wire, and MCI WorldCom had to revisit its development efforts for address validation and telephone number reservation, delaying all other interface development including the parsed CSR. As a result, therefore, of BA-NY's poor development efforts over the past year and half, MCI WorldCom has only been able to

implement parsed CSR for pre-ordering via EDI. MCI WorldCom's Y2K moratorium began October 1, 1999, but its technology group secured an exception for the address validation subfunction until November 1. MCI WorldCom is hopeful that it can complete integration testing and implement address validation before that date, but this remains to be seen. What is certain is that, despite its best efforts, MCI WorldCom will not have access to the other pre-ordering subfunctions via EDI until first quarter 2000 at the very earliest.

6. BA-NY's Counter-Evidence Does Not Withstand Scrutiny.

97. First, BA-NY states that KPMG testified that BA-NY's EDI pre-ordering and ordering interfaces were capable of being integrated. Id. While KPMG testified that it believed that pre-ordering and ordering could be integrated electronically using BA-NY's interfaces, it is important to understand that KPMG did not itself attempt build integrated pre-ordering and ordering interfaces. See Minutes of NYPSC Technical Conference, June 10, 1999, Tr. at 2675-78 (testifying that KPMG's integration analysis was limited to eight manual transactions) (BA-NY App. C, Tab 767). KPMG and HP constructed separate electronic interfaces for pre-ordering and ordering and did not try to integrate those interfaces with one another or with any back office OSS systems. In the end, KPMG gave BA-NY only qualified approval to the compatibility of BA-NY's pre-ordering and ordering rules and specifications. To date, MCI WorldCom has only been able to integrate parsed CSR.

98. Second, BA-NY claims that a CLEC named CTC Corporation "using BA-NY's EDI interface has developed its own integrated pre-ordering and ordering system." Id. (citing Affidavit of Michael H. Donnellan in support of Bell Atlantic-New York's 271

Application for Long Distance Authority in the State of New York (June 17, 1999) ("Donnellan Aff.") (BA-NY App. C, Tab 783). But CTC claims only that it attempted to integrate the CSR function, through a jerry-rigged a system outside of the documentation. It is the other pre-order functions that cannot yet be integrated. In any event, there is no evidence that CTC's alleged solution survived the testing stage. Donnellan Aff. at 2.

B. BA-NY Does Not Provide Adequate Flow-Through Order Processing.

99. After a CLEC's sales representative has obtained the necessary pre-ordering information, including what type of phone service the customer wants, whether the customer is a new customer or a migration from the ILEC, and how the service will be provided (i.e., resale, unbundled loops, or a combination of network elements), the representative must order the service through the ILEC. In addition, a CLEC must have the ability to modify and cancel orders for service as well as to correct and resend orders that have been rejected by the ILEC.

100. In conjunction with the ordering process, the ILEC must provide the CLEC with timely and accurate electronic status notices, including firm order confirmations ("FOCs"), reject notices, jeopardy notices, and notices of completion ("NOCs"). These notices allow the CLEC to track and manage its order flow. FOCs inform the CLEC when an order has been accepted for processing and provisioning by the ILEC and provides a due date for service. Reject notices let the CLEC know that an order cannot be processed as transmitted and why, so that the CLEC can correct whatever errors have been identified and resend the order. BA-NY provides two distinct notices of completion: the first signals to the CLEC that a customer's

service has actually been provisioned and the second tells the CLEC that the customer's order has cleared BA-NY's billing systems and is now ready to be billed by the CLEC. Any delays or errors associated with these status notices directly impact a CLEC's ability to meet its customer's expectation to provide the right service, on time.

1. Flow-Through Order Processing is Critical to Supporting Commercial Volumes of Orders.

101. One of the most fundamental business requirements for ordering is that a CLEC's orders must "flow through," which means that orders that "are transmitted electronically through the gateway and accepted into [the BOC's] back office ordering systems without manual intervention." Second BellSouth Louisiana Order ¶ 107. The Commission has found "a direct correlation between the evidence of order flow-through and the BOC's ability to provide competing carriers with nondiscriminatory access to the BOC's OSS functions." Id. This is so because flow-through rates directly affect the speed and efficiency with which CLEC orders and status notices are processed. See Ameritech Michigan Order ¶ 196; Second BellSouth Louisiana Order ¶ 108.

102. An ILEC must process orders with an "equivalent level of mechanized processing" that exists for the ILEC's retail customers. BellSouth South Carolina Order ¶ 105. If an ILEC is unable to show that the flow-through rates for CLEC orders submitted electronically are "substantially the same as" the flow-through rates for the ILEC's retail orders, then the ILEC has failed to achieve parity. Second BellSouth Louisiana Order ¶ 116; see also id. ¶ 109 (stating that a substantial disparity in flow-through rates "on its face" shows a lack of parity).

103. Because BOCs enjoy high flow-through rates at retail, the parity standard generally requires flow-through rates in excess of 95% for residential orders and more than 80% for business orders. See BellSouth South Carolina Order ¶ 104 (finding retail flow-through of 97% for residential orders and 81% for business orders, and stating that CLECs should have equivalent access); Second BellSouth Louisiana Order ¶ 109 (96% for residential orders; 82% for business orders). The Commission has specifically found that a flow-through rate of 60% is not adequate. See Ameritech Michigan Order ¶ 174 (39% of electronic resale orders processed manually).[10/]

104. Unfortunately, BA-NY is currently not meeting these flow-through goals for its wholesale clients. The flow-through rates for MCI WorldCom for electronic residential orders in May, June, July, and August were ** **REDACTED** **, ** **REDACTED** **, ** **REDACTED** **, and ** **REDACTED** ** respectively.[11/] Thus, despite showing some improvement in August, BA-NY is still dropping more than ** **REDACTED** ** of MCI

10/ Note that BellSouth employed a different methodology for calculating flow-through rates in its second 271 application for Louisiana than had been used by BOCs previously. Second BellSouth Louisiana Order ¶ 110 n.360. Specifically, BellSouth excluded rejected orders from the total number of orders from which the flow-through percentage is calculated, which should yield a higher percentage of flow-through. Id. BA-NY also excludes rejected orders from the calculation of flow-through rates.

11/ BA-NY's flow-through rate for CLECs in the aggregate for these periods was 50.51%, 54.48%, 54.36%, and 59%.

Note that BA-NY does not report flow-through rates on a CLEC-specific basis. However, a CLEC can determine its flow-through rate by dividing the number of FOCs that BA-NY was able to process on a flow-through basis (OR-1-01) by the sum of the number of flow-through FOCs (OR-1-01), the number of manual FOCs less than 10 lines (OR-1-04), and the number of manual FOCs greater than 10 lines (OR-1-06).

WorldCom's orders to manual handling. Moreover, the vast majority of MCI WorldCom's orders during these months were simple, residential orders, not the sorts of complex orders that we might expect to require some manual processing. MCI WorldCom could not sustain full commercial volumes if significant percentages of its simple POTS orders are still being processed manually.

2. The CLECs Are Not to Blame for BA-NY's Inadequate Flow-Through Rates.

105. All available evidence shows that BA-NY is primarily responsible for so many CLEC orders dropping to manual.[12/] As Mr. Miller and Ms. Jordan explain, BA-NY sampled UNE-platform orders from August 23-26 (all CLECs), September 1-10 (all CLECs), and September 15-21 (MCI WorldCom orders only). The results were as follows:

Dates	Number of Manually Handled Orders Sampled by BA-NY	Orders Handled Manually Because of BA-NY System Design	Orders Handled Manually Because of BA-NY System Error	Orders Manually Handled Because of CLEC Error
Aug. 23 - Aug. 26	486	57.61%	8.02%	34.36%
Sept. 1 - Sept. 10	349	65.90%	5.44%	28.65%
Sept. 14 - Sept. 21	** **	** **	** **	** **

Miller & Jordan Decl. ¶ 59. Thus, of the orders being processed manually, 65.63%, 71.34%, and ** **REDACTED** ** were dropped to manual handling for reasons solely attributable to BA-NY,

12/ See Joint Supplemental Affidavit of Darrell Fuquay and John Sivori on Behalf of MCI WorldCom, Inc. (NYPSC Sept. 17, 1999); Joint September Reply Affidavit of Julie A. Canny, Stuart Miller, Sean J. Sullivan, R. Michael Toothman and Arthur Zanfini on Behalf of Bell Atlantic - New York (NYPSC Sept. 27, 1999); Supplemental Reply Affidavit of John Sivori on Behalf of MCI WorldCom, Inc. (NYPSC Oct. 1, 1999); Joint October Reply Affidavit of Stuart Miller, Sean J. Sullivan and Arthur Zanfini on Behalf of Bell Atlantic - New York (NYPSC Oct. 8, 1999). These documents are appended as Attachments 3, 4, 5, and 6 to this Declaration.

not CLEC error.[13/] The top order types that are dropping to manual due to the design of BA-NY's systems are orders involving Company Initiated Blocking, orders for Call Forwarding II, orders for the Ringmate feature, orders migrating less than all of a multi-line customer's lines, orders when a customer contract exists on the account, orders placed when a pending order already exists in BA-NY's system, and orders for accounts with more than one listing. These and other BA system-design problems are system failures that must be remedied if BA-NY is to provide flow-through processing for simple UNE-platform orders for basic POTS service at acceptable rates.

106. In its Pre-Filing Statement, BA-NY specifically promised to flow through 2 of the 7 worst offenders listed above--customer/company initiated blocking and Call Forwarding II--and further committed "to modify its OSS systems to flow through all but the least frequently requested types of orders." BA-NY Pre-Filing Statement at 31.

107. In an affidavit filed October 8, 1999, BA-NY commits to modifying its systems design to provide greater flow-through, including flowing through 6 of the 7 order types that today are causing much of the problem. See BA-NY Joint October Reply Affidavit. BA-NY has proposed a three-phase approach. Focusing on the top offending order types, BA-NY

13/ In addition to the samples relied upon by BA-NY, the NYPSC Staff also conducted its own study, looking at approximately 3,850 error messages. See NYPSC Flow-Through Analysis. BA-NY found that 13 error messages accounted for 88% of the orders that dropped to manual processing: ** **REDACTED** ** were attributable to BA-NY errors; ** **REDACTED** ** to BA-NY systems design; and ** **REDACTED** ** to CLEC errors. There is evidence, therefore, BA-NY errors are responsible for even more of the dropped orders than BA-NY's suggests. See Email from W. Brindley (NYPSC) to G. Dowell (BA-NY) and C. Groves (MCI WorldCom), dated Sept. 16, 1999, appended as Attachment 7 to this Declaration.

proposes for Phase I to provide flow-through for BA-NY retail blocking by October 30, 1999. Id. at 5. For Phase II, BA-NY would address Call Forwarding II, Ringmate, partial migrations, and accounts with additional listings by December 18, 1999. Id. at 6. For Phase III, BA-NY plans to make contract accounts flow through by second quarter of the year 2000. Id. at 7.

108. While MCI WorldCom welcomes BA-NY's renewed efforts to provide adequate flow-through order processing, its implementation schedule will not bring an appreciable change in flow-through rates until the end of the year at the earliest. Moreover, BA-NY has made no proposal as to how it intends to address the percentage of orders that are dropping to manual processing due to BA-NY errors.

109. In addition, systems design issues and processing errors are not BA-NY's only contribution to the flow-through problem. Even for those orders dropping to manual due to CLEC errors, BA-NY bears significant responsibility. This is so because the two primary causes for CLEC errors are (1) simple typographical errors in rekeying pre-ordering information from BA-NY's GUI into CLEC orders, which are the inevitable result of BA-NY's failure to provide a working EDI-based interface for pre-ordering, see Miller & Jordan Decl. ¶ 59 (citing errors in entering directory listings), and (2) BA-NY's failure to provide clear, accurate, and complete business rules for its interfaces, see id. (citing errors in formatting contact telephone numbers).

110. Regarding the lack of EDI for pre-ordering, the Commission has consistently recognized that the failure of an ILEC to provide CLECs with fully automated processes will result in errors and has rejected the notion that the CLECs are to blame for delays and errors occurring as the result of having to rekey pre-order information. See BellSouth South

Carolina Order ¶ 157; Second BellSouth Louisiana Order ¶ 96. The true cause of the problem is the fact that "competitors' access to BellSouth's pre-ordering operations support systems is more conducive to errors than is the case for BellSouth's retail operations." BellSouth South Carolina Order ¶ 157. The same holds true here.

111. As for BA-NY's inadequate business rules, BA-NY asserts that a significant number of orders are dropping to manual processing because the CLECs are not adhering to BA-NY business rules. First, BA-NY states that the CLECs are incorrectly populating the "Can Be Reached" field. Error Code IDV; CBR FID has invalid DA (local contact tel # formatted incorrectly). BA-NY first told CLECs that they were erring by failing to enter a different telephone number for the local contact than the number reserved by the customer. More recently, BA-NY told CLECs that they were incorrectly formatting the contact number because they were not inserting hyphens into the telephone number. This is particularly odd, because it was agreed in the OSS collaborative that hyphens would not be required for any telephone-number fields. In addition, BA-NY claims that the CLECs are improperly populating the new billing telephone number field for new customers rather than leaving it blank. Error Code FORM:EU TAG: DN (New BTN info invalid on new line). However, MCI WorldCom is unable to locate these business rules in the documentation provided by BA-NY. It has repeatedly asked BA-NY to provide a citation to its rules, but BA-NY has so far declined to respond to this request. We have no reason to believe, therefore, that these are CLEC errors.

112. Moreover, BA-NY's comparison of CLEC order flow through and its own retail order flow through is misleading. See Miller & Jordan Decl. ¶¶ 56-59. First, BA-NY's

definition of retail flow through as only those orders that can be entered in the Direct Order Entry ("DOE") front end application is unduly restrictive. Second, even accepting BA-NY's definitions, its analysis only shows a correlation between CLEC and retail flow through at the level of order types. It does not attempt to evaluate the different conditions under which these order types may or may not be permitted to flow through BA-NY's systems. And, as is discussed above, BA-NY poor flow-through rates for CLECs are largely the result of its overly restrictive conditions for flow through, such as not being able to flow through orders involving company blocking, certain features, partial migrations, contractual arrangement, pending orders, and multiple listings.

3. The KPMG Final Report Did Not Address Flow-Through Rates.

113. These real-world flow-through percentages are not contradicted by KPMG's test results. KPMG tested only the capability of BA-NY's systems to process perfectly formatted orders (e.g., orders formatted to flow through whether or not the formatting rules actually appeared in BA-NY's interface documentation) for those order types and under those specific conditions (e.g., orders without Ringmate and accounts without blocking) that were designed for flow-through processing. See Miller & Jordan Decl. ¶¶ 61-62 (citing KPMG Final Report, Table IV-7.10, P7-1, P7-2, P7-3, P7-5, at IV-158 to -159).

114. MCI WorldCom does not contest that, under these circumstances, BA-NY could achieve a high flow-through percentage.[14/] The problem is that this flow-through

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14/ In fact, it is surprising under these conditions that BA-NY did not post a 100% rating. But KPMG reported "the unexpected result" that only 99.8% of these orders flowed through due to temporary problems with BA-NY's back end systems. KPMG Final Report, Table IV-7.10,

percentage has only limited relation to the percentage of CLEC orders that BA-NY is actually able to process on a fully automated, flow-through basis.

4. Variability in MCI WorldCom Ordering Should Not Affect BA-NY's Ability to Process Orders and Return Timely Status Notices.

115. The Commission should also reject BA-NY's implication that the task of processing MCI WorldCom UNE-platform orders and returning timely status notices has been made more difficult by an alleged variability in MCI WorldCom's ordering patterns. See Miller & Jordan Decl. ¶¶ 45, 49. First, MCI WorldCom contests the basic premise that variability in ordering volumes could adversely affect its ability to process orders. So long as the orders that are being sent for processing are designed to flow through BA-NY's systems, even extreme fluctuations in ordering patterns should not affect flow-through order processing. Only if the volumes significantly exceeded the capacity of BA-NY's systems, which is most certainly not the case here, could variability in ordering patterns affect flow-through rates and, thereby, order processing performance.

116. In fact, at a meeting of the NYPSC Staff, BA-NY, and MCI WorldCom on September 9, 1999, BA-NY representatives conceded that increased volumes should not affect flow-through rates. Moreover, the Commission has held as much. In its Ameritech Michigan Order, the Commission expressly rejected the argument that a BOC was entitled to notice from the CLECs of "spikes" in ordering volumes and held that a BOC "should be able to handle,

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P7-2, at IV-158.

without receiving advance notice from competing carriers, volumes of orders that fall within its stated capacity." Ameritech Michigan Order ¶¶ 195, 198.

117. In this case, BA-NY cannot complain that MCI WorldCom or the CLECs in the aggregate are asking BA-NY to process more that its reasonable commercial capacity. In most cases, the ordering volumes that so concern BA-NY are around ** **REDACTED** ** to ** **REDACTED** ** orders, and in only one case does the volume reach ** **REDACTED** **. These are well within reasonable ordering volumes. In order to begin to compete with BA-NY in the local markets, MCI WorldCom alone will have to be able to send a minimum of ** **REDACTED** ** orders per day.

118. Second, MCI WorldCom wants to make it clear that it does not hold orders in order to batch them and its normal ordering processes occur with the customers on the line. Today, most of MCI WorldCom's orders are placed either through its outbound sales centers or inbound customer service centers, where MCI WorldCom representatives take customer orders and enter them into MCI WorldCom's systems for transmission to BA-NY while the customers are on the line. In a small percentage of cases (** **REDACTED** **), the representative is unable to obtain the necessary third-party verification ("TPV") for the order during the customer's initial call. Those orders must be held pending verification and are sent later. But the vast majority of these orders (** **REDACTED** **) are taken and entered live with the customer.

119. This said, it is still the case that MCI WorldCom places orders with BA-NY 24 hours per day/7 days per week and that order volumes fluctuate. This is so because MCI

WorldCom must also process orders that fail its internal auditing mechanisms, orders that are rejected by BA-NY, and orders that must be held due to BA-NY system outages or MCI WorldCom software releases, and MCI WorldCom processes these orders on a 24 hour per day/7 day per week basis. Sometimes MCI WorldCom corrects errors that have resulted in rejects and resubmits the orders at one time. Other times, technical problems or the release of new software may cause MCI WorldCom or BA-NY to hold orders and submit them as a group. There is nothing extraordinary in this. It is simply the way systems work in the real world, and BA-NY must be able to process these order flows without manual intervention.

5. BA-NY's Inadequate Flow-Through Rates Are Anti-Competitive.

120. BA-NY's poor flow-through rates are not excused because BA-NY has managed to provision manually the relatively low volume of orders placed by the CLECs today. The obvious problem with adopting such a position would be that as order volumes increase to competitive levels, BA-NY will not be able to compensate for its lack of flow-through with manual processing. In other words, manual processing--even if relatively effective at low order volumes--cannot be considered a viable substitute for fully automated order processing at parity with that enjoyed by BA-NY.

121. The Commission made just this point in its Ameritech Michigan Order. Ameritech contended that it could address its order processing problems by increasing its capacity to process ordering manually. The Commission rejected this argument, saying that "[a]lthough additional manual processing may constitute a reasonable and necessary short-term solution to address capacity concerns, we do not believe that substantial and continued reliance

on manual capacity as a long-term solution to the ordering and provisioning of resale services is consistent with the requirement that there be equivalent access." Ameritech Michigan Order ¶ 196.

122. In fact, BA-NY's failure to provide proper flow-through for ordering is already having real-world consequences: BA-NY has consistently failed to meet the required intervals for processing manual FOCs and reject notices. This is hardly surprising. The unacceptably high volume of orders falling to manual is putting too much stress on BA-NY's manual processes. Under the Carrier-to-Carrier Guidelines in New York, BA-NY must return 95% of its manual FOCs within 24 hours. For May, June, and July, BA-NY only met the interval for ** **REDACTED** **, ** **REDACTED** **, and ** **REDACTED** ** for MCI WorldCom orders, respectively.[15/] A similar standard exists for reject notices, but for these some months, BA-NY's percentages for MCI WorldCom orders were ** **REDACTED** **, ** **REDACTED** **, and ** **REDACTED** **.[16/] These rates are plainly unacceptable.

123. Although BA-NY was able to improve manual processing of status notices for MCI WorldCom in August, it still failed to meet the 95% on time standard. BA-NY processed ** **REDACTED** ** of manual FOCs and ** **REDACTED** ** of manual reject notices within 24 hours.[17/] BA-NY showed less improvement for the CLECs overall, however.

15/ BA-NY Carrier-to-Carrier Reports, MCI Performance, Ordering - UNE POTS/Special Services, Order Confirmation Timeliness Metric OR-1-04 (% On Time LSRC < 10 Lines).

16/ Id. at Reject Timeliness Metric OR-2-04 (% On Time LSR Reject < 10 Lines).

17/ Id.

For CLECs in the aggregate, BA-NY process only 87.7% of manual FOCs,[18] and 82.9% of manual rejects on time.[19] In any event, one month's worth of data is an insufficient basis from which to conclude that BA-NY has solved its FOC and reject processing problems.

124. In short, BA-NY may be able to hire sufficient staff in the months before it files its federal 271 application and when it is processing only approximately ** **REDACTED** ** orders per day. But there is every reason to question whether this fix will continue to work at higher commercial volumes of orders and after BA-NY's federal 271 application has been resolved.

C. BA-NY Does Not Follow Appropriate Change Management Practices.

125. The importance of change control cannot be overstated. If MCI WorldCom is to establish and maintain itself as a competitor in local markets, BA-NY must adhere to reasonable change management procedures. In its Pre-Filing Statement, BA-NY pledges to provide the technical support necessary to construct working OSS interfaces and to adhere to reasonable change management processes during their development and implementation. BA-NY Pre-Filing Statement at 30. As KPMG explains, "[t]he change management process governs all aspects of the CLEC/BA relationship. All changes to documentation, interfaces, business rules and other functions are subject to the time frames, tracking, logging and coding of the change management process." KPMG Final Report, at VII-3.

18/ Id., CLEC Aggregate Performance, Ordering - UNE POTS/Special Services, Order Confirmation Timeliness Metric OR-1-04 (% On Time LSRC < 10 Lines).

19/ Id. at Reject Timeliness Metric OR-2-04 (% On Time LSR Reject < 10 Lines).

One of the critical lessons learned by MCI WorldCom in its attempts to develop and implement working OSS interfaces with BA-NY over the past two years is that BA-NY can inflict substantial costs on MCI WorldCom or any CLEC simply by making changes to its systems and interfaces without providing adequate and timely notice and documentation of the changes.

126. The basic principles of reasonable change management require BA-NY to provide the CLECs with sufficient advanced notice of proposed changes, including complete and accurate documentation, so that the CLECs can prepare and protect themselves from losing service. As part of this requirement, BA-NY has an affirmative responsibility to take the steps necessary to ensure reasonably stable interfaces and documentation, including undertaking thorough internal review procedures before releasing new documentation to the CLECs. Moreover, the CLECs must have a meaningful opportunity to provide input on proposed changes and the timing of new releases and to propose changes themselves. Finally, when system or interface outages occur, BA-NY must not only notify CLECs as soon as possible and move quickly to address the problem, it must also provide the CLECs with the explanation for the outage.

127. When MCI WorldCom first began developing interfaces with BA-NY in 1997, there were no established change management procedures at all: no notice requirements, no documentation requirements, and no formal change management organization within BA-NY. MCI WorldCom and the other CLECs were completely at the mercy of BA-NY.[20/] Today, the

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20/ See Aff. of R. Sampson on behalf of MCI, dated November 1997, ¶¶ 39-42, 45-54, (discussing change management problems associated with MCI WorldCom's ordering interface for resale) (BA-NY App. C, Tab 178); Supp. Aff. of R. Sampson on behalf of MCI, dated

rules for change management are set out in the TeleCom Industry Services Change Management Process (May 22, 1998) and subsequent supplements, and Bell Atlantic has established a change control forum where representatives from Bell Atlantic and the CLECs meet regularly (often more than once a month) to discuss upcoming changes to systems and interfaces as well as change management procedures themselves. We have come a long way, and, on paper, BA-NY has a reasonably adequate change management process in place. See Miller & Jordan Decl. ¶¶ 98-100 (outlining rules for implementing new releases and industry standard changes). But several key deficiencies in BA-NY performance must be addressed before BA-NY can be said to be providing adequate change management.

128. KPMG is highly critical of BA-NY's change management performance. In Exception Report 6, KPMG identified a number of deficiencies, including problems with BA-NY's notice and tracking procedures. KPMG closed Exception 6, but has made clear that it is not satisfied with BA-NY's change management practices. Minutes of NYPSC Technical Conference, July 28, 1999, Tr. at 3498-99.

129. In its Final Report, KPMG expressed concern with BA-NY's ability to provide timely notice and documentation, especially for changes initiated by BA-NY (Type 4 changes), which are the most common. KPMG Final Report, RMI1, at VII-3. KPMG gave BA-NY only qualified approval for meeting basic notice requirements because BA-NY had failed to provide timely notice for 4 of the 20 releases observed by KPMG from January to June 1999, id.

January 1998, ¶¶ 12-13, 15-16 (same) (BA-NY App. C, Tab 296).

Table VII-1.9, at VII-10, and because BA-NY had in several instances adjusted its implementation schedules without notifying the CLECs, id. Table VII-1.8, R1-6, at VII-8.

130. KPMG was especially critical of BA-NY's performance on documentation, finding that "[d]ocumentation regarding proposed changes has not been provided to CLECs on a timely and consistent basis," and that "[s]pecifically, BA's compliance on Type 4 (BA initiated changes) did not consistently meet the established intervals." Id. The data shows, in fact, that BA-NY only provided timely documentation in 3 of 19 instances from January to June 1999. Id., Table VII-1.9, at VII-10.

131. KPMG was also highly critical of the quality of BA-NY's documentation and pattern of poor release management. An important part of an ILEC's change management responsibilities is to internally review and test the documentation for new releases to ensure that it is complete and accurate before releasing it to the CLECs. BA-NY has consistently failed to meet this basic obligation. During KPMG's efforts to develop test interfaces for pre-ordering and ordering, for example, BA-NY provided one set of inadequate documentation after another. KPMG Final Report, at II-8. While KPMG found that BA-NY documentation did improve, KPMG concludes ultimately that the quality of BA-NY documentation never reached the level "required by a CLEC in a production environment." Id.; see also KPMG Final Report, Table IV-1.9, P1-4 (finding that "Bell Atlantic's documentation was not sufficiently complete and accurate to allow KPMG to create successfully EDI order and pre-order transactions"), at IV-19.

132. KPMG's concern with the quality of BA-NY documentation is also evident in its suggestion that BA-NY be made to clarify what constitutes "final documentation"

for the purposes of the change management rules. KPMG Final Report, Table VII-1.8, R1-6, at VII-9. KPMG states: "Further clarification also may be necessary in the change management policy regarding what constitutes 'final documentation.' The BA TIS change control policy indicates that final documentation is to be provided 45 days prior to the release of a Type 4 change. However, if that documentation is amended during the interval period or after the change item is implemented, it is not clear whether such changes jeopardize the status of the subject documentation as 'final.'" Id. This clarification is still under discussion in the change control group.

133. MCI WorldCom's experience reinforces KPMG's findings and conclusions. Beginning with BA-NY's release of its "final" documentation for EDI for pre-ordering in July 1998, BA-NY has issued 13 different sets of business rules and specifications and some 23 flash changes for EDI for pre-ordering. See MCI WorldCom's List of Bell Atlantic Reference Materials, appended as Attachment 8 to this Declaration; see also discussion of MCI WorldCom's development efforts on pre-ordering, supra ¶¶ 84-96. With each new set of documentation, BA-NY has contended that it has resolved the problems found in previous versions and is ready to support full EDI-based access for pre-ordering. But each time, MCI WorldCom has discovered dozens of open issues that would have to be addressed. Thus, not only has the documentation been inadequate, "MCI WorldCom has found itself in an impossible position of building [to] a constantly moving target." Minutes of NYPSC Technical Conference, July 28, 1999, Tr. at 3592 (testimony of J. Sivori).

134. Despite BA-NY's claims that it has corrected its change management problems since February, Miller & Jordan Decl. ¶ 102, BA-NY is still not providing timely notice or documentation. In August, BA-NY began providing change management performance data that is disaggregated across the different types of change requests (i.e., Type 1 requests for emergency changes; Type 2 requests for regulatory changes; Type 3 requests for industry standard changes; Type 4 requests for changes initiated by BA-NY; and Type 5 requests for changes initiated by a CLEC). The data shows that BA-NY failed to satisfy the Carrier-to-Carrier Guidelines standard of 95% on time performance for change management notice and documentation requirements. BA-NY managed to provide timely notice for BA-NY initiated changes 88% of the time.[21/] Moreover, BA-NY provided timely documentation for BA-NY initiated changes only 75% of the time.[22/] While BA-NY's performance is improving, it has yet to establish a pattern of compliance with basic change management procedures and rules.

135. In addition to the problems with notice and documentation, BA-NY has refused to give the CLECs a meaningful opportunity to provide input on new releases. Until very recently, BA-NY initiated changes were given priority over CLEC initiated changes as a matter of course. Under pressure from the NYPSC, however, a new procedure was put in place in September, under which a committee of BA-NY and CLEC representatives prioritize changes based on merit, not based on their sponsorship. MCI WorldCom is hopeful that the new

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21/ BA-NY Carrier-to-Carrier Report for August, CLEC Aggregate Performance, Operation Support System/Billing, Change Notification Metric PO-4-01 (% Notices Sent on Time - BA Orig.) (BA-NY App. A, Vol. 3, att. D, exh. D).

22/ Id. at Change Confirmation Metric PO-4-01 (% Notices Sent on Time - BA Orig.).

prioritization rules will improve the ability of CLECs to provide input on changes, but they have not been in place long enough for to provide a reliable indication of their impact.

136. Unfortunately, the CLECs' recent experience with BA-NY and its roll out of the Live Wire systems does not bode well for the CLECs on this issue. As that episode shows, BA-NY is quite capable of completely ignoring the needs and competitive well being of the CLECs. When BA-NY announced the release of Live Wire, the CLECs unanimously requested that BA-NY postpone the release because of concerns that the change would delay the CLECs' OSS development. BA-NY flatly refused, and Live Wire was implemented on schedule. As a result, MCI WorldCom's development of its EDI interface for pre-ordering was significantly set back. See discussion supra ¶¶ 94-96.

137. Another example of BA-NY's refusal to permit CLEC's any real say in change management involves BA-NY's carrier-to-carrier testing procedures. Under pressure from the NYPSC, BA-NY was forced to develop escalation procedures for disputes arising during the change management process and during carrier-to-carrier testing. As part of their joint proposal for escalations during testing, MCI WorldCom, AT&T, Sprint, and Community Networks requested the authority to delay a release in situations where a supermajority (two-thirds) of the CLECs that would be affected by the release determined that the release would be harmful to their operations. Such reasonable safeguards are part of the change management

procedures in the PacBell and SWBT territories.[23/] BA-NY rejected any element of CLEC control over the timing of new releases.

138. BA-NY also has a poor track record on handling unplanned outages or emergency changes. BA-NY fails to monitor its interfaces adequately so that it can provide immediate notice of outages and establish workaround procedures to keep affected CLECs in business. Its August data shows that it provided timely notice of emergency changes only 70% of the time.[24/] Although ordered to do so by the NYPSC, BA-NY has yet to provide data for the metric measuring the average amount of time it takes BA-NY to notify the CLECs of an outage, once BA-NY becomes aware that its systems are down.[25/]

139. MCI WorldCom is experiencing frequent unannounced outages. Over the summer, MCI WorldCom lost GUI access for pre-ordering and repair and maintenance twice without notice from BA-NY: on June 25 for five hours and for more than 24 hours on August 10-11. And on July 2, BA-NY's EDI translator failed again, and BA-NY did not notify MCI WorldCom of the outage. As a result, MCI WorldCom continued to send orders and lost a total

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23/ See Pacific Bell Competitive Local Exchange Carrier Interface Change Management Process 8, 14, 22-25 (Apr. 28, 1999) (describing outstanding issue solution process), appended as Attachment 9 to this Declaration; SWBT Competitive Local Exchange Interface Change Management Process 7, 9-10, 18-21 (Sept. 17, 1999) (same), appended as Attachment 10 to this Declaration.

24/ BA-NY Carrier-to-Carrier Report for August, CLEC Aggregate Performance, Operation Support System/Billing, Change Notification Metric PO-4-01 (% Notices Sent on Time - Emergency Maint.) (BA-NY App. A, Vol. 3, att. D, exh. D).

25/ Id. at Average Notification of Interface Outage Metric PO-5-01 (Average Notice of Interface Outage).

of 1,924 before realizing that there was a problem. Also, as mentioned above, MCI WorldCom is experiencing periodic problems with its pre-ordering interface, see discussion supra ¶ 61, but BA-NY has yet to notify MCI WorldCom of a single on of these outages.

140. In addition, BA-NY often fails to provide explanations for outages after the fact. BA-NY must inform MCI WorldCom of the results of its evaluations of such problems for two reasons. First, without an explanation, MCI WorldCom cannot take any steps to see that the troubles are not repeated. Second, even if the problem lies solely on BA-NY's side of the interface, MCI WorldCom needs to be able to track and record the causes for these outages so that it can help BA-NY to identify and resolve recurring problems. This is particularly important today given the problems MCI WorldCom is having with parsed CSRs. Nonetheless, BA-NY has yet to provide explanations for more than half of these outages.

141. Finally, MCI WorldCom is concerned that BA-NY does not adequately consider the impact of its planned system down time on the CLECs. On several weekends recently, BA-NY has disabled critical pre-ordering and trouble administration functions. BA-NY took down both EDI for pre-ordering and the GUI from 6:00 PM Saturday, October 9 until 10:30 AM Monday, October 11. BA-NY also shut down these interfaces from 8:00 PM to 10:00 PM on October 16. While weekends may be slow periods for BA-NY, they are not for MCI WorldCom. MCI WorldCom concentrates its telemarketing efforts on the weekends when people are at home. In addition, MCI WorldCom tends to get more repair and maintenance calls on the weekends, perhaps because this is a more convenient time for callers. BA-NY must

consult more closely with CLECs on the timing of these planned outages or provide alternatives for CLECs so they are not taken completely out of business.[26/]

D. BA-NY Does Not Provide Adequate Help Desk Support.

142. BA-NY must provide adequate help desk support for CLECs. BA-NY committed in its Pre-Filing Statement to establish one or more help desks for CLECs with sufficient hours of operation and staffed by an adequate number of persons with the appropriate expertise to provide the necessary support. BA-NY Pre-Filing Statement at 31. BA-NY has not proven its ability to provide adequate help desk service.

143. KPMG found that BA-NY does not provide a single, consistent procedure for obtaining assistance from its help desks and the result is "confusion and delay" for CLECs and their customers. See KPMG Exception Report 45. KPMG also found "significant deficiencies in the quality" of BA-NY's help desk documentation. KPMG Final Report, at IV-226. KPMG remains "not satisfied" because the documentation does not adequately provide contact list and help desk numbers, thus requiring CLECs to call "multiple sources before resolution steps can be initiated." Id., Table IV-9.7, P9-16, at IV-218. KPMG concluded that "these errors resulted in significant delays" in interface development and in completing pre-ordering and ordering transactions. Id. at IV-226.

26/ BA-NY recently agreed to reduce the down time for its Service Order Processor ("SOP") to 1 hour per day, 6 days per week, and 12 hours on Saturday night and Sunday morning. This is a considerable improvement from the current schedule of 6 hours per day, 5 days a week, 12 hours on Saturday nights, and 14 hours on Sunday nights.

144. MCI WorldCom's experience is consistent with KPMG's findings. MCI WorldCom has found that BA-NY's help desk representatives often lack the necessary expertise to answer questions or respond to problems and, as discussed above, often fail to follow up with explanations for problems after they have been addressed. See also KPMG Exception Report 45.

E. BA-NY Has Not Demonstrated the Ability to Provide Adequate Carrier-to-Carrier Testing.

145. Sound carrier-to-carrier testing is crucial to establishing and maintaining the EDI interfaces for pre-ordering and ordering. As KPMG noted, any company doing business with BA-NY using EDI "would need to have a sound testing process in which to make sure that they were able to update their technology in a predictable and rigorous fashion." Minutes of NYPSC Technical Conference, July 28, 1999, Tr. at 3474. Moreover, BA-NY has acknowledged the importance of carrier-to-carrier testing, recognizing in its Pre-Filing Statement that it would be "necessary to perform carrier-to-carrier testing" and pledging "to engage in and provide full cooperation for such carrier-to-carrier testing." BA-NY Pre-Filing Statement at 32. BA-NY has not yet demonstrated that it can conduct adequate carrier-to-carrier testing with CLECs.

146. During the third-party testing, KPMG evaluated BA-NY's Quality Assurance ("QA") testing environment and determined that it was inadequate. KPMG found that BA-NY's internal QA facilities "did not provide a carrier-to-carrier environment . . . that adequately resembles its production environment for pre-ordering and ordering." KPMG Exception Report 21, at 1. KPMG found that the QA environment was simply too unstable to be of any use to the CLECs because BA-NY regularly cycled in new software and, moreover,

cycled in the new software without providing advance warning to the CLECs that the change was coming. KPMG Final Report, Table IV-1.9, P1-2, at IV-17. KPMG also found that BA-NY had failed to sufficiently define and document its carrier-to-carrier testing procedures. KPMG Exception Report 22; see also KPMG Final Report, Table IV-1.9, P1-1, at IV-17. KPMG concluded that the lack of a stable test bed and the absence of clearly documented testing procedures were both significant impediments to CLEC testing.

147. MCI WorldCom's experiences in attempting to develop and test the EDI interface for pre-ordering confirm KPMG's assessment. MCI WorldCom attempted to conduct testing with BA-NY for its pre-ordering interface from November 1998 to March 1999 without success. After repeated requests for test bed data and a stable test environment in which to work, BA-NY finally suggested that MCI WorldCom move its testing from BA-NY's QA environment into a production environment and conduct its testing there. MCI WorldCom agreed, and all MCI WorldCom pre-ordering testing from that time forward was conducted in a production environment.

148. In response to KPMG Exception Reports 21 and 22, BA-NY implemented an interim procedure for QA testing in May 1999, and BA-NY also proposed a permanent solution, which was to be implemented in September 1999. The interim procedures proved clearly inadequate as a long-term solution. BA-NY failed to provide sufficient time or resources for CLECs to conduct thorough carrier-to-carrier testing. The plan allotted only 30 hours over a 5-day period for CLEC testing of new releases and a maximum of 3 hours of technical support. BA-NY also failed to devote sufficient resources to the repair services required to correct the

problems discovered during testing. BA-NY provided for repairs only for a 3-hour period on the Wednesday night of the test week. In MCI WorldCom's experience, this plan underestimated the time and resources required.

149. The interim plan was also problematic because BA-NY did not complete its own internal testing of a release until the day before CLEC testing was to begin. This was troubling because it meant that BA-NY could not provide the results of its testing and the changes it had to make to the release until the morning that the CLECs were to begin testing themselves. Thus, the CLECs by necessity began their first day of testing by scrambling to rework their test scenarios based on BA-NY's changes. For the June release, for example, BA-NY allegedly had conducted a thorough analysis of the business rules and specifications for EDI 2.3 for pre-ordering and EDI 1.6 for ordering, but nonetheless BA-NY had to issue significant revisions to its test deck just prior to the start of CLEC testing. On Saturday, June 12, BA-NY published some 60 pages of revisions to its test deck.

150. MCI WorldCom also was concerned with adequacy of the interim testing accounts and environment. MCI WorldCom took issue with BA-NY's use of pre-formatted test scenarios and accounts and questioned whether the testing environment mirrored production. Under the interim plan, BA-NY pre-established all test scenarios and their corresponding accounts and the CLECs were limited to conducting their testing using those test cases. In order to properly test a new release, CLECs must have the flexibility to establish their own test accounts and to run their own test scenarios against those accounts. This is the only way a CLEC

can determine with any confidence that a release will support the functionality it requires in production.

151. BA-NY has promised to address these issues in its permanent testing environment. See Bell Atlantic - New York, CLEC Test Environment New Release and New Entrant Testing, effective September 1999 (July 20, 1999) (BA-NY App. A, Vol. 2, att. G, exh. H). Under the permanent plan, BA-NY promises to provide the CLECs with a stable test environment that "mirrors the production environment," but that is "totally separate" from both its internal quality assurance environment and its production systems. Id. at 1. The CLECs are to have a reasonable 30 day period in which to conduct testing. Id. Moreover, BA-NY promises to permit the CLECs to establish their own test accounts and scenarios, in addition to BA-NY's test deck of basic test scenarios. Id. at 3.

152. While MCI WorldCom applauds BA-NY's recent efforts, BA-NY filed its 271 application before any one could actually run tests in the new environment. As KPMG explains, BA-NY's permanent plan appears to be an improvement, but there is no "track record" with the new environment and procedures, and the situation is still evolving. KPMG Final Report, Table VII-2.4, R2-7, at VII-24; see also id. at II-8; Minutes of NYPSC Technical Conference, July 28, 1999, Tr. at 3471-72. Thus, BA-NY has not demonstrated its ability to support rigorous carrier-to-carrier testing as it must.

153. Since BA-NY filed its application, MCI WorldCom has attempted to conduct pre-order testing in BA-NY's new permanent testing environment. Our experience has not been a happy one. MCI WorldCom was to begin testing the parsed CSR, address validation,

telephone number selection, and due date availability subfunctions of EDI Version 2.5.1 for pre-ordering on September 20, but BA-NY failed to communicate the proper IP address to MCI WorldCom, so MCI WorldCom received no responses to its test cases. For security reasons, it took BA-NY several days to establish a new IP address. MCI WorldCom tried again on September 28, but received no response from BA-NY. BA-NY determined that it had improperly set up the address. Because BA-NY had to shut down its network to fix the problem, it had to wait until the weekend, which took us to Saturday, October 2. On October 4, MCI WorldCom again could get no response. Finally, on October 5 and 6, MCI WorldCom was able to conduct limited testing, but BA-NY test environment was sporadically open and closed, so little was accomplished.

154. On October 8 and 11, MCI WorldCom had its first legitimate testing days in the new environment. (The results of the testing have been mixed, but MCI WorldCom remains hopeful that it will be able to implement address validation, though not telephone number selection or due date availability, before the end of October.) Unfortunately, BA-NY has had repeated difficulties with the TCP/IP connection for pre-ordering; and, these problems, in conjunction with a network outage that was MCI WorldCom's responsibility, have permitted only limited testing since October 11.

155. MCI WorldCom must, therefore, withhold judgment on the adequacy of BA-NY's new testing environment and processes until we have been able to complete a full cycle of testing and release implementation.

III. CONCLUSION

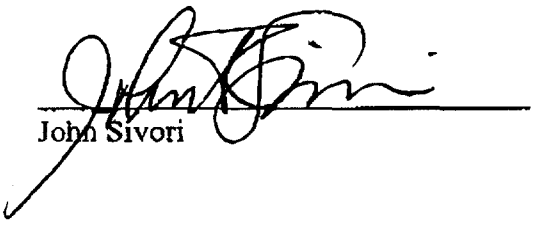
This concludes the Joint Declaration on Behalf of MCI WorldCom.

I declare under penalty of perjury under the laws of the United States of America that the foregoing Joint Declaration on Behalf of MCI WorldCom is true and correct to the best of my knowledge and belief.

Sherry Lichtenberg

Sherry Lichtenberg

I declare under penalty of perjury under the laws of the United States of America that the foregoing Joint Declaration on Behalf of MCI WorldCom is true and correct to the best of my knowledge and belief.



John Sivori

JOINT DECLARATION OF
SHERRY LICHTENBERG and JOHN SIVORI
on Behalf of MCI WorldCom, Inc.

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