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REDACTED FOR PUBLIC INSPECTION

December 17, 1999

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th St., SW, Room TWB-204
Washington, DC 20554

Re: Notice of Ex Parte Contact
In the Matter of the Application by New York Telephone Company (d/b/a Bell Atlantic – New York), Bell Atlantic Communications, Inc., NYNEX Long Distance Company, and Bell Atlantic Global Networks, Inc., for Authorization to Provide In-Region, InterLATA Services in New York, CC Docket No. 99-295

Dear Ms. Salas:

On Friday, December 3, 1999, the Commission issued a Public Notice in the aforementioned proceeding requesting Comment on the propriety of accepting post-filing date data submitted by both Bell Atlantic and the New York Public Service Commission into the record in this proceeding. Please find attached AT&T's Supplemental Response to that Public Notice. A portion of this filing contains confidential information, and we are submitting both a public redacted version and a confidential version pursuant to the Commission's rules.

Two copies of this Notice are being submitted in accordance with Section 1.1206 of the Commission's rules.

Sincerely,

Robert W. Quinn, Jr.

Attachments

cc: The Honorable Chairman William E. Kennard
Dorothy Attwood, Legal Adviser to Chairman Kennard
The Honorable Commissioner Tristani,
Sarah Whitesell, Legal Adviser to Commissioner Tristani
The Honorable Commissioner Ness
Jordan Goldstein, Legal Adviser to Commissioner Ness
The Honorable Commissioner Furchgott-Roth
Helgi Walker, Legal Adviser to Commissioner Furchgott-Roth
The Honorable Commissioner Powell
Kyle Dixon, Legal Adviser to Commissioner Powell
Lawrence Strickling, Common Carrier Bureau
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Michele Carey, Common Carrier Bureau
Andrea Kearney, Attorney, Common Carrier Bureau

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SUPPLEMENTAL RESPONSE OF AT&T CORP. TO THE FCC'S REQUEST FOR *EX PARTES* IN CONNECTION WITH BELL ATLANTIC'S SECTION 271 APPLICATION FOR NEW YORK

AT&T respectfully submits these supplemental comments in response to the Commission's Public Notice of December 3, 1999,[1] which requests responses to the *ex parte* submissions in connection with the Section 271 Application of Bell Atlantic for New York. The purpose of these supplemental comments is to supplement the data set forth in AT&T's comments filed on December 15, 1999 (hereinafter "AT&T December 15 *Ex Parte*"). These data show that as of December 14, 1999, there is a backlog of approximately 6,900 overdue AT&T UNE-P orders -- *i.e.*, orders that AT&T sent to Bell Atlantic and for which Bell Atlantic has issued no status notices of any kind. Thus, all of these orders are in limbo in Bell Atlantic's systems and have not been provisioned, even though most of them were sent in November and should have been completed long ago.

In its *ex parte* submissions, Bell Atlantic asserted that (1) "What ultimately matters to a CLEC's ability to compete are *results*: whether its orders are *provisioned* in a timely and adequate manner," and (2) Bell Atlantic "has continued to provision 99 percent of orders on time."[2] As AT&T has shown, however, this argument is fundamentally flawed. First, the 99 percent on-time performance claimed by Bell Atlantic reflects Bell Atlantic's ability to meet the due dates that are finally requested by CLECs after having to cope with Bell Atlantic's system problems. That figure

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[1] Public Notice, "*Ex Partes* Requested In Connection With Bell Atlantic's Section 271 Application for New York," CC Docket No. 99-295, DA 99-2721 (rel. Dec. 3, 1999) ("Public Notice").

[2] *See* letter dated November 29, 1999 from Dee May to Magalie Roman Salas, Attachment at 1-2 (emphasis in original).

does *not* include orders that are still in limbo, because they are orders Bell Atlantic never acknowledged receiving, never confirmed or rejected, and for which it never issued a completion notice. AT&T December 15 *Ex Parte* at 38-39.

Second, in terms of "results," Bell Atlantic has neither provided parity of access to its OSS nor otherwise rendered adequate performance for this large number of orders. *Id.* at 39-45. AT&T's own data, as set forth in its December 15 *Ex Parte*, showed that Bell Atlantic has failed to provide complete and timely status notices for a significant number of AT&T's UNE-P orders. For example, with respect to the orders that AT&T submitted in November (through November 28), Bell Atlantic failed to return either an LSRC or a SEM for 27 percent of these orders; failed to return provisioning completion notices for 16 percent of orders eligible to complete; and failed to return billing completion notices for 15 percent of orders eligible to complete. *Id.* at 44-45 & Atts. 6, 9. A significant percentage of UNE-P orders that AT&T submitted from August through October also failed to receive one or more status notices (acknowledgments, LRSCs, SEMs, billing completion notices, and provisioning completion notices). *Id.*, Atts. 5-6, 9. These data actually *overstate* Bell Atlantic's performance for completion notice and due date performance, because in calculating the percentage of orders for which a completion notice is returned or a due date met, AT&T reviewed only orders that were "eligible to complete" -- which are generally orders for which an LSRC has been returned (and therefore do not include the missing orders described here). *See id.*, Att. 9.

Taken collectively, these data suggested that significant volumes of AT&T's UNE-P orders have not received *any* status notices at all -- and are thus backlogged orders that were "lost" in Bell Atlantic's systems. An analysis that AT&T completed on December 15 confirms this

fact and shows that as of December 14, 1999, approximately 6,900 UNE-P orders that AT&T submitted between August 31 and December 9 have not received an acknowledgment, an LSRC or SEM, a billing completion notice, *or* a provisioning completion notice. A table setting forth the volumes of these missing, backlogged orders (by date of their submission) is attached hereto as Attachment 1.[3]

When the missing notices are taken into account, BA-NY's performance is even worse than that previously reported by AT&T. Attachment 2 hereto describes the extent to which BA-NY has returned completion notices on time for AT&T's UNE-P orders when the "orders eligible to complete" include missing, backlogged orders. Under this methodology, in November (the month when the majority of missing orders were submitted) BA-NY returned provisioning and billing completion notices for only 61 and 62 percent, respectively, of orders eligible to complete. BA-NY returned provisioning completion notices on time for only 57 percent of November orders eligible to complete, and returned billing completion notices on time for only 54 percent of such orders.[4] BA-NY's performance in these various areas represents a

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[3] Because of mutual systems issues relating to the sending and receiving of acknowledgments, AT&T was unable to determine the full extent of missing orders prior to December 9, when Bell Atlantic implemented the last "fixes" necessary to resolve the problems. At that time, AT&T reviewed the ordering data in its own systems (including its Local Ordering System and its electronic gateway (ECIP-3)) to determine (1) how many orders AT&T sent through the gateway; (2) how many of such orders had received one or more status notices from Bell Atlantic (*i.e.*, an acknowledgment, confirmation, rejection or completion); and (3) how many of such orders had received no status notices at all. That analysis took several days and was completed late on December 15.

[4] Delayed and missing completion notices pose a significant risk to AT&T's ability to bill its local customers accurately, which is essential to ensuring customer satisfaction. For example, AT&T does not set up its local account for a customer until it receives a completion notice. If the daily usage feed from BA-NY transmits local calling minutes for that customer to AT&T before a

(continued...)

decrease of 20 to 27 percentage points below that calculated when missing orders were excluded from the calculation. *Compare* Attachment 2 *with* AT&T December 15 *Ex Parte*, Att. 9. Moreover, as shown in Attachment 3 thereto, during November BA-NY's performance in provisioning AT&T's UNE-P orders on time could be dramatically below its claimed overall performance of 99 percent (and, for two weeks of that month, could be as low as 51.9 percent and 71.6 percent), depending upon whether the missing orders were in fact provisioned (and on time).[5]

These large volumes of missing, backlogged orders are yet another indication of Bell Atlantic's current inability to provide parity of access to its OSS.[6] Until Bell Atlantic can correct these deficiencies, and the other deficiencies in Bell Atlantic's OSS that AT&T has described in its previous submissions, CLECs will incur additional costs and burdens that severely impair their ability to compete in the local exchange market -- all to the detriment of consumers. *Id.* at 45-46.

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[4] (...continued)
completion notice is received and the customer's local account is established, AT&T will mis-rate those minutes as intraLATA call minutes that will be charged to the customer, rather than as local minutes that should have generated no additional charge.

[5] Attachment 3 reflects the best and worst possible on-time provisioning performance by BA-NY when the missing AT&T UNE-P orders are taken into account. The top line of the graph represents BA-NY's performance under the assumption that BA-NY provisioned all missing orders, on time. The lower line of the graph calculates BA-NY's performance under the assumption that BA-NY provisioned none of the missing orders or, to the extent that it did provision such orders, failed to do so on time. The actual weekly "best possible performance/worst possible performance" percentages are set forth in the lower part of Attachment 3; the "best possible performance" percentages are set forth in the red boxes, below which are the "worst possible performance" percentages.

[6] In fact, the 6,900 missing orders are only part of Bell Atlantic's deficient performance in returning status notices, since this figure includes only "Series 1" orders (orders submitted for the first time) that received no status notices. It does not include supplemented orders that received no notices.

And, as the volume of CLEC orders continues to grow, these costs and burdens -- and their impact on consumers -- will also grow.

ATTACHMENT 1

Documents associated with this attachment are proprietary and are being provided under separate cover pursuant to the Protective Order.

ATTACHMENT 2

Documents associated with this attachment are proprietary and are being provided under separate cover pursuant to the Protective Order.

ATTACHMENT 3

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