

24. Moreover, in Texas, the risk of rejects exists even if CLECs properly type the address onto the LSR. It is MCI WorldCom's understanding that SWBT validates addresses against both the CRIS and the PREMIS databases at various points in its back-end systems. As a result, in addition to the risk of lost dial tone, mismatches between these databases can cause rejection of orders.
25. SWBT's requirement that CLECs submit addresses on every LSR and failure to parse the addresses on its CSRs thus remains a major impediment to MCI WorldCom's launch of residential service at commercial volumes.

SWBT's Creation of Three Service Orders from Every LSR and Failure to Ensure These Orders Remain Associated

26. In our prior declarations, we explained several ways in which SWBT's process for creating three service orders from every LSR can lead to loss of dial tone, double billing, and other problems. As our discussion above makes clear, SWBT's February 10 ex parte confirms that mismatched addresses on the three service orders can lead to loss of dial tone. Such mismatches can occur not only if a CLEC populates the order with an address from PREMIS instead of CRIS but also if a CLEC makes a mistake in typing in an address. If the CLEC types 4 Elm Street instead of 44 Elm Street, for example, the customer may lose dial tone. That should not be the consequence of a simple CLEC error – a type of error that is impossible for a CLEC to avoid on all orders.
27. The Texas PUC indicates that SWBT has reduced lost dial tone to an acceptable level. PUC Evaluation at 54. But any loss of dial tone is too high. Moreover, the PUC

discounts lost dial tone that resulted in part from address errors allegedly made by AT&T.

But simple address errors by CLECs should not lead to loss of dial tone for customers.

28. SWBT's performance measures probably do not give an accurate estimate of the number of CLEC customers losing dial tone. SWBT's measures of reported troubles only reflect troubles reported after SWBT has transmitted a completion notice to CLECs, and SWBT only transmits a completion notice after it provisions an order. As a result, if SWBT processes a D order before the C and N orders, the customer will likely be disconnected before SWBT transmits a completion notice. Resultant loss of dial tone would then not be captured in SWBT's reports of trouble tickets.
29. In any event, whatever the level of lost dial tone today, it is far lower than is likely to occur as order volumes increase. As the Department of Justice points out, SWBT is reducing lost dial tone today by manually monitoring orders, DOJ Evaluation at 51, something that will not be possible at substantially higher volumes of orders. Indeed, in the December User Forums in Texas, SWBT acknowledged the continued existence of a multitude of problems associated with its three-service-order problems and that it was still searching for long-term systemic solutions. To date, it has not implemented any. Until it does so, it will be extremely risky for any CLEC to begin transmitting large volumes of orders to SWBT.

Inability to Update LIDB Through Submission of an LSR

30. SWBT continues to preclude CLECs from updating its Line Information Database by submitting LSRs after initial CLEC orders (and has not even made a definitive commitment to a date for allowing CLECs to do so).^{6/} We discussed the deficiencies of SWBT's alternative processes in our prior declarations. The Texas PUC does not dispute the deficiencies of the alternative processes. It does not explain how SWBT's existing processes provide parity to CLECs when they force CLECs to wait to submit PIC changes until they have received completion notices on their initial orders, and even then they must rely on dual data entry to submit such changes, and they have no means of tracking the status of such changes. SWBT's inefficient processes for submission of LIDB updates after initial orders is yet another substantial barrier limiting MCI WorldCom's ability to submit commercial volumes of orders.
31. Moreover, although on January 15, 2000, SWBT did implement an LSR process for transmission of LIDB updates on initial CLEC orders, that process is not yet working acceptably. In our prior declarations, we discussed orders MCI WorldCom had submitted to test the new process. The final results from these test orders show that the process is not working. On seventeen MCI WorldCom orders, customers experienced twelve branding problems. On 411 calls, two customers had SWBT branding instead of MCI

^{6/} The Phase II enhancement to allow changes to LIDB to be submitted via LSRs are "targeted" for December 2000 but no firm commitment has been made to that date. McMillon & Sivori Decl. Att. 9.

WorldCom branding (seven and eight days after receipt of completion notices), and one had no branding (eight days after receipt of a SOC). On 555-1212 calls, two had SWBT branding (one and five days after receipt of a SOC) and four had no branding (one, two, seven, and eleven days after receipt of SOCs). On operator calls, two had SWBT branding (eight and nine days after receipt of a SOC) and one had no branding (ten days after receipt of a SOC). MCI WorldCom has submitted trouble tickets for these customers.

32. New CLEC customers become confused when they hear SWBT branding on operator and directory assistance calls; moreover, without CLEC branding, CLECs do not receive the benefit of the increased customer loyalty such branding promotes. SWBT must ensure that its new LIDB process for initial CLEC orders properly updates branding for CLEC customers.

Too Much Manual Processing

33. SWBT's ex parte filings demonstrate that SWBT's level of manual processing remains far too high. They show, for example, that SWBT's late return of manually processed rejects affects all modes of competitive entry. February 14 ex parte filing, Performance Measures 10.1 & 11.1 This is especially important given that SWBT continues to reject far too many orders and to manually handle far too many of those orders it does reject.

34. In addition, SWBT's ex parte filings undermine its claim that variation in CLEC reject rates shows CLECs are to blame for most rejects. SWBT's January 21 ex parte shows that all CLECs are experiencing high reject rates.
35. SWBT's ex parte filings also show that SWBT's flow-through rate is decreasing for UNE-P orders placed via EDI – the one category of orders for which SWBT had previously claimed a respectable flow-through rate. SWBT's own numbers show that flow-through for UNE-P orders placed via EDI dropped from 97.55% in August to 84.45% in November. January 21 ex parte. This is far higher than flow-through for loop or loop-with-LNP orders, which dropped to below 30%, and for LEX orders (which rely on the same back-end systems as EDI orders), for which flow-through remained below 60% in November for UNE-P, UNE-L, and resale orders.
36. Moreover, these flow-through numbers are exaggerated, because SWBT counts orders as flowing through even if they fall out after reaching SORD. Many CLEC orders likely fall out at this stage because a high percentage of SWBT edits occur there. In contrast, for SWBT retail orders, most edits occur up front. SWBT's flow-through numbers are also exaggerated because SWBT calculates flow-through based on service orders, not LSRs. If a CLEC submits an LSR, the CLEC experiences all of the disadvantages of manual processing if even one of the three service orders SWBT creates from the LSR falls out for manual processing. Yet because it calculates flow through based on service orders, SWBT calculates two of three service orders as flowing through.

37. In addition to distorting flow through rates by its method of calculating flow through, SWBT's ex parte suggests that even using SWBT's calculation method, SWBT's flow-through numbers are probably not accurate. SWBT's January 21 ex parte shows, under PM 5 on FOC timeliness, that SWBT received a total of 31,476 LSRs in November (23,861 for UNE-P). It also shows that SWBT manually processed 4,252 rejects (2,544 for UNE-P). None of the supplemental orders to correct those rejects flows through the system. Based on manual processing of these supplemental rejects alone, flow-through for CLEC orders must be less than 90% for UNE-P orders and less than 87% for all CLEC orders.^{7/} The numbers are similar for December.
38. It is highly unlikely that the orders falling out for manual processing as a result of other causes are so small that SWBT's reported November flow-through rate for EDI orders of 85.32% (86.36% for UNE-P) is accurate when less than 87% flow-through simply as a result of manual processing of supplemental orders to correct rejects. Far more likely, SWBT is not counting supplemental orders in its calculation of flow-through. Of course, the need to make such educated guesses is the problem with data that has not been audited, much less audited by an independent third party.

^{7/} This is at least roughly accurate both for orders placed via EDI and orders placed via LEX, as well as for UNE-P orders overall. The reject rates for EDI and LEX orders were similar in November (SWBT Jan. 21 ex parte filing); thus, the percentage of supplemental orders to correct manually processed rejects -- orders which fall out for manual processing -- was roughly the same for orders placed over each interface.

39. In addition to the number of orders that drop out for manual processing, SWBT's folders system continues to create problems. As Birch makes clear, orders continue to become "stuck" in SWBT's systems, just as they did during MCI WorldCom's small UNE-P test in 1998. The problem of stuck orders also exists in New York where, as we discuss below, it has increased dramatically in magnitude in recent months. The PUC fails to address the continuing problems caused by SWBT's folders systems.

Inability to Submit Trouble Tickets Electronically Until Orders Post to Billing

40. As we have explained previously, SWBT precludes CLECs from conducting MLT tests or submitting trouble tickets electronically until orders have posted to billing. This delays CLEC submission of troubles, precludes CLECs from ascertaining the status of those troubles, and may prevent CLECs from resolving those troubles at all. This last problem exists because SWBT trouble handling representatives may not recognize a customer as a CLEC customer until an order has posted to billing. This happened to MCI WorldCom in New York at a time when Bell Atlantic would not accept trouble tickets until orders posted to billing, occurred on one of two trouble tickets MCI WorldCom attempted to submit manually in Texas in January, and also happened to AT&T with MLT tests it has attempted to have SWBT conduct for its customers. Dalton & DeYoung Decl. ¶ 200.
41. Contrary to the assertion of the PUC, PUC Evaluation at 41, SWBT can alter its systems to enable CLECs to submit troubles electronically as soon as SWBT has provisioned the order. Bell Atlantic did so in New York, and SWBT certainly could implement a similar

solution. In fact, SWBT has now promised to implement a solution in its Trouble Administration GUI. But until that solution is put in place and shown to work, SWBT's trouble handling systems create a significant obstacle to competitive entry by CLECs at commercial volumes.

Failure to Properly Relate Orders

42. When CLECs submit multiple orders for a single customer, they often want to ensure that those orders are processed at the same time. Moreover, they often need to ensure that these orders remain coordinated in their own systems to sync up billing and other downstream processes. In order to relate these orders, they fill in the industry standard field on the LSR.
43. The Department of Justice states that related purchase orders “must be manually input into SBC’s back-end legacy systems by SBC representatives.” DOJ Evaluation at 37. It is true that SBC representatives must manually input those orders that SWBT is willing to relate. But what is more important is that, as we previously explained, SWBT simply will not relate orders that are MOG-eligible (a category permitting flow through into which SWBT claims most orders fit). McMillon & Sivori Decl. ¶ 143.
44. In addition, even on orders that are not MOG-eligible, SWBT appears to relate the orders only at the LSC, not all the way through to provisioning. Moreover, if SWBT rejects one of these orders, it will then reject the second order for “related order not found,” creating the vicious cycle of rejects that we discussed in our initial declarations. Id. ¶¶ 141-42.

45. SWBT was scheduled to implement a partial fix to the related order problem in January. We previously explained that SWBT had postponed that fix. Id. ¶ 144. SWBT has now announced that it has postponed implementation of that fix indefinitely.

SWBT Is Not Operationally Ready

46. We have previously discussed the substantial evidence that SWBT's systemic defects are resulting in poor performance even at today's low volume of orders. SWBT's ex parte filings confirm that performance remains poor. In its February 9 ex parte SWBT provides data aggregated on a statewide basis showing that it missed 17% of performance measures in October, 17% in November, and 16% in December. If the superior New York method of categorizing misses were applied, SWBT would have missed even more measures.
47. Missing some 16-17% of the measures is far too many. Inferior performance across such a broad array of measures precludes CLECs from competing effectively. Moreover, as we have also previously explained, many of the measures that SWBT is missing are key measures, including those related to repeat trouble reports, repair commitments, and timeliness of FOCs and rejects.
48. This poor performance exists at a low volume of orders. We previously calculated based on the data that SWBT provided that SWBT had processed approximately 32,500 orders via EDI in September and approximately 19,000 in October. McMillon & Sivori Decl.

- ¶ 240. There is now some confirmation that these estimates were relatively accurate – indeed, they may even have been overestimates.
49. The Texas PUC conducted a survey to determine the number of CLEC lines served via UNES. In September, the last month for which data is provided, CLECs served 61,698 lines via UNES (19,179 residential lines and 42,519 business lines). In August, CLECs served 44,115 lines. Thus, in September CLECs ordered 17,582 new lines to be served via UNES assuming no churn; if a 5% churn rate is assumed, the number of new lines is approximately 20,000. This is the number of new lines ordered via EDI, LEX, and manual processes and includes lines served via loops as well as UNE-P. Moreover, because multiple lines are sometimes ordered on a single LSR, the number of orders is presumably significantly lower than the number of lines.
50. SWBT also presents volume information in its February 14 ex parte filing. The data in this filing, if accurate (and we have no basis to conclude it is), show a somewhat higher volume of orders than the data provided by the PUC. Nonetheless, even SWBT's data show a low volume of monthly orders. The data under Performance Measurement 5 on FOCs show that SWBT processed 48,915 total LSRs in September – far more than in any other month. In October, November and December, SWBT processed 29,331, 31,476 and 33,372 LSRs respectively. For UNE-P, the numbers were 23,939, 23,861 and 25,446 LSRs in the same months. For all other UNES, including UNE-L, the numbers were a paltry 1,840, 2,720, and 2,818 LSRs in October, November, and December respectively.

These volume numbers include LSRs CLECs submitted to change service for existing customers as well as to acquire new customers. As explained further below, MCI WorldCom's experience in New York suggests that approximately 15-20% of the LSRs received by SWBT are to change service for existing customers.

51. In contrast to this low volume of UNE orders processed by SWBT, Bell Atlantic processed 70,000 new UNE orders in September, at the end of which it filed its section 271 application. NY Order ¶ 169. Even that number is far below commercial volumes. MCI WorldCom has significantly increased ordering in New York since September, for example, as have others.
52. The difference between the number of orders for new CLEC customers in New York and Texas significantly understates the additional number of orders that SWBT can expect for another reason as well. As CLECs increase their customer base, they will submit a significant number of orders to change service for existing customers. They will submit orders for customers to change their PIC or to change their features, for example. In New York, MCI WorldCom submitted orders for over 20% of its existing customers in January and for 17.6% in December. In other words, for every five existing MCI WorldCom customers, MCI WorldCom submitted approximately one order to change service in some way. The same can be expected to be true in Texas. In evaluating SWBT's ability to process increased volumes of orders, orders for existing customers must be taken into

account -- something that Telcordia's scalability analysis did not do, even setting aside its many other flaws.

53. As order volumes increase substantially in Texas, SWBT's performance is likely to deteriorate significantly. Neither SWBT nor CLECs will be able to continue to hand-hold orders on their respective sides of the interface as they are currently doing. During the Telcordia test, for example, MCI WorldCom spent far more time overseeing each order than it could possibly afford to devote if it were submitting commercial volumes of orders. Birch appears to have implemented work-arounds that require it to engage in additional manual processing, as well as requiring SWBT to engage in additional manual processing. Moreover, the manual oversight SWBT is currently using to attempt to ensure that service orders remain coordinated in its back-end and to ensure that orders post to billing in a timely fashion will not be possible at higher order volumes.
54. In New York, MCI WorldCom has experienced a significant increase in problems since the Commission approved Bell Atlantic's section 271 application. The same and indeed far worse problems can be expected if the Commission approves SWBT's section 271 application before these problems are finally resolved. Each of the problems that currently exist in New York can already be seen in Texas even at today's low volume of orders and at a time when SWBT has every incentive to perform as well as it possibly can.

55. In New York, tens of thousands of orders are now “lost” in Bell Atlantic’s systems without acknowledgments, FOCs, or completion notices, prompting the New York Public Service Commission to conclude that the “current performance problems, . . . if unabated for another month, could undermine the ability of competitors to provide local service in New York State.” Order Directing Improvements to Wholesale Service Performance, Feb. 11, 2000, at 2 (attached as Ex. 2). This is explained in the Declaration of Mindy Chapman submitted to the Commission on February 14 (attached as Ex. 1).
56. In Texas, with far lower order volumes, many orders are already becoming lost in SWBT’s systems – as Birch makes clear in the affidavit it has submitted. Tidwell & Kettler Aff. ¶¶ 71-80. Birch’s experience mirrors that of MCI WorldCom during its small 1998 UNE-P test when SWBT informed MCI WorldCom that some of its orders were stuck in folders.
57. Moreover, of the orders presently stuck in Bell Atlantic’s systems, more than 20,000 are pending without completion notices because they have not posted to billing. SWBT is already experiencing similar problems. As the Department of Justice points out, many CLEC orders in Texas are not posting to billing on time. DOJ Evaluation at 41-42. SWBT’s solution of manually overseeing orders to ensure proper posting, id. at 42, has not worked at today’s volumes, and of course is far less likely to work as volumes increase significantly. Indeed, as in New York, the problem of orders pending indefinitely in SWBT’s back-end is likely to become far worse if SWBT receives section

271 approval before a systemic fix is implemented, as well as if volumes of orders significantly increase.

58. The impact of the problem of orders that fail to post to billing is certain to be even worse in Texas than in New York. In Texas, the posting problem augments the harm caused by SWBT's inability to accept electronic trouble tickets electronically until orders have posted to billing; whereas, in New York, Bell Atlantic accepts trouble tickets immediately. Moreover, in Texas, unlike New York, CLECs do not receive completion notice when orders post to billing; instead, they receive completion notices when orders are provisioned. If the CLEC receives a completion notice but the order then fails to post to billing, both the CLEC and SWBT will bill the customer, as the CLEC will begin billing the customer when it receives the completion notice. Such double billing has already occurred in Texas. Id. at 42.^{8/}
59. A second problem that exists in New York that also exists in Texas, in addition to that of orders pending indefinitely in the BOC's systems, is late return of FOCs and rejects. After section 271 approval, Bell Atlantic's performance with respect to return of FOCs and rejects substantially declined. In December, Bell Atlantic hit the benchmark for only

^{8/} While SWBT's systems create a higher risk of double billing than Bell Atlantic's, customers also have been double billed in New York as a result of posting problems. Even though Bell Atlantic should not have billed these customers, it has disconnected some of them for non-payment when they did not pay their erroneous Bell Atlantic bill. Double billing in Texas is likely to result in similar disconnects.

71% of FOCs (on orders it manually processed) as opposed to 88% in November.^{9/} As the volume of manually processed rejects increased from 4,513 in October to 13,666 in November to 21,629 in November, Bell Atlantic's performance declined from 90% of rejects within the benchmark in October to 84% in November to 62% in December. Bell Atlantic's performance declined even more significantly for MCI WorldCom orders specifically.

60. As explained above, SWBT is already experiencing substantial difficulties in returning manually processed rejects in a timely fashion, and its performance has fallen off dramatically in recent months. SWBT is also consistently failing most of the measures related to FOC timeliness.^{10/} McMillon & Sivori Decl. ¶¶ 147-55. SWBT's performance with respect to these key measures, like Bell Atlantic's, can only be expected to worsen if its section 271 application is approved, increasing the importance that all problems be adequately resolved prior to section 271 authorization.

^{9/} December data was not reported until after the Commission's section 271 decision.

^{10/} Bell Atlantic's performance in providing timely announcements of Type 4 change management notifications (Bell Atlantic initiated change requests) was also extremely poor in December. Bell Atlantic only met the benchmark 20% of the time. As we explained in our initial declarations, SWBT's performance with respect to change management has generally been poor and its willingness and ability to comply with the new change management agreement it entered with CLECs is largely untested. Moreover, SWBT, unlike Bell Atlantic, does not even have performance measures to assess compliance with its change management commitments. SWBT must show its ability to meet these commitments prior to authorization of long distance entry.

61. In fact, since SWBT's systems, unlike Bell Atlantic's in New York, did not undergo a rigorous third party test that was expansive in scope, and since SWBT's systems are not performing well even at order volumes much lower than existed in New York at the time of Bell Atlantic's section 271 application, SWBT's performance can be expected to worsen even more dramatically than Bell Atlantic's if it gains approval of its section 271 application. SWBT must correct the defects in its systems before, not after, it gains section 271 approval.

CONCLUSION

This concludes our Joint Reply Declaration on behalf of MCI WorldCom.

I declare under penalty of perjury that the foregoing is true and correct.


Terri McMillon

Executed on: Feb 18, 2000

I declare under penalty of perjury that the foregoing is true and correct.

Sherry Lichtenberg
Sherry Lichtenberg

Executed on: 2-18-00

I declare under penalty of perjury that the foregoing is true and correct.



John Sivori

Executed on: 2/21/2000

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

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

**DECLARATION OF MINDY J. CHAPMAN
ON BEHALF OF MCI WORLDCOM, INC.
REGARDING BELL ATLANTIC-NEW YORK'S
MISSING NOTIFICATIONS**

1. My name is Mindy J. Chapman. I am Senior Manager for LEC Interface Operations for MCI WorldCom, Inc. ("MCI WorldCom"). My business address is 707 17th Street, Suite 4100, Denver, Colorado 80202. My duties include tracking all data and order activity for all local resale and UNE Platform orders. I track all of these orders to completion, addressing data issues and assessing orders that are not timely completed. I also analyze orders that are rejected, and am responsible for initiatives to reduce the rate of rejected orders. I also monitor to ensure that all data from LECs is received, processed, stored and used in a timely and accurate fashion. Finally, I help coordinate the LECs to ensure compliance to standards and intervals for Dial One Order Processing and Local Order Processing.

2. This declaration is based on my personal knowledge of the facts stated herein or on a review of the books and records of MCI WorldCom, which books and records are kept in the ordinary course of business by MCI WorldCom. This declaration is intended to

provide information about Bell Atlantic-New York's ("BA-NY's") practice of failing to process and successfully transmit notifications concerning MCI WorldCom's UNE-Platform orders. This issue has been raised before the Federal Communications Commission in a previous declaration, and in MCI WorldCom's reply comments on BA-NY's Section 271 Application. Below, I provide an update on this particularly pernicious problem -- a problem whose impact and severity has mushroomed since the Commission's decision to grant BA-NY Section 271 approval. Simply put, many of the OSS deficiencies discussed in MCI WorldCom's reply comments not only remain obstacles to our efforts to sustain increasing numbers of local customers in New York, but have increased in scope and magnitude.

3. Since raising this concern many months ago, MCI WorldCom has had to watch as an increasing number of its UNE-Platform orders, now numbering in the many tens of thousands, have failed to receive acknowledgments, firm order confirmations ("FOCs"), or notices of completion ("NOCs"). Moreover, BA-NY has long acknowledged it had a problem processing these orders. Yet, BA-NY continues to ineffectively address these critical problems.

4. Lost or late acknowledgments, FOCs and NOCs have had serious consequences for MCI WorldCom's nascent local business in New York. Without acknowledgments and FOCs, MCI WorldCom has no idea whether BA-NY has received the order and is processing it and cannot confirm the scheduled due dates for service to its customers. Without final NOCs, MCI WorldCom has been deprived of revenue because it has been delayed in billing a customer until that customer's order has cleared BA-NY's billing systems. Otherwise, the customer would be billed by both BA-NY and MCI WorldCom, which

has occurred. In addition, the lack of completion notices can lead to considerable customer confusion and inadequate customer service. Until a customer's order clears BA-NY's systems, MCI WorldCom cannot adequately help them with billing problems or even address trouble with their service. Also, customers who believe they have switched their service to MCI WorldCom may not pay their BA-NY bills and, as a result, could lose service altogether. These are customer-affecting failures that customers will undoubtedly attribute to MCI WorldCom, and they can severely damage MCI WorldCom's reputation as it seeks to become a respected and reliable local service provider.

5. While BA-NY has admitted to knowing about the problems for many months, it has been slow to address them, resulting in substantial numbers of missing orders, the current backlog of which is about 70,720. The numbers discussed herein were generated from MCI WorldCom's LEC Provisioning System that sends and receives the relevant messages between MCI WorldCom and BA-NY. The following numbers have been provided to BA-NY, along with detailed backup. BA-NY has *never* disputed this data. In fact, this data has been used in efforts at BA-NY to recover thousands of orders dating back to August 1999.

6. The number of orders from August to the present MCI WorldCom sent to BA-NY without reply from BA-NY is staggering. No acknowledgment was received to confirm successful transmission of these orders, which currently number over 30,000. In December and through the first week of January, orders were affected by a problem that BA-NY later detected and labeled a "Netscape" issue. BA-NY, during this period, recovered over 20,000 lost orders due to the issue, resulting in up to a seven-week delay for MCI WorldCom customers in

provisioning. In January, the number of orders with no BA-NY reply spiked to over 30,000. Moreover, despite MCI WorldCom's ongoing exchange of information with BA-NY about the orders, BA-NY has still failed to act and resolve the problem. In response to concerns about this problem by MCI WorldCom, among others, BA-NY instituted a "load balancing" arrangement on February 5 that BA-NY claimed would solve missing acknowledgment problem. This, however, did not solve the problem. Since inception of BA-NY's effort, BA-NY has lost an additional 2,885 of MCI WorldCom's orders from February 5 through February 11. Thus, the number of unacknowledged orders since February 5 is greater than 10% of the total number of MCI WorldCom orders transmitted during that period.

7. Today, over 30,000 MCI WorldCom customers have had their orders significantly delayed.

PENDING ACKNOWLEDGMENTS

Early December	16,584
Mid-December	37,887
Early January	16,616
Mid-January	34,393
Early February	32,684
February 11	32,536

8. Even when orders are properly acknowledged, BA-NY still has problems. BA-NY fares no better when one looks at the volume of orders from August through the present

that were acknowledged by BA-NY as received, but for which BA-NY provided no additional information – *i.e.*, a rejection or confirmation sent to MCI WorldCom. Without notifications from BA-NY indicating the status of these orders, due date information is not received and provisioning may not occur, so that customer billing by MCI WorldCom cannot timely commence. In addition, when rejected orders are not received, MCI WorldCom is deprived of the opportunity to cure any defects and resubmit them in a timely fashion. This has delayed provisioning for thousands of customers for a period of weeks or months. Since August, lost orders in this category have risen steadily with little relief. BA-NY completed some recoveries in late October and November. However, after BA-NY's poor implementation of a second, new transport method (SSL3) for orders on January 8, 2000, the number of lost orders nearly has quadrupled. All detail order data has been provided to BA-NY on this issue.

PENDING FIRM ORDER CONFIRMATIONS

Mid-July	3,754
Early August	1,087
Mid-August	1,065
Early September	1,091
Mid-September	1,549
Early October	1,647
Mid-October	1,797
Early November	1,495