

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)
)
Application by SBC Communications Inc.,)
Southwestern Bell Telephone Company,) CC Docket No. _____
And Southwestern Bell Communications)
Services, Inc. d/b/a Southwestern Bell Long)
Distance for Provision of In-Region)
InterLATA Services in Texas)

AFFIDAVIT OF Lea J. Barron

STATE OF TEXAS)
)
COUNTY OF DALLAS)

REDACTED INFORMATION SHOWN AS ****

I, Lea J. Barron, being of lawful age and duly sworn upon my oath, do hereby depose and state as follows:

1. My name is Lea J. Barron. My business address is 1300 W. Mockingbird Lane, Suite 200, Dallas, Texas. 75247. I am Manager, Provisioning for NEXTLINK Texas, Inc. ("NEXTLINK"). In this position, I am responsible for managing provisioning functions for NEXTLINK in the state of Texas. My job responsibilities also include tracking Southwestern Bell's ("SWBT") provisioning performance for NEXTLINK in Texas.
2. I received a Bachelor of Fine Arts degree in 1988 from Texas Tech University. I have been employed at NEXTLINK for approximately four months. Prior to joining NEXTLINK, I worked at Allegiance Telecom for approximately one year as quality control manager for operations.

NEXTLINK Performance Data

3. In late October 1999, NEXTLINK initiated an internal program to track SWBT's performance in provisioning certain vital network services and facilities to NEXTLINK, primarily in Dallas, Texas. Under this data collection effort, NEXTLINK initiated internal procedures to track SWBT's performance, on a going forward basis, effective November 1, 1999.
4. SWBT's FCC 271 application provides results on its tracking of numerous state-mandated performance measurements for services provisioned to CLECs in Texas. These data reflect

SWBT's provisioning performance from August 1999 through October 1999, and results are presented for all Texas CLECs in aggregate form.

5. While the NEXTLINK data referenced in this affidavit is limited to SWBT's performance in November and December, it nevertheless, raises questions regarding the accuracy of SWBT's reported results, and whether CLECs in Texas actually receive service from SWBT that is on par with the service provided to the incumbent's end-user customers.
6. NEXTLINK is also currently experiencing serious problems regarding the delivery of inadequate and non-operational facilities that generally affect service provisioning and, in particular, the hot cut and flowthrough processes. These problems both require NEXTLINK self-initiated workaround solutions and go primarily unnoticed under the existing performance measures program.

Accuracy of SWBT's Underlying Reporting Data

7. As a threshold issue, NEXTLINK has been unable to match "order-for-order" SWBT's NEXTLINK specific data for several performance measurement tracking reports submitted to the Texas Commission. For example, SWBT's November data for "271 CLEC-No. 5" which contains the "Percent Firm Order Confirmations (FOCs) received within "x" hours" indicates that from August 1999 through November 1999, NEXTLINK had a total of **** "residence and simple business" orders in the Texas market¹. While SWBT's business rules (version 1.6) do not define the type of orders included in this category, it is NEXTLINK's understanding that this category might include the following types of service orders: (1) residential; (2) service with interim number portability ("INP"); (3) UNE platform service ("UNE-P"); or (4) resale.
8. Under NEXTLINK's calculations, the reported number of service orders in SWBT report "271 CLEC-No. 5" should be **** because NEXTLINK submitted **** resale orders in Texas during the reporting period. NEXTLINK did not submit any residential, UNE-P, or INP service orders in Texas during the reporting period. SWBT claims NEXTLINK submitted *** orders.
9. On January 10, 2000, NEXTLINK has requested that SWBT provide us with the underlying raw data for the order numbers cited in its performance measurement tracking reports submitted to the Texas Public Utility Commission. As of this date, NEXTLINK is still awaiting SWBT's response to this inquiry.
10. The discrepancies NEXTLINK has discovered between its data and the SWBT reported data for November and December 1999 should, at a minimum, call into question the accuracy of the underlying statistics provided by SWBT in its data (pre-

¹ NEXTLINK had **** occurrences in submeasure 5a and **** occurrences in submeasure 5b.

November data) contained in its 271 FCC application. NEXTLINK urges the Commission to seriously consider the potential for inaccurate aggregate CLEC data when analyzing the SWBT data submission.

Inaccurate Reporting for Certain Measurements

11. Assuming for the moment, however, that even if SWBT's submission in this application accurately captures and properly categorizes the specific total number of CLEC orders, NEXTLINK's data reveals that SWBT's underlying data is also inaccurate regarding certain categories that measure the service SWBT currently provides NEXTLINK. More specifically, NEXTLINK has discovered that, in November and December, as to the timely delivery of FOCs, and the number of orders impacted by SWBT missed due dates because of a lack of facilities—NEXTLINK's data, once again, diverges from the performance measurement tracking reports that SWBT has recently filed with the Texas Commission. In addition, even when taken at face value, SWBT's data reveals poor performance with respect to the timely delivery of LNP FOCs to all CLECs generally and NEXTLINK, in particular.

FOCs

12. As addressed in NEXTLINK's Draper affidavit, an area of significant competitive concern is SWBT's on-going inability, upon receiving local service requests ("LSRs"), to provide Firm Order Commitments (FOCs) to NEXTLINK on a timely basis. In turn, NEXTLINK cannot, with any degree of certainty, provide its end-user customers with firm service commitment dates as result of the high-rate of SWBT FOCs that are placed in jeopardy status and returned to NEXTLINK at a later date.

13. NEXTLINK's data regarding SWBT's FOC performance differs from the underlying data submitted in its Texas PUC performance measurement tracking reports. SWBT's report "271 CLEC-No. 5 (Percent Firm Order Confirmations (FOCs) received within "X" hours)" tracks SWBT FOC performance for UNE loop facilities through different SWBT delivery modes (i.e., LEX, EDI, or manual). Report 5(a) tracks the mechanized-LEX system, report 5(c) tracks the mechanized-EDI system, and report 5(e) tracks FOCs that are processed manually.

14. The total amount of NEXTLINK's UNE loop orders in Texas, as reported by SWBT, for November 1999, irrespective of the delivery mode (i.e., manual, LEX, or EDI), is ****. SWBT's data as filed reports that all but **** of those orders were received by NEXTLINK within 24 hours. SWBT's reported December data, similarly aggregated, shows that NEXTLINK submitted **** UNE loop orders, and that all but **** of those orders were received by NEXTLINK within 24 hours.

15. NEXTLINK's data, however, do not confirm SWBT's alleged near flawless performance regarding the delivery of FOCs to

NEXTLINK within a 24-hour period. To the contrary, NEXTLINK's data reveals poorer performance than reported by SWBT, and even more troubling, SWBT's performance in December was worse than in November.

16. For example, as outlined in Attachment A, which records FOC data for Dallas alone, NEXTLINK recorded **** UNE "loop only" orders in November in which **** orders received FOCs after 24 hours. In December, however, NEXTLINK recorded **** UNE loops ordered, which **** orders received FOCs after 24 hours.
17. SWBT claims that for the entire Texas market it delivered a late FOC for UNE loop facilities on only **** occasions in November and December, while NEXTLINK has documented at least **** FOCs that were received late during the last two months of 1999 in Dallas alone.

FOCs-LNP

18. One of the key provisions of the Telecommunications Act of 1996 is the general duty on all telecommunications carriers to provide local telephone number portability ("LNP"). Competition in the local telecommunications marketplace can not flourish if consumers are unable to maintain their existing telephone numbers if they choose to switch service providers. On-time receipt of LNP FOCs, either for LNP with an underlying ILEC loop facility or LNP for a new service provider's facility, is key to provisioning new service to consumers on a timely basis.
19. Assuming for the moment, however, that even if SWBT's data submission in this application accurately captures and properly categorizes SWBT to CLEC FOC transactions, SWBT's own data reveal its poor performance in delivering LNP FOCs on a timely basis to all CLECs and to NEXTLINK, in particular.
20. For example, SWBT's report "271 CLEC-No.94 LNP-(Percent Firm Order Confirmations (FOCs) received within "X" hours)" --that tracks LNP FOCs delivered by the LEX system (No. 94(a)) and LNP FOCs delivered using the EDI system (No. 94(b))--reveals that since SWBT began tracking this measurement, NEXTLINK has received below parity service on an overwhelming majority of its total LNP orders. For the most recent period of November and December, SWBT recorded a total of **** NEXTLINK LNP orders. SWBT failed to deliver those LNP FOCs to NEXTLINK within the measurement parameter nearly 20% (**** of **** LNP total orders) of the time. SWBT, however, claims to have only failed to deliver LNP FOCs to all CLECs approximately 11% (4955 of 5560) of the time.
21. NEXTLINK, believes that, at a minimum, these data cast serious doubt on SWBT's claims regarding its performance tracking reports and its ability to provide NEXTLINK and other CLECs with service at parity with the service provided to SWBT and its affiliated entities.

Average Delay Days Due to Lack of Facilities - Provisioning-UNE

22. In report "271 CLEC No.61-a" ("Average Delay Days Due to Lack of Facilities") SWBT asserts near perfect performance with respect to the number of average delay days that NEXTLINK has experienced due to lack of SWBT facilities in Dallas/Fort Worth during the months of November and December. In fact, for 8.0dB loops, 5.0 dB loops, BRI Loops, ISDN BRI Loops, and DS1 dedicated transport SWBT reports zero number of missed due dates. Only in the DS1 loop category did it report any missed due dates, with **** missed due date(s) in November and December, respectively. In addition, the **** November missed due date(s) was reported as delayed by **** days, and the December missed due date was apparently delayed by **** days.
23. As outlined in Attachment A, NEXTLINK, once again, has conflicting data regarding the number of NEXTLINK orders that experienced a delay because SWBT could not provision service to NEXTLINK because of a lack of facilities in the Dallas/Ft. Worth market. As discussed in the context of SWBT's late FOC delivery, NEXTLINK's data regarding average delay days due to lack of facilities covers the same time period reported in SWBT's "271 CLEC No. 61-A" report. NEXTLINK's data reveals poorer performance than reported by SWBT, and reveals that the number of lines affected by missed due dates and the average number of delay days has gotten progressively worse.
24. In November, NEXTLINK experienced **** orders that were delayed due to a lack of SWBT facilities. These orders affected **** lines and the average delay was **** days. In December, however, **** NEXTLINK orders were delayed by a lack of SWBT facilities, affecting **** lines and the average delay was **** days.
25. The discrepancy between NEXTLINK and SWBT's data regarding missed due dates due to a lack of facilities provides the Commission with additional evidence that the FCC should cast doubt on the accuracy and the weight of SWBT's claims regarding its performance tracking reports and its ability to provide NEXTLINK and other CLECs with service at parity with the service provided to SWBT and its affiliated entities.

Service Issues Affecting SWBT Facilities - For Hot Cuts and Flowthrough Orders

26. In addition, NEXTLINK has also experienced numerous problems associated with the facilities delivered by SWBT for hot cut and flow through orders. In essence, these service-related problems directly impact NEXTLINK's ability to provision service to its end-user customers on a timely basis. NEXTLINK has repeatedly faced the problem of receiving SWBT facilities that are not operational upon delivery. Such facilities may

be non-operational due to improper or no engineering, or bad preexisting underlying network cable facilities.

27. In a recent sample, designed to capture the severity of this facilities problem, NEXTLINK quantified the facilities troubles it experienced with SWBT during the last week of December, 1999. For example, in the last week of December, NEXTLINK completed **** orders impacting **** end-user access lines. **** of the **** orders, or **** out of the **** total end-user access lines, were directly affected by non-operational facilities.
28. As a result of this consistent service problem, NEXTLINK must ensure that it requests due dates for the LNP porting process to occur two to three days after SWBT delivers the facilities. Without this NEXTLINK-initiated delay, none of the affected lines would be ready for conversion, whether through the coordinated hot cut or flowthrough process. Moreover, the steps outlined above are initiated by NEXTLINK in order to work around an existing and unacceptable SWBT business practice. In addition, no existing performance measure currently tracks this SWBT-created downtime and thus no remedy is available to provide SWBT with an incentive to cure this problem.

This concludes my affidavit.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on _____, 2000.

Lea J. Barron
Manager, Provisioning
NEXTLINK Texas, Inc.

State of Texas
County of Dallas

Subscribed and sworn to before me

this ____ day of _____, 2000.

Notary Public