

Pat Wood, III  
Chairman  
Judy Walsh  
Commissioner  
Brett A. Perlman  
Commissioner  
W. Lane Lanford  
Executive Director



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EX PARTE OR LATE FILED

*Public Utility Commission of Texas*

June 19, 2000

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Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Rm. TW-B-204  
Washington, DC 20554

Re: CC Docket No. 00-65: *Application of SBC Communications Inc. Pursuant to Section 271 of the Telecommunications Act of 1996 to Provide In-Region InterLATA Services in Texas*

Dear Ms. Salas:

Enclosed for filing in the above referenced docket are one (1) original and six (6) copies of the Public Utility Commission of Texas' *Ex Parte* Submission.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Donna Nelson", with a long horizontal line extending to the right.

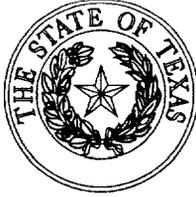
Donna Nelson  
Director-Telecommunications  
Legal Division

Enclosures

cc: Janice Myles, Policy and Program Planning Division, FCC (12 copies)  
Donald J. Russell, Department of Justice (1 copy)  
ITS, Inc. (1 copy)

No. of Copies rec'd at 6  
List A B C D E

Pat Wood, III  
Chairman  
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Executive Director



## Public Utility Commission of Texas

June 19, 2000

**REDACTED - FOR PUBLIC INSPECTION**  
**Ex Parte Submission**

Magalie Roman Salas, Esq.  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

Re: CC Docket No. 00-65; *Application of SBC Communications Inc. et al pursuant to Section 271 of the Telecommunications Act of 1996 to Provide In-Region, InterLATA Services in Texas*

Dear Ms. Salas:

The Public Utility Commission of Texas (Texas Commission) files this *ex parte* to update the Federal Communications Commission (Commission or FCC) on further efforts the Texas Commission has taken to ensure that the Texas local market remains open to competition.

In previous filings with this Commission, the Texas Commission has expressed its commitment to working with competitive local exchange carriers (CLECs) and with SWBT to add, delete, or refine performance measures as necessary to reflect the competitive marketplace. In order to meet that goal, the Texas Commission has been conducting a six-month review of performance measures. Texas Commission Staff held 11 days of workshops between April 12 and June 9. Transcripts of the June 1, 6, 8 and 9 workshops are attached to this *ex parte*.<sup>1</sup> In addition, SWBT and CLECs met informally in several daylong sessions in an effort to resolve disputes regarding revisions to performance measures. SWBT and the CLECs are now in the

<sup>1</sup> *Section 271 Compliance Monitoring of Southwestern Bell Telephone Company of Texas*, PUCT Project No. 20400 *Implementation of Docket Nos 20226 and 20272*, PUCT Project No. 22165, Workshop Transcript (June 1, 2000) (attached hereto as Exhibit 1); *Section 271 Compliance Monitoring of Southwestern Bell Telephone Company of Texas*, PUCT Project No. 20400, Workshop Transcript (June 6, 2000) (attached hereto as Exhibit 2); *Section 271 Compliance Monitoring of Southwestern Bell Telephone Company of Texas*, PUCT Project No. 20400 *Implementation of Docket Nos 20226 and 20272*, PUCT Project No. 22165, Workshop Transcript (June 8, 2000) (attached hereto as Exhibit 3); *Section 271 Compliance Monitoring of Southwestern Bell Telephone Company of Texas*, PUCT Project No. 20400 *Implementation of Docket Nos 20226 and 20272*, PUCT Project No. 22165, Workshop Transcript (June 9, 2000) (attached hereto as Exhibit 4). Transcripts of previous workshops were attached to the Texas Commission's April 26 and May 19 filings in this docket.

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process of briefing the Texas Commission on any remaining disputes. The Texas Commission will finalize changes to the performance measures at its July 12 open meeting and the measures will be implemented shortly thereafter by SWBT.

In its Evaluation submitted on May 19<sup>th</sup>, the Texas Commission noted that a line sharing arbitration was pending at the Texas Commission.<sup>2</sup> The Texas Commission also noted its interest in making line sharing available to CLECs pursuant to the *Line Sharing Order* issued by this Commission.<sup>3</sup> On May 10<sup>th</sup>, Texas arbitrators granted the petitioners' request for a hearing to determine interim relief. Pursuant to the arbitrators' Order, the interim relief hearing was held on May 22 and 23, 2000. The arbitrators recognized the importance of the need for an interim solution and issued an Interim Award on June 6, 2000. The Award stated in part:

Line sharing is essential for CLECs' broad-based entry into the digital subscriber line (xDSL) market. Delay in provisioning the high frequency portion of the loop will have a significant adverse impact on competition in the provisioning of advanced services to customers that want both voice and data over a single line. Because ILECs are currently the only carriers able to use line sharing to provide advanced services, any delay in the line sharing availability because of the timeframes under section 252 could deny mass market consumer access for nine months or more. Thus, delay in implementation could severely undermine any pro-competitive effects of line sharing. Parity between CLECs and the ILECs advanced services retail offering or the ILEC advanced services affiliate is essential to guarantee nondiscriminatory access to line sharing. This interim arbitration award is designed to enable rapid entry by new competitors, thus furthering the goal of deployment of advanced services to all Americans.<sup>4</sup>

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<sup>2</sup> *Petition of IP Communications, Corp. to Establish Expedited Public Utility Commission of Texas Oversight Concerning Line Sharing Issues*; PUCT Docket No. 22167, and *Complaint of Covad Communications Co. and Rhythms Links, Inc. against Southwestern Bell Telephone Co. and GTE SW, Inc. for Post-Interconnection Agreement Dispute Resolution and Arbitration under the Telecommunications Act of 1996 Regarding Rates, Terms, Conditions, and Related Arrangements for Line Sharing*, PUCT Docket No. 22469.

<sup>3</sup> *Deployment of Wireline Services Offering Advanced Telecommunications Capability and Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, Third Report and Order, CC Docket No. 98-147, and Fourth Report and Order, CC Docket No. 96-98 (rel. Dec. 9, 1999) ("*Line Sharing Order*").

<sup>4</sup> *Petition of IP Communications, Corp. to Establish Expedited Public Utility Commission of Texas Oversight Concerning Line Sharing Issues*; PUCT Docket No. 22167, and *Complaint of Covad Communications Co. and Rhythms Links, Inc. against Southwestern Bell Telephone Co. and GTE SW, Inc. for Post-Interconnection Agreement Dispute Resolution and Arbitration under the Telecommunications Act of 1996 Regarding Rates, Terms, Conditions, and Related Arrangements for Line Sharing*, PUCT Docket No. 22469, Interim Award (June 6, 2000) at 4.

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Further, to assist the parties to the line sharing arbitration and provide a mechanism to enable CLECs to enter the market rapidly, the arbitrators included interim contract language as part of the Award.<sup>5</sup>

In its June 13, 2000 *ex parte*, the Department of Justice (DOJ) recommended approval of SWBT's application to provide long distance service in Texas, subject to "important qualifications."<sup>6</sup> The Texas Commission appreciates the DOJ's thoughtful analysis throughout this process. The DOJ wanted the Commission to confirm that CLECs had the option of using either the coordinated hot cut (CHC) process or the newer, alternate frame due time (FDT) process.<sup>7</sup> The DOJ also wanted the Commission to be "assured that SBC's reported CHC outage data for April accurately reflect its performance." The DOJ noted that the outage data was produced very late in the application process and the normal reconciliation process did not accompany the data. The DOJ apparently refers to a June 6, 2000 *ex parte* filing with the Commission. Exhibits 9 through 11 of SWBT's June 6, 2000 *ex parte* show outage data for CHCs as follows for April:

**SWBT Caused Outage Percentage for CHC Conversions**

	Total No. of Orders	Total No. of Lines	No. of Orders with Outages	No. of Lines with Outages	% of Orders with Outages	% of Lines with Outages
April	****	****	****	****	****	****

On June 15, 2000, SWBT filed an affidavit with the Texas Commission. The affidavit indicates that, after reconciliation, SWBT and AT&T recognized outages on \* REDACTED \* orders and \* REDACTED \* lines, instead of \* REDACTED \* of each. Therefore, the chart showing April data would change as follows:

**SWBT Caused Outage Percentage for CHC Conversions**

	Total No. of Orders	Total No. of Lines	No. of Orders with Outages	No. of Lines with Outages	% of Orders with Outages	% of Lines with Outages
April	****	****	****	****	****	****

<sup>5</sup> A copy of the Interim Award is attached hereto as Exhibit 5.

<sup>6</sup> Letter from Donald J. Russell, Chief, Telecommunications Task Force, Antitrust Division, U.S. Department of Justice, to Magalie Roman Salas, Secretary, Federal Communications Commission, CC Docket No. 00-65 (June 13, 2000).

<sup>7</sup> The Texas Commission understands that CLECs may use either option, but SWBT should confirm such through an *ex parte* filing with this Commission.

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Even after the reconciliation, SWBT's outage percentages fall well within the standards set by this Commission under *Bell Atlantic New York*.<sup>8</sup> SWBT also filed affidavits with the Texas Commission on June 16, 2000, that completed the reconciliation of March and April data for PMs 114 and 114.1, the remaining hot cut measures. Based upon the affidavits, March and April data changed less than a percentage point for PM 114 after the reconciliation.<sup>9</sup> No changes resulted from the reconciliation of PM 114.1 data.

In its *ex parte*, the DOJ also raised concerns about allegations regarding SWBT's inability to provide nondiscriminatory access to updating the line information database ("LIDB") in a timely and accurate manner. This issue has been raised by MCI WorldCom at the Texas Commission through informal complaints addressed to the Commissioners. Although MCI has not filed a formal complaint, Texas Commission staff is, nonetheless, working with both SWBT and MCI to determine if a problem exists and, if it does, to determine how it should be resolved.

The DOJ also noted "two recent disturbing allegations regarding limitations on the availability of the UNE-platform to SBC's competitors." The DOJ acknowledged that the allegations cannot be resolved based on information currently in the record. The DOJ refers to complaints raised by AT&T and Global Crossings. The Texas Commission first became aware of these complaints when it reviewed the May 19, 2000, filings in this docket of AT&T and Global Crossings. As detailed in its April 26, 2000 Evaluation, the Texas Commission has several forums in place to allow CLECs to address issues of this nature. Neither AT&T nor Global Crossings has availed itself of those forums. The Texas Commission would welcome the opportunity to work with the parties to resolve any potential issues.

As the DOJ points out, SWBT's performance continues to improve. The Texas Commission continues to believe that SWBT meets the requirements of Section 271 and should be granted relief under the federal Telecommunications Act and should be allowed to enter the long distance market in Texas.

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<sup>8</sup> *Application by Bell Atlantic New York for Authorization Under Section 271 of the Communications Act to Provide In-Region, InterLATA Service in the State of New York*, CC Docket No. 99-295, Memorandum Opinion and Order, FCC 99-404 (Dec. 1999).

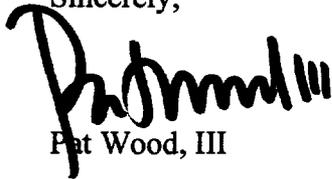
<sup>9</sup> Prior to reconciliation, only 0.81% of CHCs resulted in premature disconnect in March. After reconciliation, 1.08% of CHCs resulted in premature disconnect in March. Prior to reconciliation, only 1% of CHCs resulted in premature disconnect in April, while after reconciliation, 1.55% of CHCs resulted in premature disconnect.

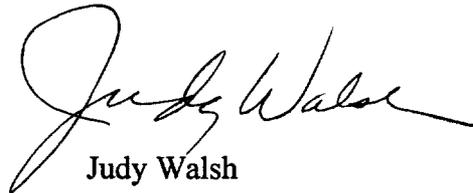
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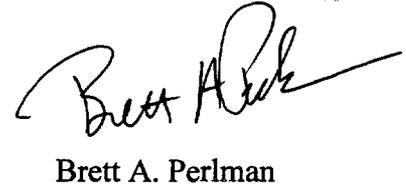
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Sincerely,

  
Pat Wood, III

  
Judy Walsh

  
Brett A. Perlman

Cc: Governor George W. Bush  
Lieutenant Governor Rick Perry  
Speaker Pete Laney  
Senator David Sibley  
Representative Steven Wolens  
Senator Phil Gramm  
Senator Kay Bailey Hutchison  
Texas Delegation, United States House of Representatives

Before The  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

IN THE MATTER OF

APPLICATION OF SBC §  
COMMUNICATIONS, INC. PURSUANT §  
TO SECTION 271 OF THE §  
TELECOMMUNICATIONS ACT OF §  
1996 TO PROVIDE IN-REGION, §  
INTERLATA SERVICES IN TEXAS §

CC DOCKET NO. 00-65

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THE PUBLIC UTILITY COMMISSION OF TEXAS  
*EX PARTE* FILING

PAT WOOD III  
CHAIRMAN

JUDY WALSH  
COMMISSIONER

BRETT A. PERLMAN  
COMMISSIONER

PUBLIC UTILITY COMMISSION  
OF TEXAS  
1701 N. CONGRESS AVENUE  
AUSTIN, TEXAS 78711

JUNE 19, 2000

Before The  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

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**IN THE MATTER OF**

**APPLICATION OF SBC §  
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TO SECTION 271 OF THE §  
TELECOMMUNICATIONS ACT OF §  
1996 TO PROVIDE IN-REGION, §  
INTERLATA SERVICES IN TEXAS §**

**CC DOCKET NO. 00-65**

**THE PUBLIC UTILITY COMMISSION OF TEXAS**  
***EX PARTE* FILING**

**PAT WOOD III**  
**CHAIRMAN**

**JUDY WALSH**  
**COMMISSIONER**

**BRETT A. PERLMAN**  
**COMMISSIONER**

**PUBLIC UTILITY COMMISSION**  
**OF TEXAS**  
**1701 N. CONGRESS AVENUE**  
**AUSTIN, TEXAS 78711**

**JUNE 19, 2000**

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**WORKSHOP**

**PUBLIC UTILITY COMMISSION**

**PROJECT NOS. 20400 & 22165**

**THURSDAY, JUNE 1, 2000**

**KENNEDY REPORTING SERVICE, INC.**

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TRANSCRIPT OF PROCEEDINGS  
BEFORE THE  
PUBLIC UTILITY COMMISSION OF TEXAS  
AUSTIN, TEXAS

SECTION 271 COMPLIANCE ) PROJECT NO.  
MONITORING OF SOUTHWESTERN BELL ) 20400  
TELEPHONE COMPANY OF TEXAS )  
  
IMPLEMENTATION OF DOCKET NOS. ) PROJECT NO.  
20226 AND 20272 ) 22165

WORKSHOP  
THURSDAY, JUNE 1, 2000

BE IT REMEMBERED THAT AT 9:40 a.m., on

Thursday, the 1st day of June 2000, the  
above-entitled matter came on for hearing at the  
Public Utility Commission of Texas, 1701 North  
Congress Avenue, Austin, Texas 78701, before  
DONNA NELSON, NARA SRINIVASA & ROWLAND CURRY;  
and the following proceedings were reported by  
Lou Ray and Nancy Salinas, Certified Shorthand  
Reporters of:

Page 3

1 with Southwestern Bell. PM 1, from a DSL  
2 perspective, I think the only -- I think PM 1  
3 we've agreed on that. The only issue that I  
4 think from DSL is there was -- I think we had  
5 agreed to look at a protocol PM diagnostic  
6 measurement. I think that was for -- as a  
7 result of the DSL discussions. But from a PM 1  
8 perspective, that is the only issue I know  
9 that's outstanding from DSL.

10 MR. SRINIVASA: Well, what do you  
11 mean by protocol?

12 MR. DYSART: Well, maybe it isn't  
13 an issue.

14 MS. MUDGE: No.

15 MR. DYSART: Okay. Well, I'm  
16 sorry. It wasn't an issue.

17 MS. NELSON: Okay. So nothing --

18 MS. MUDGE: The only issue there  
19 was we ensured that on the calls that we reserve  
20 the right to -- at the next six-month review --  
21 to go back in and really look at the benchmarks  
22 in terms of their accuracy.

23 MS. NELSON: Right.

24 MS. MUDGE: And that is true --  
25 and I'm going to say this now -- that is true

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1 PROCEEDINGS

2 THURSDAY, JUNE 1, 2000

3 (9:40 A.M.)

4 MS. NELSON: Let go on the record  
5 in Project No. 20400 and -- hold on a second.  
6 Let's hold on a second and -- let's go off the  
7 record for a second.

8 (Discussion off the record)

9 MS. NELSON: Let's go back on the  
10 record in Project 20400, compliance monitoring  
11 of Southwestern Bell Telephone Company of Texas;  
12 and Project No. 22165, implementation of Docket  
13 Nos. 20226 and 20272.

14 Okay. This performance measure session  
15 will address xDSL measures. And we're going to  
16 start -- the parties have negotiated off record  
17 two days, and we're going to start with just a  
18 report as to each of the performance measures  
19 where the dispute at this time lies just  
20 briefly.

21 So I'm going to start having Randy do  
22 that. And then to the extent anybody needs to  
23 throw their two cents worth in, just do so.  
24 We'll start with PM 1.

25 MR. DYSART: This is Randy Dysart

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1 with respect to most of these benchmarks; that  
2 the DSL carriers really wanted to preserve that  
3 right and the flexibility.

4 MS. NELSON: Okay.

5 MR. DYSART: Yeah. And from  
6 Southwestern Bell's perspective, we understood  
7 that.

8 MS. NELSON: Okay. So 1.1 --

9 MR. DYSART: 1.1 I believe we had  
10 agreement on.

11 MS. NELSON: Okay. And 1.2 was  
12 agreed to?

13 MR. DYSART: You know, I think  
14 that -- Covad had said we did not need that.

15 MS. NELSON: Okay. 1.3?

16 MR. DYSART: 1.3, we still have  
17 some issues on 1.3.

18 MS. NELSON: And they're listed on  
19 the bottom?

20 MR. DYSART: Right.

21 MS. NELSON: Okay. 1.4, no  
22 agreement?

23 MR. DYSART: Right.

24 MS. NELSON: Okay. And I think we  
25 have on the record exactly why there's not

Page 5

1 agreement.  
2 MR. DYSART: That's right.  
3 PM 2, I think we were in agreement on  
4 that from a DSL perspective.  
5 MS. NELSON: Okay.  
6 MR. DYSART: PM 3 we're agreed to.  
7 PM 4 there were a few issues that are  
8 listed there.  
9 MS. NELSON: Okay. PM 4.1.  
10 MR. DYSART: 4.1?  
11 MR. COWLISHAW: Judge Nelson?  
12 MS. NELSON: Yes.  
13 MR. COWLISHAW: Pat Cowlishaw for  
14 AT&T. Can I just -- Randy said it a couple of  
15 times and I just want to be clear that the only  
16 issues we're crystallizing today are the DSL  
17 issues?  
18 MS. NELSON: Yes.  
19 MS. CHAPMAN: Right.  
20 MR. COWLISHAW: Okay.  
21 MR. DYSART: PM 4.1, I think maybe  
22 some of the same issues apply that were on PM 4.  
23 MS. MUDGE: Right.  
24 MS. NELSON: Okay.  
25 MR. DYSART: PM 5 is not a DSL

Page 6

1 issue.  
2 PM 5.1, there are issues there on  
3 PM 5.1.  
4 MS. NELSON: Okay. And they're  
5 listed? Okay.  
6 MR. DYSART: Right. PM 5.2 I  
7 don't think is really a DSL --  
8 MS. CHAPMAN: No.  
9 MR. DYSART: But I know Howard is  
10 interested in unbundled dedicated transport, so  
11 that's --  
12 MS. CHAPMAN: Those are ASRs,  
13 they're not DSL.  
14 MR. SIEGEL: With the only  
15 exception that I think one thing that I asked  
16 about was whether the infrastructure order  
17 pursuant to Project Pronto would be appropriate  
18 to be captured here. So that's the only  
19 possible DSL issue.  
20 MS. NELSON: Okay.  
21 MR. DYSART: And PM 6 is not a  
22 DSL.  
23 PM 6.1, there are some issues listed  
24 down there at the bottom.  
25 PM 7 we agreed to.

Page 7

1 PM 7.1 we've agreed to. We just need  
2 to provide some of the other folks a  
3 verification of what happens after hours.  
4 MS. NELSON: Have you agreed on a  
5 time frame for that?  
6 MR. DYSART: The one day, 97  
7 percent is the --  
8 MS. NELSON: No, I meant a time  
9 frame for getting them --  
10 MR. DYSART: Oh.  
11 MR. SRINIVASA: What happens  
12 after --  
13 MR. DYSART: We just found out --  
14 we just had this issue yesterday.  
15 MS. NELSON: Okay. And 8, you've  
16 agreed to eliminate it?  
17 MR. DYSART: Right, 8 is fine.  
18 Rejects are the issues there.  
19 9.1 there are issues listed below.  
20 MS. NELSON: Okay. And we've  
21 discussed that in detail.  
22 MR. DYSART: Right. 10 we've  
23 agreed to.  
24 10.1 there are still some issues.  
25 MS. NELSON: Okay.

Page 8

1 MR. DYSART: Rhythms 10.1, they  
2 were going to revisit this to see if it's  
3 needed. I don't know what the status is on  
4 that.  
5 MS. NELSON: Okay. At what point  
6 will we revisit that?  
7 MR. DYSART: I think they were  
8 going to after one of our calls and I can't  
9 remember which call that was.  
10 MS. LOPEZ: I was supposed to get  
11 a call about back from Southwestern Bell on my  
12 cell phone and I didn't get a call back, so we  
13 just need to remeet on that one.  
14 MS. NELSON: Okay.  
15 MR. DYSART: Okay.  
16 MS. LOPEZ: My cell phone is never  
17 off except in here.  
18 (Laughter)  
19 MR. DYSART: 10.2 was a new  
20 measurement. The issues are listed there.  
21 11 we agreed to.  
22 11.1 is agreed to pending the 10.1  
23 discussion that follows.  
24 MS. NELSON: Okay.  
25 MR. DYSART: 11.2 the issues are

Page 9

1 listed there.  
2 12 I don't think was specific to DSL,  
3 those issues there.  
4 MS. MUDGE: Randy, the only thing  
5 we had on 12 was whether or not that should --  
6 report structure should include affiliates. And  
7 I --  
8 MR. DYSART: Oh, okay. We'll do  
9 that.  
10 MS. NELSON: Oh, you will include  
11 affiliates? Under which one is that?  
12 MS. MUDGE: 12.  
13 MR. DYSART: No. 12.  
14 MS. MUDGE: Report structure.  
15 Thanks, Randy.  
16 MS. CHAPMAN: That's a feature, so  
17 that wouldn't be appropriate. If this is really  
18 intended to capture features mainly on a UNE-P  
19 issue or something like that --  
20 MR. DYSART: Well, that's true.  
21 We'll put in there SWBT affiliate as  
22 appropriate.  
23 MR. SRINIVASA: As appropriate?  
24 MR. DYSART: If it happens we --  
25 MR. SRINIVASA: If there is a

Page 10

1 new --  
2 MS. CHAPMAN: Yeah.  
3 MS. NELSON: Okay. 13? I see  
4 that issues are laid out.  
5 MR. DYSART: There are issues laid  
6 out. 13.1 was a new proposal in response to  
7 AT&T's proposal and we're still waiting on  
8 comments. But I don't think it's DSL specific.  
9 The billing measures, we talked about  
10 those at 14 through 19. There's some  
11 agreements, but -- well, we can go through  
12 them -- 14 we're still kind of waiting on  
13 agreement.  
14 MS. NELSON: Okay. We haven't  
15 gone over these previously, have we?  
16 MR. SRINIVASA: No.  
17 MR. DYSART: Right.  
18 MS. NELSON: Okay. So should we  
19 start here?  
20 MR. DYSART: Well, what I'd like  
21 to do is since the billing is -- sort of is -- a  
22 lot of these issues cross both of these,  
23 particularly in billing, I'd like to defer that  
24 until next week when our billing people are here  
25 and just kind of knock them out all at once.

Page 11

1 MS. NELSON: Do any of the data  
2 CLECs have a problem with that?  
3 MS. MUDGE: When is that scheduled  
4 for? Is that the 7th?  
5 MS. NELSON: The 6th. Let me  
6 look. I've got it here.  
7 MS. LOPEZ: That's the same day as  
8 the --  
9 MS. MUDGE: Your Honor, we're not  
10 going to be able to do that because that would  
11 be same day as the line sharing meetings that we  
12 have every week.  
13 MS. NELSON: Yeah, it is June 6th.  
14 MS. MUDGE: We don't mind seeing  
15 if there's a way to facilitate that discussion  
16 because we only talked really on these on the  
17 25th call. And so really there hasn't been a  
18 lot of opportunity to even continue on with our  
19 discussion.  
20 So we won't be able to make it on the  
21 6th and be part of that discussion; yet we  
22 believe we've got some of the billing issues  
23 that we need to discuss. So maybe we can talk  
24 off-line and determine the best way to proceed  
25 on those.

Page 12

1 MS. NELSON: Okay. If you would  
2 do that when we're on a break?  
3 MS. MUDGE: Sure. No problem.  
4 MS. NELSON: Let's skip past  
5 billing then.  
6 MR. DYSART: Fine. On 21 --  
7 MR. SRINIVASA: 21 is --  
8 MR. DYSART: Right. We'd  
9 agreed -- I think all parties agreed we can  
10 eliminate 21.  
11 21.1, we're still looking at that one,  
12 potential to do that one.  
13 21.2 is one that the issues there -- we  
14 believe it's impossible to do.  
15 22 we agreed to.  
16 23 we agreed to.  
17 MS. MUDGE: Well, 22 I'm not sure  
18 that we agreed to there. What we -- there was  
19 an agreement was, Randy, that the SWBT person  
20 was going to talk off-line --  
21 MR. DYSART: Well, that's true.  
22 MS. MUDGE: -- with the Rhythms  
23 folks, and I don't believe that's taken place.  
24 MR. DYSART: Right. We agreed  
25 pending that discussion.

Page 13

1 MS. MUDGE: So I don't want you to  
2 suggest that that has been reached and worked  
3 out.  
4 MR. DYSART: Okay.  
5 MS. NELSON: We haven't gone over  
6 these measures?  
7 MS. MUDGE: That's correct.  
8 MR. SRINIVASA: No, we haven't.  
9 That's why I wanted -- apparently the ACD SME  
10 for automatic call distribution, you're all  
11 discussing how it's captured or what is the  
12 issue here? Give me one sentence -- it says the  
13 SWB ACD SME will discuss issues with Rhythms.  
14 So the issues are not -- than means you don't  
15 know what the issues are yet.  
16 MS. MUDGE: No, we've identified  
17 the issues in our proposal as to the problem  
18 with the workarounds. And so we were going to  
19 have off-line discussions to talk about how we  
20 might remedy that situation.  
21 MS. NELSON: So what do you want  
22 to do in these miscellaneous administrative  
23 measures for today? Is it appropriate to -- do  
24 these fit into a different category than the  
25 billing measures?

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1 MR. SRINIVASA: This is the --  
2 MS. NELSON: Right. But I'm  
3 saying are they peculiar to DSL?  
4 MS. MUDGE: The only issue as to  
5 why they are different for DSL is that DSL  
6 carriers are given different workarounds and  
7 different numbers to call. And that's -- and as  
8 a result, a lot of that is not tracked or  
9 recorded in these measurements. That's the  
10 reason Rhythms and Covad had put together a  
11 different proposal on it. We have not had an  
12 opportunity other than talking about it on the  
13 18th to see if something could be worked out.  
14 MS. NELSON: Okay. Let's start  
15 there. But let's finish going over where you  
16 are and everything else, but today we'll start  
17 with that group.  
18 MS. MUDGE: Thank you.  
19 MS. NELSON: Now we're up to 27.  
20 MR. DYSART: Yeah, 27 didn't  
21 really affect the DSL. I think we really  
22 skipped to 55.1.  
23 MS. MUDGE: Agreed.  
24 MS. NELSON: Okay.  
25 MR. DYSART: Well, and I -- I

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1 don't know if we've talked about 55.1 in here.  
2 I think we have, but there's a lot of issues  
3 there.  
4 MS. NELSON: Right. Yeah, we've  
5 talked about 55.1.  
6 MR. DYSART: 55.2 is not a DSL.  
7 56 --  
8 MS. MUDGE: There's 55.3, which  
9 is.  
10 MR. DYSART: I'm sorry, 55.3,  
11 right.  
12 MS. NELSON: But we've already  
13 discussed this.  
14 MR. DYSART: Right. 56, I think  
15 we've got a new proposal that's a little bit  
16 different. And there's -- we may almost agree  
17 on this one, but I'm not -- I don't think I can  
18 say that right today, but I think we're close to  
19 agreement on that one.  
20 MS. NELSON: Okay. But now we're  
21 back to measures that have been discussed in  
22 previous sessions --  
23 MR. DYSART: Right.  
24 MS. NELSON: -- instead of ones  
25 that we're talking about for the first time

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1 today.  
2 MR. DYSART: Right. 58, I think  
3 we're close on that one.  
4 59, there's a few issues but we're  
5 pretty -- I believe pretty close on that one.  
6 59.1, we're not there at all.  
7 MS. NELSON: Ms. Mudge?  
8 MS. MUDGE: I think when Randy  
9 says "we're close" I think that we did have some  
10 good significant discussions. But, for example,  
11 Southwestern Bell in the May 30th edition  
12 proposed some specific benchmarks as we had  
13 talked about and we had not had an opportunity  
14 to visit about those.  
15 MR. DYSART: That's true.  
16 MS. NELSON: The discussions are  
17 moving forward.  
18 MS. MUDGE: Yes, ma'am.  
19 MR. DYSART: On 50 --  
20 MS. NELSON: Would it be  
21 appropriate to discuss that today, 59?  
22 MS. MUDGE: Yes.  
23 MS. NELSON: Okay.  
24 MS. MUDGE: Actually, Judge, I  
25 think that's true with respect to all of those.

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1 I do because they've got a few benchmarks and I  
2 think a discussion on that would help us  
3 identify where we could go with it.  
4 MS. NELSON: Okay.  
5 MR. SRINIVASA: 55.1 through --  
6 MR. DYSART: It's 60 I think we  
7 had agreed to.  
8 61 I believe we had agreed to.  
9 62 I think we've agreed to.  
10 63 I think we've agreed to. There was  
11 an issue around a definition of customer-caused  
12 misses from a DSL perspective, and I'm not sure  
13 exactly we're there completely yet or not. I  
14 think that was a NorthPoint issue that they've  
15 raised.  
16 MS. CHAPMAN: Yes.  
17 MS. NELSON: Okay. Well, we'll  
18 talk about that today.  
19 MR. DYSART: 64, we say agree to.  
20 What we have agreed to is not to eliminate this  
21 measurement. I don't know if that's -- we  
22 probably need some clarification from the other  
23 folks that that's good enough.  
24 65, there's a couple of issues though  
25 that we've -- that we've this morning taken back

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1 and looked at some wording and we may be able to  
2 eliminate some of those issues.  
3 MS. NELSON: Okay.  
4 MR. DYSART: 66 is the same thing.  
5 We've added or came up with some language this  
6 morning that (inaudible) there to get those off  
7 the table.  
8 67, there's a couple of issues, same  
9 thing there.  
10 68, we've proposed to eliminate -- and  
11 I think we had -- since this wasn't particularly  
12 a DSL measure, we'll go on. I'm sorry.  
13 MS. NELSON: Okay.  
14 MR. DYSART: 69.  
15 MS. NELSON: So 68 we've agreed  
16 to?  
17 MR. DYSART: Pending the group at  
18 the other --  
19 MS. NELSON: Okay. So we'll  
20 discuss that just shortly this morning.  
21 MR. DYSART: 69 --  
22 MS. CHAPMAN: Same issues.  
23 MR. DYSART: -- same issues as the  
24 other, so we'll wrap those issues up. And  
25 that's (inaudible) over there.

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1 MS. MUDGE: We also did not  
2 discuss PM 114 on either of our calls. We did  
3 not talk about 114, which are the cutovers.  
4 115 -- I believe those are the only--  
5 those are the only two we probably did not  
6 substantively have an opportunity to discuss on  
7 the two calls. So I don't know that it would  
8 necessarily be helpful to have that discussion  
9 today; but, nonetheless, I wanted to let you  
10 know so you'd have a full list of DSL  
11 performance measures.  
12 MR. SRINIVASA: Yes,  
13 Mr. Cowlshaw.  
14 MR. COWLISHAW: Pat Cowlshaw,  
15 AT&T. On PMS 55 through 69, essentially each  
16 place that there's a disaggregation broken out  
17 for, I guess, DSL capable loops and DSL line  
18 sharing, AT&T had raised an issue about having a  
19 disaggregation for use of the high frequency  
20 spectrum of the loop by a UNE-P provider.  
21 That I see noted on PM 65 as an issue as I  
22 looked at others as Randy was going through. I  
23 didn't see that noted on some others, so that's  
24 consistently an issue for us that we'd raise.  
25 MS. CHAPMAN: And also on many of

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1 the broadband UNE -- this is Carol Chapman -- on  
2 many of the broadband services we don't have the  
3 real definition of what the service is going to  
4 look like. We've put a placeholder on most of  
5 the provisioning. Basically, that's intended to  
6 be a parity measure.  
7 And depending on what the broadband  
8 service looks like, we may have more than one  
9 disaggregation, but we do have a placeholder for  
10 that pretty much everywhere we've got  
11 provisioning measures and order measures.  
12 MS. NELSON: Okay. Let me ask  
13 Mr. Dysart a question before we get started.  
14 Does this document that we've been given have  
15 updates on other -- the agreements made during  
16 other sessions other than DSL?  
17 MR. DYSART: Yes, it does.  
18 MS. NELSON: Okay. Thanks. So  
19 then we can use it for next week?  
20 MR. DYSART: Right.  
21 MS. NELSON: Have you e-mailed it  
22 to all the parties?  
23 MR. DYSART: I believe we did last  
24 night.  
25 MR. SIEGEL: I received it.

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1 MS. CHAPMAN: Not just the data  
2 CLECs?  
3 MR. DYSART: Right. I think all  
4 parties got it.  
5 MS. MUDGE: I will tell you that  
6 we did get that yesterday, late yesterday  
7 afternoon. We, for example, have worked off the  
8 May 30th --  
9 MS. NELSON: Right. We understood  
10 that.  
11 MS. MUDGE: I don't know that  
12 there's much of a change on DSL from there.  
13 MS. NELSON: Right. I was trying  
14 to figure out if this includes all of the  
15 changes for the sessions for next week.  
16 MR. DYSART: We changed --  
17 yesterday's version simply included the things  
18 that we discussed on yesterday's call. I think  
19 there were a few things that IP had sent a note  
20 in on that we included, but other than that it  
21 was mostly the nine data CLECs.  
22 MR. COWLISHAW: Judge Nelson, on  
23 the call yesterday afternoon, the CLECs -- I, at  
24 least for AT&T, raised that we really look at  
25 these what have been kind of half-day or day

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1 notice on a couple of these drafts have not  
2 given them a careful review to see that our  
3 issues are captured, and we will try and do that  
4 prior to the sessions next week.  
5 MS. NELSON: Okay.  
6 MR. COWLISHAW: One other  
7 clarification -- I don't know if Randy can do  
8 this -- in PM 63, as he read by it, the business  
9 rule seems to have the level of disaggregation  
10 misplaced in it and we're unclear what the  
11 reference is intended in terms of which  
12 measurement we're supposed to look to for the  
13 business rule for that one, whether it's in fact  
14 59 or 58.  
15 MR. DYSART: It would probably be,  
16 in this case, 58, I believe.  
17 MR. SIEGEL: 58 was proposed to be  
18 eliminated and that's why I think we went to 59.  
19 MR. DYSART: Right.  
20 MR. COWLISHAW: 59 doesn't make  
21 sense.  
22 MR. SIEGEL: I doesn't make sense?  
23 MR. DYSART: No, it doesn't.  
24 MS. NELSON: It's says 58.  
25 MR. COWLISHAW: It's probably 58

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1 for now and --  
2 MR. DYSART: For now and maybe 56,  
3 yeah, depending on what --  
4 MR. SRINIVASA: Whether it gets  
5 eliminated or not?  
6 MR. DYSART: Right, right. The  
7 business rules, you're right, it is the  
8 disaggregation should be down on the --  
9 MS. NELSON: Okay. Should we  
10 start with -- I think Staff's preference would  
11 be to start with the ones that we've discussed  
12 previously and we've talked about on the phone  
13 call, that being 55, and go through those and  
14 see where we can come to agreement. So let's  
15 start with 55 and --  
16 MR. DYSART: 55?  
17 MS. CHAPMAN: 55.1.  
18 MS. NELSON: You want to start  
19 with 55.1?  
20 MR. SIEGEL: 55 is non-DSL.  
21 MS. NELSON: Thank you.  
22 MR. DYSART: Well, from our call  
23 the other day, we added some additional language  
24 as a result of some comments Covad had made  
25 and -- is Covad here?

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1 MS. CHAPMAN: No.  
2 MS. NELSON: Oh, I think Covad had  
3 called this morning wanting to call in. Let's  
4 take a really short break.  
5 (Recess: 10:05 a.m. - 10:15 a.m.)  
6 MS. NELSON: Okay. Let's go back  
7 on the record. We're going to start by  
8 having -- since we finished the summary of where  
9 we are, before we start with 55.1, we're going  
10 to have people who are going to be talking today  
11 from a subject matter expert standpoint identify  
12 themselves, and also have one attorney for each  
13 company identified here so we'll know who is  
14 here from an attorney perspective. Let start  
15 with Southwestern Bell.  
16 MR. LEAHY: Tim Leahy representing  
17 Southwestern Bell Telephone.  
18 MS. NELSON: Okay.  
19 MR. DYSART: Randy Dysart,  
20 Southwestern Bell.  
21 MS. CHAPMAN: Carol Chapman,  
22 Southwestern Bell.  
23 MS. NELSON: Are there other  
24 Southwestern Bell --  
25 MS. HAMM: Kim Hamm, Southwestern

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1 Bell.  
2 MS. DILLARD: Maria Dillard,  
3 Southwestern Bell.  
4 MR. LOCUS: John Locus,  
5 Southwestern Bell.  
6 MR. FRISA: Ed Frisa,  
7 Southwestern Bell.  
8 MR. SWEARINGIN: Tim Swearingin,  
9 Southwestern Bell.  
10 MR. SMITH: David Smith,  
11 Southwestern Bell.  
12 MS. NELSON: Okay. Could you  
13 please stand up when you speak to make it easier  
14 for the Court Reporter to hear?  
15 MR. COWLISHAW: Pat Cowlishaw for  
16 AT&T.  
17 MS. NELSON: Thank you.  
18 MS. LOPEZ: I guess I'm next, Ann  
19 Lopes, Rhythms.  
20 MR. SIEGEL: Howard Siegel, IP  
21 Communications.  
22 MS. McCALL: Cindy McCall,  
23 MCIWorldCom -- or WorldCom.  
24 (Laughter)  
25 MS. NELSON: That's okay. Once

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1 Kelly Murray went on the record for AT&T. At  
2 least you've got the right company.  
3 (Laughter)  
4 MR. SIFUENTES: Your Honor, Jesus  
5 Sifuentes for MPower.  
6 MS. LOPEZ: And we have Katherine  
7 Mudge representing Rhythms.  
8 (Conference phone rings)  
9 MS. NELSON: This is the  
10 conference room.  
11 MR. KOUTSKY: This is Tom Koutsky  
12 of Covad Communications.  
13 MS. NELSON: Okay. We are just  
14 getting ready to start with 55.1.  
15 MR. KOUTSKY: Okay. Good.  
16 MS. NELSON: We have taken  
17 appearances. I'm not sure we're quite done.  
18 Are there other subject matter experts who are  
19 going to be talking today?  
20 MS. NELSON: Okay. If so, if you  
21 decide you need to say -- decide you can't not  
22 say something, just identify yourself.  
23 (Laughter)  
24 And who's on the phone, please?  
25 MR. KOUTSKY: This is Tom Koutsky,

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1 K-o-u-t-s-k-y.  
2 MS. NELSON: K-o-u-t-s-k-y?  
3 MR. KOUTSKY: Yes.  
4 MS. NELSON: Okay. You're the  
5 only one on the phone?  
6 MR. KOUTSKY: Yes, I am. Well, in  
7 this room, yes.  
8 MS. NELSON: And you're with Covad  
9 Communications?  
10 MR. KOUTSKY: Yes.  
11 MS. NELSON: Okay. We're doing  
12 our best to accommodate the fact that you can't  
13 be here, but we're in a room without microphones  
14 and so we will ask people to speak up, but we  
15 can't disrupt the whole proceeding because you  
16 can't hear.  
17 MR. KOUTSKY: Yeah, I understand.  
18 I'll do my best.  
19 MS. NELSON: Okay. So we're on  
20 55.1 now, and I guess what we need is an  
21 explanation from you on where you think the  
22 disagreement is at this point.  
23 MR. KOUTSKY: I'm trying to find  
24 my copy of it.  
25 MS. NELSON: Okay. And we're

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1 working from the document that Southwestern Bell  
2 e-mailed out last night. Do you have a copy of  
3 that?  
4 MR. KOUTSKY: Yeah, I'm looking  
5 through it. It's actually in the --  
6 MS. NELSON: Yes, it starts at  
7 Page 117 of the copy I've got.  
8 MR. KOUTSKY: Okay. Yes, I see.  
9 There we go. Okay. And, I'm sorry, the request  
10 again was?  
11 MS. NELSON: Well, we've already  
12 gone over this measure once and Covad has  
13 requested certain modifications, and there's  
14 still disagreement about --  
15 MR. SRINIVASA: As-is.  
16 MS. NELSON: -- the changes.  
17 Right. So could you just explain your  
18 perspective and why it should be the way you say  
19 it should be?  
20 MR. KOUTSKY: Well, our  
21 significant concern here is to make sure that  
22 this captures the entire order process, and also  
23 that it accurately reflects that when we place  
24 an order that we understand what a loop  
25 (inaudible). In addition -- and I'm going over

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1 SBC's italicized section here, which I believe  
2 is, at least according to this, is their attempt  
3 to clarify our concerns. Is that correct?  
4 MS. CHAPMAN: That is correct.  
5 MR. KOUTSKY: -- of the business  
6 rules.  
7 MS. NELSON: That's correct.  
8 MS. CHAPMAN: That is correct. We  
9 wanted to make sure that we captured Covad's  
10 concern about once we do have a preauthorized  
11 conditioning option that it was specified. So  
12 we added a little clarification to what would be  
13 considered meeting the CLEC specification on the  
14 LSR and included that option as well.  
15 MR. KOUTSKY: I have two specific  
16 questions on this. The exclusion for loops  
17 served by DLC, what is the explanation there?  
18 And if they're excluding that from this  
19 measurement, how are we ever going to be able to  
20 track the performance of the workarounds and the  
21 various agreements we have with regard to DLC  
22 (inaudible) loops.  
23 MS. CHAPMAN: Where are you seeing  
24 an exclusion, I'm sorry?  
25 Okay. What that is doing is on an

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1 as-is, if the end user is served exclusively by  
2 DLC an xDSL capable loop is not available to  
3 that customer. In that case then CLECs have the  
4 option of either ordering a digital loop or they  
5 can collocate at the RT if they want to purchase  
6 a sub-loop.  
7 But as far as a copper loop which is  
8 xDSL capable, we do not have one because there  
9 are no copper facilities to that end user. .  
10 That's what that's talking about.  
11 MR. KOUTSKY: So there is -- so  
12 you would -- this would take into account if  
13 there were a copper workaround?  
14 MS. CHAPMAN: Right. If there  
15 were a copper workaround, then we would issue  
16 the order and it would be included. The  
17 exclusion only applies, like it says, where the  
18 end user is served exclusively by DLC, which  
19 would mean there is no copper and there would  
20 not be a copper workaround where we could do  
21 like a line in-station transfer to free any  
22 available copper.  
23 MR. SIEGEL: In such a  
24 situation --  
25 MR. KOUTSKY: If the current

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1 (inaudible) subject to any final industry  
2 standard requirements, what is the explanation  
3 of that? Especially I don't -- my confusion is  
4 as to why it is in the as-is where my  
5 understanding is that there is no industry  
6 standard or view of those orders. What does  
7 that parenthetical capture?  
8 MS. CHAPMAN: Since I don't know  
9 what the final industry standards may state,  
10 there may be, based on whatever the standards --  
11 if the standards say you absolutely cannot have  
12 it under this circumstance, then we would have  
13 to follow those industry standards. But right  
14 now we don't have final industry standards.  
15 And I don't know that there would be  
16 anything like that, but that's what that's for  
17 would just be that if the industry set a  
18 specific rule that said, you know, this applies  
19 to everybody and you have to handle it this way,  
20 then any of our rules are subject to whatever  
21 the industry decides. That's all that's trying  
22 to capture. And if we need to strength that  
23 or --  
24 MR. KOUTSKY: We already have in  
25 the DSL arbitration award the ability to order a

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1 loop that's not subject to industry -- well,  
2 it's my understanding of the as-is process is  
3 there shouldn't be any review for industry  
4 standards on that order.  
5 MS. CHAPMAN: Well, on the as-is  
6 there's different -- some of them they are still  
7 saying that they're ordering in accordance -- a  
8 certain PSD, and if the PSD, even though it's  
9 as-is, for as-is we will not look at the  
10 industry standards.  
11 But if the industry standard says for  
12 PSD 1 you cannot provision -- probably not PSD  
13 1, but probably one of the really high speed  
14 DSLs, if it says you cannot provision PSD 3  
15 past, you know, 20,000 feet or whatever because  
16 it's going to knock everybody else out, then we  
17 would not accept a PSD order past 20,000 feet.  
18 But that's only if the industry said that was an  
19 absolute "you can't do that" because that would  
20 impact all data providers.  
21 So that's what that's trying to capture  
22 is if the industry standards put a restriction  
23 on any of the PSDs, which currently they don't  
24 have. And that protects all data providers.  
25 MR. KOUTSKY: Well, I mean,

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1 I thought that's what the arbitration was about  
2 was not having reviews of orders for power  
3 special density (inaudible). But we can provide  
4 a PSD for -- as an inventory purpose, so it  
5 shouldn't impact the ordering and provisioning  
6 processes and I'm hearing something different  
7 now. And especially reserving the right of an  
8 industry quorum or industry standard about that,  
9 it kind of makes me wonder why we had the  
10 arbitration.  
11 MS. CHAPMAN: Well, the  
12 arbitration does say that you will comply with  
13 the industry standards that, you know --  
14 because, basically, if the industry standards,  
15 you know, they're there for everybody. And if  
16 they state that, you know, using a certain  
17 PSD -- you know, it's not that you couldn't  
18 order that product and over that loop. But that  
19 certain PSD which would have certain disturber  
20 characteristics if you ran that at a certain  
21 length, it could knock out all the other data  
22 CLECs, al their digital services. And that was  
23 all that we were trying to capture there.  
24 This wouldn't be anything that we would  
25 be implementing on our own. This would be only

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1 something that would be an industry standard,  
2 which would, I believe, have to go through the  
3 Commission actually on any of the spectrum  
4 management issues.  
5 MS. NELSON: Okay. I think we  
6 probably understand what the dispute on that is.  
7 Do you have further questions regarding this  
8 provision?  
9 MR. SRINIVASA: I don't think he  
10 can hear you.  
11 (Brief pause in the proceedings)  
12 MR. SIEGEL: Tom, can you turn off  
13 the mute button?  
14 MR. KOUTSKY: Yeah, I just heard  
15 that. Yes.  
16 MS. NELSON: Okay. You need to  
17 turn it on mute when you're not talking because  
18 when we talk we're hearing static.  
19 MR. KOUTSKY: Okay. I'm sorry  
20 about that.  
21 MS. NELSON: Okay. We understand  
22 what the disagreement is with regard to that  
23 subject to any final industry standard  
24 requirements. Do you have other questions with  
25 regard to Southwestern Bell's proposed language?

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1 And then, if you don't, we would need to know  
2 where Covad disagrees with that language.  
3 MR. SIEGEL: And just for  
4 clarification, are you talking in addition to  
5 what's listed as issues or do you want us to be  
6 discussing the issues that are listed at the  
7 bottom of 55.1 now?  
8 MR. SRINIVASA: You have to go  
9 through --  
10 MS. NELSON: Well, I want a  
11 discussion of both, but, specifically, if  
12 there's new language here, I want a discussion  
13 of the new language.  
14 MR. SIEGEL: Okay.  
15 MS. NELSON: And he's not hearing  
16 any of this.  
17 MR. SIEGEL: Tom, can you hear us?  
18 MR. KOUTSKY: Okay. Now I can  
19 hear you.  
20 MS. CHAPMAN: Did you have  
21 additional issues that you wanted to -- or  
22 concerns with the new language?  
23 MS. NELSON: Okay. Something has  
24 changed -- something has changed with regard to  
25 your line.

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1 MR. SRINIVASA: You may want to  
2 call back.  
3 MR. KOUTSKY: You want me to call  
4 back in? I can do that.  
5 MS. NELSON: Yes.  
6 MR. KOUTSKY: I'll try that. I'll  
7 call right back in.  
8 (Brief pause in the proceedings)  
9 MR. SIEGEL: This is the  
10 Commission.  
11 MS. NELSON: You need to take us  
12 off speaker phone if you're the only person  
13 there.  
14 MR. KOUTSKY: All right. I'll  
15 try -- I'll have to go to a different phone.  
16 Hold on a second.  
17 (Brief pause in the proceedings)  
18 MS. NELSON: Okay. Now, we need  
19 you to continue asking questions of Southwestern  
20 Bell to the extent you have them with regard to  
21 the language you're just seeing. And then we  
22 need to know where you disagree with the  
23 language and we need to do it quickly.  
24 MR. KOUTSKY: Okay. The second  
25 bullet is intended to -- I'm talking about the

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1 italicized section.  
2 MS. CHAPMAN: Yes.  
3 MR. KOUTSKY: The second bullet in  
4 the italicized is designed to capture the new  
5 ordering process. Is that correct?  
6 MS. CHAPMAN: The second bullet  
7 would be when you ordered a loop that does meet  
8 industry standards. The first one is when you  
9 order an as-is is loop. And the third paragraph  
10 below the second bullet, that's supposed to be a  
11 third bullet. The formatting just fell off.  
12 MR. KOUTSKY: Oh, I see.  
13 MS. CHAPMAN: And that's supposed  
14 to capture, once we do have the  
15 preauthorization -- preauthorized conditioning  
16 process in place.  
17 MR. KOUTSKY: Okay.  
18 MS. CHAPMAN: It's not in place  
19 now, but just to clarify that that would be  
20 captured as well.  
21 MR. KOUTSKY: Okay. What I'm  
22 going to request is that the -- all the  
23 references to -- the parentheticals to "final  
24 industry standard requirements" get deleted. We  
25 just object to that screen on the ordering

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1 process completely, which I think you know as  
2 well.  
3 I think that I am still concerned that  
4 we're not measuring in some way -- maybe this  
5 isn't the proper place -- when we talk about  
6 loops served exclusively by digital loop  
7 carrier, I think I understand what that means  
8 right now, but I am concerned about how that  
9 process works, especially as it relates to the  
10 possible broadband UNE.  
11 And I'm concerned about that we talk  
12 about a level of disaggregation -- an additional  
13 level of disaggregation in here for the  
14 broadband UNE, and I don't see that being  
15 captured in the business rules. And maybe  
16 that's just something that when we -- when we  
17 have the broadband UNE that that gets done. I  
18 don't think that those "exclusively by digital  
19 loop carrier" exclusions apply to broadband  
20 UNE -- this level of disaggregation. So that  
21 needs to be busted out somehow.  
22 MS. CHAPMAN: Yeah, and  
23 Southwestern Bell would agree. We don't have  
24 business rules yet for the broadband service  
25 because of the fact that it's not finalized. We

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1 added -- you missed this part earlier -- but we  
2 added basically a placeholder to ensure that we  
3 were capturing -- the fact that we would  
4 capturing or measuring this information for the  
5 broadband UNES. But, no, we do not have actual  
6 business rules for that at this time because  
7 until we know exactly how the product is going  
8 to look, we don't know how to capture it. But  
9 we could add some sort of language that would  
10 further clarify that, and that is a good point.  
11 And you are correct that being served  
12 exclusively by DLC would not apply to broadband  
13 UNE as long as that user was served by the  
14 Pronto configuration.  
15 MR. SRINIVASA: Let me ask you  
16 this -- again, for the record, this is Nara  
17 Srinivasa, PUC Staff.  
18 Now, you have a level of disaggregation  
19 which states broadband service product. And  
20 also in parentheses you say, "Note: Additional  
21 disaggregations may be required as necessary in  
22 the future."  
23 Now, we're going to take up the review  
24 of the business rules every six months, but if  
25 you offer the broadband service prior to that

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1 six-month review, you are going to make the  
2 business rule even though it is not during that  
3 six-month review process --  
4 MS. CHAPMAN: That's right. We  
5 would attempt to craft a business rule that  
6 would capture this information as it applies to  
7 broadband UNE depending on how the order process  
8 would flow for the broadband service. So, yes,  
9 we would not want to wait until the six-month  
10 review. I'm sorry.  
11 MS. MUDGE: I'm sorry, Carol.  
12 And in terms of the process, I think  
13 what we talked about on the 18th was that we all  
14 agreed that that would have to take place in --  
15 certainly would probably take place before the  
16 six-month review, and that Southwestern Bell  
17 would put a proposal together, we'd get the  
18 interested parties together again, and we would  
19 work together on putting that together. So we  
20 did discuss the process as well.  
21 MS. CHAPMAN: Yes.  
22 MS. NELSON: Okay. Off-line?  
23 MS. MUDGE: Yes, ma'am.  
24 MS. NELSON: Thank you.  
25 MR. SRINIVASA: One clarification

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1 that I wanted to make in here.  
2 MS. CHAPMAN: Sure.  
3 MR. SRINIVASA: When you say final  
4 industry standard requirements, what do you mean  
5 by final -- my understanding -- again, if this  
6 is not correct, let me know.  
7 MS. CHAPMAN: Sure.  
8 MR. SRINIVASA: When you state  
9 "final industry standards" it is not final until  
10 the Commission approves that it is the approved  
11 standard?  
12 MS. CHAPMAN: That's correct.  
13 MR. SRINIVASA: Mr. Cowlshaw?  
14 MR. COWLISHAW: My understanding  
15 of the issue of the use of the high frequency  
16 spectrum portion of the loop with the UNE  
17 platform is actually now before the Commission  
18 in arbitration. I guess we'd like to have the  
19 understanding that sort of the same, you know --  
20 if the -- if that product becomes offered prior  
21 to the next six-month review as a result of the  
22 arbitration, then, you know, we ought not wait  
23 for the six-month review to get performance  
24 disaggregation around that product as well.  
25 MS. CHAPMAN: And I think

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1 Southwestern Bell would be agreeable to that.  
2 If we do have a product offering that comes out  
3 before the six-month review, we'd be willing to  
4 work with the CLECs to develop a way to measure  
5 it.  
6 MR. SRINIVASA: Okay.  
7 MS. NELSON: Okay.  
8 MR. KOUTSKY: I have one  
9 additional concern that I have about this.  
10 Again, we want to have this thing capture the  
11 entire ordering process. I'm concerned about  
12 the "exclusively for DLC customers." What will  
13 happen here -- and I want to make sure that we  
14 have a mechanism of measuring this process -- we  
15 submit an order. Southwestern Bell determines  
16 that it's served exclusively by DLC, potentially  
17 rejects the order.  
18 We would then -- we'd have several  
19 options. One of the options would be to  
20 resubmit in order for the broadband UNE. And my  
21 understanding -- our belief is that that order  
22 process should be the same as -- in terms of  
23 timeliness -- should -- we shouldn't be delayed  
24 in providing a service because of the  
25 "exclusively a DLC person," that, you know, from

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1 start to finish that we submit, it gets  
2 rejected, we then submit a broadband UNE service  
3 order that that be measured as one transaction.  
4 As it's set up right now, it's going to  
5 be measured as two transactions. Our concern,  
6 of course, is the delay that essentially builds  
7 into, you know, a denial of service which appear  
8 to be at parity but in reality would take twice  
9 as long.  
10 MR. SRINIVASA: Well, let me ask  
11 you this: If you have access to preorder loop  
12 makeup information, if you have know ahead of  
13 time that the address or the potential customer  
14 that you are going to win is served through DLC,  
15 if that information is made available to you,  
16 then it's up to you. You know that it is served  
17 exclusively through DLC. The preorder  
18 information is there for you.  
19 And in spite of that, if you go ahead  
20 and order, then it gets rejected because that  
21 customer is served exclusively by DLC, then you  
22 have the option of ordering -- you know,  
23 supplementing your order for a broadband when  
24 that becomes available. But the start time  
25 would be the time -- the date and time in which

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1 you supplement the order.  
2 I don't think it's going to go back to  
3 the date -- you know, knowing that that customer  
4 was served by a digital loop carrier you went  
5 ahead and placed the order.  
6 MR. SIEGEL: For the record Howard  
7 Siegel. In theory I think that's correct. I  
8 think where some of the data providers have had  
9 concerns is where the loop makeup information  
10 was incorrect. It said that there was copper  
11 facilities, you submit the order, you then find  
12 out they're exclusively served by DLC and then  
13 you get the reject and then you do what the  
14 alternative might be and maybe that's Pronto or  
15 maybe it's something else. And so I think  
16 that's where the concern that I've heard  
17 expressed by Covad and NorthPoint and I think  
18 Rhythms as well.  
19 MS. CHAPMAN: Well, if the loop  
20 qual doesn't show that it's served exclusively  
21 by DLC, then it actually wouldn't be a reject.  
22 It would be something that we would actually  
23 capture in the provisioning process and would  
24 have to actually be a jeopardy. Because we're  
25 basing whether or not we send back a reject or

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1 an FOC on the loop qual information that's  
2 available to the CLECs.  
3 MR. SRINIVASA: So if there is --  
4 if preorder information did not indicate that it  
5 was served through DLC or although the customer  
6 was served through DLC, apparently the database  
7 is not correct?  
8 MS. CHAPMAN: Right.  
9 MR. SRINIVASA: I think you are  
10 proposing another measure to capture the  
11 database inaccuracies. That being the case, of  
12 course, we haven't taken that up yet, you know.  
13 But assuming you've got measures there, if there  
14 is a damage or a penalty associated with the  
15 error in the database, then why would you want  
16 to capture it here again in this PM?  
17 See, if there's a database inaccuracy,  
18 then you'll find out that indeed they were  
19 served by DLC, but your preorder information  
20 didn't indicate, then there's a PM which  
21 captures that performance.  
22 MS. MUDGE: Well, I will say --  
23 this is Katherine Mudge -- I will say that with  
24 respect to the performance measurement that  
25 you're talking about -- in fact, we've also

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1 tried to create another one with respect to  
2 jeopardies -- at this juncture those are  
3 diagnostic, number one, and, number two, those  
4 performance measurements are subject to dispute,  
5 Southwestern Bell does not agree to them.  
6 So, Judge Srinivasa, I appreciate the  
7 fact that, you know, you're trying to say,  
8 "Well, if it's captured in one place and there  
9 are penalties associated with it, why do you  
10 capture it here?" That's not as certain as I  
11 think at least the issue is there and we just  
12 need to figure out the best way to approach it.  
13 But like I say, right now those  
14 performance measurements that you're talking  
15 about are diagnostic only.  
16 MR. KOUTSKY: And I would agree  
17 with that point, and also point out that 55.1 is  
18 styled as an average installation interval. It  
19 is, you know, kind of almost the Magna Carta  
20 performance interval. And if there are  
21 inaccuracies in the database that are  
22 Southwestern Bell's fault, then in my opinion  
23 they should be punished in 55.1 for those  
24 inaccuracies. Because from our perspective, it  
25 impacts the time we have to install the loop,

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1 which is what we're most critically concerned  
2 about.  
3 So, you know, if it serves to delay our  
4 process -- and we've been very consistent in  
5 this -- if it delays our process, then it should  
6 show up in this measurement. What we have right  
7 now is we have a performance measurement of  
8 loops that are easy to provide, and that's not  
9 terribly interesting.  
10 MR. SRINIVASA: So what you're  
11 saying is if the information was inaccurate,  
12 then it is Southwestern Bell's fault, therefore,  
13 it should be reflected in the average  
14 installation interval time line because whenever  
15 you started that should be the start time?  
16 MR. KOUTSKY: Yes.  
17 MR. SRINIVASA: In the event it  
18 was correct and you still went ahead and placed  
19 the order, then it should be excluded from that  
20 PM. Is that correct.  
21 MR. KOUTSKY: I'm sorry, I didn't  
22 catch the last sentence.  
23 MR. SRINIVASA: Well, in the event  
24 that information was correctly provided to you  
25 through the preorder query, and despite that if

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1 a CLEC went ahead and placed the order -- or  
2 DLEC, then it was not Bell's fault then you  
3 shouldn't capture that --  
4 MR. KOUTSKY: I guess I don't  
5 understand that scenario.  
6 MR. SRINIVASA: Well, either the  
7 information in the database is correct or  
8 incorrect. You know, if you went ahead and  
9 placed the order, if the information was  
10 incorrect because it was Southwestern Bell's  
11 fault, then, of course, it will be Southwestern  
12 Bell's performance that's bad. If the  
13 information was correct and you still went ahead  
14 and placed the order and it got rejected and you  
15 were required to supplement, then Southwestern  
16 Bell shouldn't be dinged for that.  
17 MR. KOUTSKY: Well, it depends on  
18 the reason why it was rejected in the first  
19 place. If it was rejected because we have an  
20 order process that makes us supplement orders  
21 that don't meet retail ADSL parameters, then I  
22 think Southwestern Bell should be -- that is  
23 their fault. So I kind of -- if you're talking  
24 about we submit an order and we put street as  
25 opposed to drive or we have the wrong zip code

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1 for the customer, those are always excluded from  
2 these.

3 MS. NELSON: Okay. I think we're  
4 going over old ground here, so let's -- can we  
5 move on to the other issues under 55.1 that are  
6 listed?

7 MR. COWLISHAW: Can I try for new  
8 ground?

9 MS. NELSON: Yes.

10 MR. COWLISHAW: Some of the  
11 confusion on this seems to be -- listening to  
12 it -- this reference that excludes "served  
13 exclusively by digital loop carrier." The way I  
14 understood Ms. Chapman to describe this a minute  
15 ago, that reference to digital loop carrier is  
16 not intended to refer to the next generation  
17 digital loop carrier that's part of the Pronto  
18 configuration.

19 MS. CHAPMAN: Well, that would  
20 only apply on an xDSL capable loop or a line  
21 share loop that was going from the central  
22 office to the end user that can't go through the  
23 digital loop carrier. So either of these --

24 MR. COWLISHAW: -- wondering if it  
25 would narrow the issue if Southwestern Bell

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1 would agree that it's appropriate to add to this  
2 "served exclusively by digital loop carrier"?  
3 And I don't know what the right technical  
4 reference is, but served exclusively by  
5 integrated digital loop carrier or current  
6 generation digital loop or something to  
7 differentiate it from the Pronto --

8 MR. FRISA: Call it  
9 nonbroadband --

10 MS. CHAPMAN: The copper loop  
11 still can't go through even the next generation,  
12 but we would be willing to add --

13 MR. COWLISHAW: -- not going to  
14 reject those order.

15 MS. CHAPMAN: Well, if they were  
16 ordering an xDSL capable loop instead of a  
17 broadband service, we would because we could not  
18 provide a copper loop, which is what the xDSL  
19 capable loop is. But we would be willing to add  
20 that these -- that that exclusion does not apply  
21 to anything ordered under the broadband service  
22 where the Pronto configuration is available.

23 MR. SIEGEL: Here's one question I  
24 had. I wasn't going to go ask this, but --

25 MS. CHAPMAN: But why not?

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1 MR. SIEGEL: Why not? If the  
2 customer is exclusively served by digital loop  
3 carrier, they're never going to get DSL  
4 provisioned.

5 MS. CHAPMAN: They'll never get a  
6 DSL capable loop provision. They may get a  
7 subloop provision that will provide DSL or they  
8 may do the broadband service, but, yes --

9 MR. SIEGEL: But the order for an  
10 xDSL loop is never going to get provisioned.

11 MS. CHAPMAN: Right.

12 MR. SIEGEL: There's never going  
13 be an SOC.

14 MS. CHAPMAN: Right.

15 MR. SIEGEL: And, therefore, it  
16 will never be captured by the data collection  
17 anyway. It really doesn't need to be excluded  
18 because it will never make the universe of data  
19 that's going to be added up as part of the  
20 measure.

21 MS. CHAPMAN: That's true. I  
22 think I just put that in there for clarification  
23 because that was one of Covad's issues about  
24 when they would get a reject. So I was trying  
25 to say when it would be rejected back. But that

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1 is true. It would never be completed because  
2 there is no loop there to complete. That's why  
3 we were excluding it.

4 MS. NELSON: Okay. Are there  
5 other issues under 55.1 that need to be  
6 discussed that might be listed on Page 119?

7 MR. SIEGEL: Randy, do you want to  
8 discuss it first?

9 MS. NELSON: We've addressed the  
10 third bullet point --

11 MR. DYSART: Let me take a crack  
12 at a couple of these. This is Randy Dysart.  
13 The exclusion in the business rules we  
14 actually say greater than the offered interval.  
15 Would it help if we said greater than the  
16 standard offered interval? Because I know  
17 certain contracts have 3 to 5 days. What we're  
18 trying to look at is make it a measurement  
19 that's a fair measurement. And if you request  
20 something longer than the five days, then that  
21 distorts the measure. But if we say the  
22 standard offered interval, that's whatever the  
23 standard interval you have in your contract.

24 MR. SRINIVASA: If the CLEC  
25 requested due date is greater than the standard

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1 offer interval. Right?

2 MS. CHAPMAN: Correct.

3 MR. DYSART: Right. I mean, if we

4 give you an interval longer than the standard

5 interval and you requested one earlier, then

6 that's going to be included. It's only those

7 things that you request that are outside of the

8 standard offered interval.

9 MS. NELSON: Do any of the CLECs

10 have a response to that?

11 Do any of the CLECs have a problem with

12 that clarification?

13 MS. LOPEZ: I think with the

14 addition of "standard" that that's okay.

15 MS. CHAPMAN: That would be fine.

16 MS. NELSON: Okay. We have a lot

17 of people muttering today. If you would, please

18 speak up for the Court Reporter. And if you're

19 speaking in the audience you need to stand up.

20 MR. SIEGEL: Well, as long as we

21 have an understanding what the standard is,

22 which I think from the record we do, the issue

23 that the CLECs had was that if you got an

24 offer -- if you got a FOC back with a due date

25 that was longer than what was in your

Page 54

1 contract --

2 MR. DYSART: That's not what we're

3 talking about. When you a request a date -- if

4 you request a date of 5 days and we give you an

5 8-day interval, that's going to be in there. If

6 you request an 8-day interval, then it won't be.

7 MS. CHAPMAN: -- five days

8 offered --

9 MR. SIEGEL: That's fine.

10 MR. DYSART: Then the next one,

11 exclude expedites. We would include that if we

12 can say excludes expedites that are less than 3

13 days. Because in the contract I believe it's 35

14 days is your standard interval, which is not --

15 so anything 3 or 4 is not an expedite

16 technically.

17 MS. CHAPMAN: I think we agreed to

18 that on the call, I believe.

19 MR. DYSART: So, I mean, I'm

20 willing to put that in there if that will get

21 that issue off.

22 MS. NELSON: Are there any CLECs

23 that have a problem with that?

24 MR. SIEGEL: No.

25 MR. KOUTSKY: So the way it's set

Page 55

1 up is that if we request a due date between day

2 3 and day 5 --

3 MS. CHAPMAN: Then it's included.

4 MS. LOPEZ: Right.

5 MR. KOUTSKY: Okay.

6 MS. NELSON: Okay. Let's turn to

7 levels of disaggregation.

8 MR. SRINIVASA: It's the same

9 broadband service product?

10 MR. SIEGEL: And I think

11 Southwestern Bell has already agreed to put a

12 placeholder in for that.

13 MS. CHAPMAN: Yes.

14 MS. NELSON: Okay.

15 MR. SRINIVASA: How about DSL

16 platform?

17 MR. DYSART: That's still an

18 issue.

19 MS. CHAPMAN: Right. And that's

20 one we don't agree to since we don't have a

21 product and have no plans at this time for a

22 UNE-P line sharing product.

23 MS. NELSON: Okay. Then the last

24 one?

25 MR. DYSART: I think the last one

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1 is I think we had agreed to use parity but there

2 was the issue around the line sharing

3 arbitration, that if there were benchmarks

4 established there they may want to take a look

5 at benchmarks -- either a six-month review, the

6 next six-month review or before. I'm not sure

7 which.

8 MS. MUDGE: I think that's

9 consistent with what Mr. Cowlshaw was talking

10 about earlier is that, you know, because we do

11 have the line sharing arbitration right now,

12 once we get that order since we don't know what

13 it looks like, I think we did agree to a process

14 where we review the parity standards on any of

15 the line sharing levels on any of the CLECs.

16 MS. NELSON: Okay. Let's move on

17 to 55.2.

18 MR. DYSART: That's not a DSL.

19 MS. NELSON: Okay.

20 MR. SRINIVASA: That's not a DSL.

21 MS. NELSON: 55.3?

22 MS. CHAPMAN: This one we do not

23 have agreement on. I guess I can give a quick

24 synopsis of our side and they can do theirs.

25 Basically, this is a measure that would

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1 measure the percentage of orders that we need to  
2 condition. We're opposed to this mainly because  
3 this is a measurement that would be driven very  
4 much by what the products the CLECs were  
5 offering.  
6 If the CLECs are offering mainly  
7 products that work over longer loops, a higher  
8 percentage are going to require conditioning.  
9 If the CLEC's business plan is to go ahead and  
10 condition any time that conditioning is  
11 necessary where another CLEC's business plan  
12 would be to offer that conditioning option to  
13 their end-user customer and the customer paid  
14 for it, there's a lot of factors that are going  
15 to impact whether or not the loop needs  
16 conditioning that are totally within the CLEC's  
17 control and not within our control.  
18 The loops need conditioning based on  
19 what the existing loop plant is. And that's  
20 something that regardless of who order the loop,  
21 if they're ordering a loop for a particular  
22 end-user customer it either needs conditioning  
23 or it doesn't need conditioning, depending on  
24 where that customer is located.  
25 So that's why we are against this

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1 measure because we really don't think it  
2 captures anything that we are fully in control  
3 of.  
4 MS. NELSON: Okay. Are there any  
5 CLECs that want to respond to that?  
6 MS. LOPEZ: Ann Lopez, Rhythms.  
7 We really believe that this is critical for  
8 tracking at this time. And that's what we've  
9 shown is we've requested a diagnostic only for  
10 now.  
11 We're finding, especially since we do  
12 have a loop parameter of what should be provided  
13 to us in xDSL loop, that there is a lot of  
14 conditioning that we're finding later on that --  
15 or that we're coming up up front. And, again,  
16 at this time we're looking for something just to  
17 track until we have a diagnostic and bring this  
18 back over at the six-month review to discuss  
19 again.  
20 MR. SRINIVASA: I'm trying to get  
21 an understanding. If this measure was in place,  
22 how do you capture the information to report?  
23 So, essentially -- let me see, the proposal in  
24 here is number of two-wire analog and xDSL UNES  
25 require conditioning divided by total number of

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1 orders for two-wire? So for a given CLEC, how  
2 many xDSL loops you order two-wire category and  
3 how many require conditioning? That's how --  
4 whether you order it or through supplement or  
5 through direct LSR, however the conditioning was  
6 ordered, you want that to be captured on a  
7 monthly basis?  
8 MS. CHAPMAN: And I'm assuming we  
9 would do that by -- since the conditioning is a  
10 billable item by the USOCs on the order if we  
11 were to capture that, that is information that  
12 the CLECs should have available to them already.  
13 And since it's diagnostic, I don't know why we  
14 would be pulling all this information for them  
15 since they really have that information of how  
16 often they are requesting conditioning.  
17 MR. KOUTSKY: Well, it's  
18 diagnostic with respect to SWBT's retail DSL  
19 affiliate. And I think that is -- we certainly  
20 know how many times we've been billed for  
21 conditioning, but we don't know -- especially  
22 now that the DSL affiliate has graciously agreed  
23 to order stand-alone loops that we understand  
24 that, you know, we're getting conditioning --  
25 the conditioning is happening on our orders at

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1 some semblance of parity. There's never  
2 enough -- we may not be able to do, you know,  
3 complete one-to-one, but I do think it's  
4 important for us as a diagnostic tool to at  
5 least attempt to understand and ensure that  
6 CLECs aren't receiving loaded loops on a  
7 disproportionate level.  
8 MR. SIEGEL: This Howard Siegel,  
9 IP Communications. One thing that we can do to  
10 address one of Southwestern Bell's concerns is  
11 we can disaggregate by length. So we can have a  
12 12 kilofeet to 18 kilofeet disaggregation and  
13 then 18 and above if that helps address any  
14 concern that some CLECs may use longer loops  
15 than others.  
16 MR. SRINIVASA: Let me ask you:  
17 Do you think that it's going to be different for  
18 ASI? Assuming it's 12 kilofeet. ASI will have  
19 less conditioning -- less often conditioning  
20 than Rhythm or somebody else, some other DLEC  
21 ordering 12 kilofeet loop, they will have more  
22 instance of conditioning. Is that what you're  
23 trying to capture?  
24 MR. SIEGEL: Well, I think what  
25 we're hoping is to find out that the percentages

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1 are comparable. I think if the percentages  
2 aren't comparable, then we'll want to know why.  
3 I mean, that's why it was offered as a  
4 diagnostic measure.  
5 MS. CHAPMAN: And I guess our  
6 other concern with that, we would be, obviously,  
7 be more agreeable if it was under 18 since over  
8 18 they'll all require conditioning. As a  
9 general rule it will be loaded. That's the  
10 standard design is that they will be loaded.  
11 But right now, because of the way that  
12 the arbitration award ruled, we do not inventory  
13 loops to show whether they've over or under 18.  
14 So that would be something we would have to  
15 develop in order to even capture that the loop  
16 was over or under 18. Right now we could not do  
17 that mechanically. So that would be another  
18 concern for us at this time.  
19 But that would definitely be, I think,  
20 more reasonable to exclude loops over 18 where  
21 for CLECs who do not offer services past 18,  
22 they are obviously going to have a much lower  
23 percentage of loops needing conditioning than  
24 ones who are ordering loops that are over 18,  
25 which are almost always going to need the

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1 removal of load coils since we standardly will  
2 load those loops for the voice service.  
3 MR. SRINIVASA: Let me ask you  
4 this, Mr. Siegel --  
5 MR. SIEGEL: Yes.  
6 MR. SRINIVASA: When you say 12K  
7 and 18K, were you looking at theoretical loop  
8 length or the actual loop length?  
9 MR. SIEGEL: I think actual would  
10 be the best. Now, it may be that if we could  
11 discuss -- maybe it would be easier for them to  
12 collect the data if it was based on theoretical  
13 and we can look at that. I don't know if that  
14 would impact the quality of the information.  
15 MR. KOUTSKY: I'm actually going  
16 to -- I think we should go on actual. The FCC  
17 merger conditions do require aggregation with  
18 regard to loop length on an actual with regard  
19 to billing. And I think that that is something  
20 that if SWBT hasn't done mechanically to comply  
21 with, they certainly should be starting that  
22 process in order to be in compliance with that  
23 FCC merger condition. So I think there should  
24 be the capability to distinguish between 18,000  
25 and 12,000 foot loop lengths.

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1 MS. CHAPMAN: I didn't say that we  
2 can distinguish between the 12,000. For the  
3 12,000 we know going in that we just  
4 automatically have to condition it. It's when  
5 we get to the 18,000 and above that we currently  
6 do not distinguish between those.  
7 MR. KOUTSKY: I mean between 12  
8 to -- what about 12 to 18?  
9 MS. CHAPMAN: That wasn't where we  
10 had a concern. Our concern was on -- because we  
11 treat those differently up front. If it's under  
12 12, then we condition it automatically for load  
13 coils, repeaters or excessive bridged tap;  
14 whereas, over 12 we do not.  
15 So we do not -- we annual them  
16 differently. But we don't handle it that  
17 differently on the 18 if no conditioning is  
18 being performed as far as inventory. And we  
19 don't inventory them differently.  
20 MR. SRINIVASA: So there is a way  
21 for you to, say, for example, if (inaudible) an  
22 LSR if there is a circuit associated with that  
23 address and there's a loop and you know what  
24 circuit it is, you have information to find out  
25 whether it is less than 12 or greater than 12.

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1 MS. CHAPMAN: We have information  
2 available. In some cases what we are --  
3 depending on what the -- if the CLEC has asked  
4 for actuals or if actuals were available  
5 mechanically, that may not be actual loop makeup  
6 information unless a manual loop qualification  
7 has been requested.  
8 We'll always have design loop makeup  
9 information, so we'll always have a design  
10 length available electronically where we may not  
11 always have actual information available  
12 electronically. We've always got it if somebody  
13 wants to go into a manual lookup, but we don't  
14 do a manual lookup on every order.  
15 MR. SRINIVASA: Well, in order to  
16 provide loop makeup data, there is a provision  
17 in there that is the actual --  
18 MS. CHAPMAN: Sure, right --  
19 MR. SRINIVASA: -- you will provide  
20 them the actual?  
21 MS. CHAPMAN: Right. They can  
22 always get it. But they may not always ask for  
23 it, especially on a shorter loop. You may  
24 not -- if it's a 5,000 foot loop you may not  
25 really want the actuals. That's probably going

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1 to serve your need. So it just kind of depends  
2 on the CLECs business plan and what they're  
3 providing and how long the loop is.  
4 MR. SRINIVASA: Correct. So if  
5 there was less than 12,000, even though they  
6 don't have to pay for the conditioning, you're  
7 going to go ahead and do it?  
8 MS. CHAPMAN: Right. There's no  
9 USOC on the order, so that really probably  
10 wouldn't be captured here -- well, we wouldn't  
11 know how to capture that. If we were supposed  
12 to capture how often we were conditioning for  
13 free, we would not have a way to capture that  
14 because we don't put any conditioning USOCs on  
15 the service order. So that would be something  
16 else we would have to develop a means of  
17 capturing.  
18 MR. SRINIVASA: How do you  
19 condition? You have to issue a ticket.  
20 Somebody has to dispatch to go out there and --  
21 MS. CHAPMAN: Right, we do. But  
22 it's not done through the service order process.  
23 MR. SRINIVASA: So you -- it is  
24 not through the service order process?  
25 MS. CHAPMAN: Right.

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1 MR. SRINIVASA: For that  
2 particular circuit --  
3 MS. CHAPMAN: For under 12.  
4 MR. SRINIVASA: -- need to dispatch  
5 somebody. You are tracking how often you have  
6 to send somebody out there. You're not just,  
7 you know, dispatching without keeping any  
8 record, are you?  
9 MS. CHAPMAN: I'm really not sure  
10 how the -- because that's a different group.  
11 That's a special construction group. That's not  
12 the same group that normally does normal  
13 provisioning. The group that does the  
14 conditioning is a different group and I'm not  
15 sure how they're tracking, how often they go  
16 out. So, I'm sorry, I can't answer.  
17 MR. SIEGEL: And I don't know if  
18 we're as concerned for the under 12,000 because  
19 the provisioning interval is the same whether  
20 there was things removed or not. So I think  
21 it's -- one issue of dispute, I think, is --  
22 well, I guess whether to help us at all, but one  
23 disagreement, just to make sure the issue is  
24 clear is, we wouldn't propose excluding 18,000  
25 or above. What we would propose is having a

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1 separate disaggregation.  
2 And it may be that the data comes back  
3 and for all the CLECs it's 98 percent and then  
4 maybe we drop it, that disaggregation. If it's  
5 consistently there at the next six-month review,  
6 we can look at it. But I think we would want --  
7 at least for the first six months -- we would  
8 want to see that data.  
9 MR. SRINIVASA: Is it possible to  
10 capture 18K and above? I mean, apparently  
11 you're able to do it for 120K and below.  
12 MS. CHAPMAN: Currently we would  
13 not be able to separate the two. Currently we  
14 would know it's over 12 because there's  
15 conditioning USOCs on there if it's a load coil  
16 or repeater. For bridged tap we would not  
17 necessarily know because you can request a rule  
18 of non-excessive bridged tap on -- if you want  
19 to remove 500-foot of bridged tap because you  
20 have a real high speed service you're trying to  
21 offer.  
22 Right now we wouldn't be able to  
23 distinguish -- we would have to develop, do some  
24 work and probably take at least a couple of  
25 months to get -- we'd have to get some fids put

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1 in place that we could put on the order that  
2 would say this loop is longer than 18 or this  
3 loop is shorter than 18.  
4 MR. SRINIVASA: Right. The  
5 implementation is going to take some time. You  
6 are aware of that?  
7 MR. SIEGEL: And I think that  
8 while the implementation takes place for actual  
9 that maybe working with the design, if that's  
10 something that is more easily done, because if  
11 they already have the red, yellow, green -- at  
12 least I think for design data the information is  
13 all there electronically, if we could start with  
14 that and move towards actual.  
15 MS. CHAPMAN: We did do -- I did  
16 prepare kind of a write-up of -- like I said, we  
17 don't agree -- we didn't include it in here  
18 because we didn't really agree with it -- but of  
19 a measure that would be, I think, a little bit  
20 more meaningful that -- and we kind of did  
21 business rules for it. Again, we're not -- we  
22 oppose it, but we have it anyway.  
23 MR. SRINIVASA: Well, again, this  
24 is diagnostic. From that same thought,  
25 measurement type, Tier 1 and Tier 2 it says

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1 "yes" and "yes." Right now it should say "no"  
2 and "no." It is important for it to be  
3 approved.  
4 MS. CHAPMAN: Right.  
5 MR. SIEGEL: And we discussed that  
6 on the call.  
7 MS. NELSON: Could you provide  
8 that language?  
9 MS. CHAPMAN: Yes, we can.  
10 MR. SRINIVASA: Okay. Thanks.  
11 MS. NELSON: We're going to take a  
12 ten-minute break right now, and then we're going  
13 to have lunch at 12:30 today just for your  
14 planning purposes.  
15 (Recess 11:03 a.m. - 11:35 a.m.)  
16 MS. NELSON: I think that was the  
17 longest ten-minute break we've ever taken.  
18 MR. SIEGEL: I don't think so.  
19 MS. NELSON: Okay. Let's start  
20 with PM 56. I guess there's general --  
21 MR. SIEGEL: Judge Nelson, before  
22 we go forward on 55.3, we had a brief discussion  
23 on the break, and at least for the period of  
24 time that we might -- if we would end up using  
25 design data, probably we would be looking at a

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1 disaggregation in -- or exclusion, whichever way  
2 it would end up going, instead of the cut-off  
3 being 18 kilofeet, 17 and a half because that's  
4 the way the design data is currently done.  
5 MS. CHAPMAN: Yes.  
6 MS. NELSON: We've agreed to that.  
7 We ended up with that measure.  
8 MR. SRINIVASA: Okay.  
9 MS. NELSON: And Southwestern Bell  
10 is going to give language to the Commission and  
11 the Staff by when?  
12 MS. CHAPMAN: We can do that  
13 today. We just need to make these couple of  
14 little tweaks to make up the information.  
15 MR. SRINIVASA: That's good the  
16 break was longer. They got an agreement.  
17 MR. SIEGEL: We did that in the  
18 first 15 seconds.  
19 MS. CHAPMAN: That was the easy  
20 one.  
21 MS. NELSON: Okay. Let's go on to  
22 PM 56. Is there anything unusual about this? I  
23 notice you have levels of disaggregation the  
24 same as before.  
25 MR. DYSART: I've got a couple of

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1 changes that may eliminate the issues,  
2 hopefully.  
3 MR. SRINIVASA: Okay.  
4 MR. DYSART: What we're trying to  
5 do here is 56 and 58 were real similar. So what  
6 we're trying to do is get everything in 56.  
7 And, basically, the only thing that was missing  
8 were those expedites that we didn't agree to.  
9 And so when I added some language in here that,  
10 right after the end, "and those expedites not  
11 agreed to by Southwestern Bell, the interval  
12 will be based on the return date contained in  
13 the -- or the due date contained in the FOC."  
14 So that would include -- encompass  
15 everything: expedites we agreed to, expedites  
16 we didn't agree to and those that were  
17 requested -- customer requested due date. So  
18 that would then encompass the whole base. If we  
19 do that, then we can take out that exclusion,  
20 "exclude circuits requested for less than the  
21 standard offer interval." That can be taken  
22 out.  
23 And then we'd already talked about  
24 leaving a placeholder there for broadband  
25 services. So I believe that's the only issues I

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1 saw with that measurement.  
2 MS. NELSON: Do the CLECs want to  
3 respond, or does any CLEC have a concern with  
4 the changes that Mr. Dysart has outlined?  
5 MR. SIEGEL: Howard Siegel, IP  
6 Communications. I think that those changes were  
7 things that we had spoken about having changed.  
8 So I don't think we have any concerns with those  
9 changes.  
10 MS. NELSON: Are there still  
11 remaining issues under PM 56?  
12 MR. DYSART: After those, I don't  
13 believe there are. I think we still have to  
14 confirm with the other non-DSL group.  
15 MS. NELSON: Right.  
16 MR. SIEGEL: The only issue that  
17 I think was discussed or maybe in another  
18 context, one measure that Southwestern Bell  
19 initially was looking at eliminating that as we  
20 discussed today and looks like there may not be  
21 trying to eliminate more, was --  
22 MR. DYSART: 64.  
23 MR. SIEGEL: -- let's see.  
24 MR. DYSART: I think.  
25 MR. SIEGEL: Yeah, 64 -- count of

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1 orders canceled after due date which were caused  
2 by Southwestern Bell. And one thing that has  
3 been discussed on the DSL calls and also the  
4 non-DSL calls -- and maybe Mr. Cowlshaw could  
5 add if I leave anything off -- was maybe instead  
6 of keeping 64 to include cancels after the due  
7 date in some -- in the missed due day oriented  
8 measures under the theory that if they were  
9 canceled past the due date then that means that  
10 the due date was missed.

11 And currently they are not because in  
12 the way the data collection works, you add up  
13 things that SOC. So since they got canceled  
14 prior to being SOC'd, they never get into the  
15 measurement.

16 MR. SRINIVASA: Let me understand  
17 this. Include that in PM 58 and keep 58, and  
18 they eliminate 64. That is what you are  
19 proposing? 58 is the percent Southwestern Bell  
20 caused missed due dates. Right now Bell is  
21 proposing that that needs to be eliminated?

22 MR. SIEGEL: Right. And I'm  
23 thinking that, you know, you included in 56 as  
24 opposed to 58 and either not have 64 --

25 MR. SRINIVASA: There's 58 also,

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1 percent Southwestern Bell caused missed due  
2 dates.

3 MR. SIEGEL: Right. I think it  
4 would be in 56 and 58 if 58 remained. The issue  
5 is whether 58 would remain.

6 MS. NELSON: Mr. Cowlshaw?

7 MR. COWLISHAW: And this gets us  
8 into a little broader issue that we'll visit  
9 again next week, but there is a pending should  
10 we keep the missed due date measures and get rid  
11 of the missed due date measures if we get 56  
12 expanded enough. We share the concern Howard  
13 has outlined about getting these canceled orders  
14 out of the special account measure 64. There's  
15 other ones on the UNE-P side, resale side and  
16 into the -- whether it's 56 or 58 would depend  
17 on which of those measures survive.

18 So that's where, in general, we agree  
19 with what Howard is saying.

20 MR. DYSART: Randy Dysart with  
21 Southwestern Bell. Our preference right now is  
22 to keep them separate.

23 MR. SIEGEL: And I don't know if  
24 we need to discuss this anymore today. It can  
25 be discussed next week, but I just want to at

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1 least mention that that is one potential issue  
2 that could remain on 56.

3 MR. DYSART: Okay.

4 MS. LOPEZ: On 56 as well on the  
5 report structure, you have to -- I'm sorry. We  
6 need to add the affiliate.

7 MR. DYSART: Okay. We can do  
8 that.

9 MR. SRINIVASA: Going back to 64,  
10 there is not much historical data looking at May  
11 through April. Twelve-month total there might  
12 have been three orders.

13 MR. COWLISHAW: I think that's  
14 part of why we're looking for a way to get rid  
15 of it. The numbers actually in the analogous  
16 measure under resale and UNE-P there was a  
17 period of some months when there was actually  
18 some significant numbers of canceled orders  
19 showing up under -- I think it's 34, though I  
20 may be wrong. And so we didn't want to lose the  
21 data all together, and that was the reason for  
22 our suggestion to merge the two. We can revisit  
23 that next week.

24 MR. DYSART: Right. We'll take a  
25 look at that again between now and then. When

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1 we address it at that point, we'll have a firm  
2 answer.

3 MR. SRINIVASA: Okay.

4 MR. COWLISHAW: Before we get too  
5 excited about 56 having no issues left, my guess  
6 is Randy was not agreeing to the DSL for UNE-P  
7 disaggregation.

8 MR. DYSART: Well, I think -- this  
9 is -- you know who I am. We'll take that -- I  
10 think that's kind of an over issue.

11 MR. COWLISHAW: It's a bunch --

12 MR. DYSART: Whatever happens  
13 there we'll do it. If we're ordered to do that  
14 as a service, we will add it in there.

15 MR. SRINIVASA: There's a pending  
16 arbitration on that issue. If that decision  
17 comes out, then performance measurement will  
18 have to be modified.

19 MS. NELSON: Is that the only  
20 remaining issue under PM 56?

21 MR. DYSART: I think that and then  
22 Howard's issue with 64.

23 MS. NELSON: Right. Okay. Le's  
24 move on to --

25 MR. DYSART: Actually, would be

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1 58, I believe.  
2 MS. NELSON: Okay. We just  
3 touched on this right now. So do we need to  
4 discuss this further?  
5 MR. SRINIVASA: Do we still need  
6 this, or do we need to wait until next week PM  
7 58? They're proposing to eliminate that.  
8 MR. COWLISHAW: For the broader  
9 issue, I think we need to wait.  
10 MR. DYSART: If we keep it, we  
11 would go in and want to be diagnostic if we've  
12 got penalties other than 56.  
13 MS. NELSON: Let's save that one  
14 until next week.  
15 Okay. PM 59? Mr. Dysart, could you  
16 just outline where the disagreement is on this?  
17 MR. DYSART: Sure. I'll be happy  
18 to do that. It appears that there was an issue  
19 about excluding trouble reports caused by lack  
20 of digital test capability. That was one  
21 exclusion that was -- that needed clarification.  
22 I believe this morning we talked about that, the  
23 Southwestern Bell folks did. Really what we  
24 want to try to say is exclusion of trouble  
25 reports caused by lack of digital test

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1 capabilities --  
2 MS. CHAPMAN: -- on two-wire  
3 digital. And if we do end up with IDSL capable  
4 loop, that would be where acceptance testing was  
5 not performed.  
6 MR. DYSART: Where acceptance  
7 testing was available but not requested.  
8 MS. CHAPMAN: Because I think --  
9 MR. DYSART: We need to pretty the  
10 language up, but the bottom line is if you have  
11 acceptance testing and we test it, then nothing  
12 is included on those. If you don't do  
13 acceptance testing and you have the ability to  
14 do it --  
15 MS. CHAPMAN: We could, right.  
16 MR. DYSART: -- it would be  
17 included for those particular scenarios.  
18 MS. CHAPMAN: Again, it would be  
19 only where -- I think we were also -- that would  
20 not apply it to a copper loop, or if the loop  
21 were being provisioned to copper, it's only  
22 where you have a digital loop and provisioned  
23 with DLC and repeaters. That is an area where  
24 you can't fully test the capability of a loop  
25 without the CLEC's help.

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1 MR. DYSART: So that was one  
2 issue, and I don't know if that satisfies those  
3 folks' concerns or not.  
4 MS. MUDGE: I think we'd like to  
5 see the language.  
6 MS. CHAPMAN: Sure.  
7 MR. DYSART: Okay. We'll do that.  
8 MS. CHAPMAN: We can pretty it up.  
9 MS. NELSON: When can you get that  
10 language done?  
11 MR. DYSART: Probably -- I would  
12 hope later today. At least we could by the end  
13 of the day. Then you could look at it.  
14 MS. NELSON: Okay.  
15 MR. DYSART: Then the proposed  
16 benchmark for DSL loops with no line sharing, we  
17 propose 7 percent for that. That was along the  
18 lines where we had been discussing where line  
19 sharing we would have been trying to do parity  
20 and for non-line sharing I think y'all had asked  
21 us to take a look at benchmarks.  
22 MS. LOPEZ: I'm sorry, can you --  
23 can I have you explain what exactly the 7  
24 percent -- how you're coming up with that  
25 figure?

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1 MS. CHAPMAN: That was on the --  
2 MR. DYSART: Yeah, we took some  
3 historical data, and I'd have to can ask John  
4 Locus to help us here. He took a look at the  
5 historical data.  
6 MR. LOCUS: Hi. This is John  
7 Locus with Southwestern Bell. What we did is we  
8 looked at the historical data in the DOJ reports  
9 using all the data available for each month, as  
10 well as just looking at the year 2000. Since  
11 there's so few data points, we looked at an  
12 average and a median.  
13 The average for all months was about  
14 6.5 percent. For the year 2000 was 7.3 percent.  
15 The median was 6.2 and 7.8.  
16 MR. SRINIVASA: Well, you're also  
17 reporting your retail, you're at 5.3 percent on  
18 the average for that. And Southwestern Bell  
19 retail for the 12-month total -- this is for PM  
20 5907 -- 5908, excuse me.  
21 MR. LOCUS: Right. This would be  
22 the benchmark just for the non-line share, the  
23 stand alone loops. So we weren't going -- I  
24 wasn't necessarily comparing to the SWBT side  
25 because that was using the line share loops.

1 MR. SRINIVASA: Do you think if it  
2 is not line shared there will be more trouble  
3 reports than if -- trouble is trouble.  
4 MR. LOCUS: If it's a non-line  
5 shared loop versus line-share, then the numbers  
6 historically show there's a greater trouble  
7 report rate.  
8 MS. CHAPMAN: Right. Especially  
9 during the first 30 days after installation  
10 because a line-shared loop is -- the majority of  
11 time is going to be an existing working loop so  
12 you don't have any of the initial problems that  
13 you might have any time you're connecting a new  
14 facility. Since it's an approved loop that has  
15 been working for POTS service, you're not going  
16 to have as many of the start-up problems you  
17 might have on a brand new stand-alone loop,  
18 which 100 percent on the stand-alone loops it is  
19 a brand new loop, whereas the majority of the  
20 time on a line share loop you're using existing  
21 facilities.  
22 MR. KOUTSKY: This is Tom Koutsky.  
23 We're going to object to the 7 percent number  
24 because it seems to be generated by an average  
25 of the current SWBT DSL installations, which

1 you're ranging anywhere from 4.3 to 5.1 percent.  
2 MR. KOUTSKY: So why is there a  
3 wire DSL -- wire service to us going to be  
4 having inferior quality to that?  
5 MR. SRINIVASA: So your counter is  
6 it should be 5 percent?  
7 MR. KOUTSKY: My opinion is a  
8 loop is a loop, and it should actually be  
9 whatever their trouble reports is for any time  
10 they install a residential second line or any  
11 new loop copper facility. I don't see why it  
12 would be any different. It's the same people.  
13 MR. LOCUS: Well, the provisioning  
14 processes are completely different, and I think  
15 the data proves that out when you look at the  
16 actual data that's been recorded over the last  
17 12 months.  
18 MR. KOUTSKY: But again, you're  
19 just confirming the fact that, yeah, the process  
20 is different because in our opinion they're  
21 discriminatory processes. The idea is to get  
22 the process the same.  
23 MR. FRISA: Let me try to clarify.  
24 This is Ed Frisa with Southwestern Bell. I  
25 don't disagree with the guy on the phone with

1 presumes it is an adequate level of service  
2 quality. And I would like to know why we  
3 haven't used ISDN or analog voice trouble  
4 reports as the benchmark?  
5 MR. LOCUS: Because those services  
6 don't have anything to do with DSL. And the  
7 historical data that we are using is the exact  
8 measure of the product that we're talking about,  
9 which is DSL.  
10 MR. KOUTSKY: Again, that  
11 presumes that you were providing an appropriate  
12 level of service. Are you looking at your  
13 retail DSL provision for that 7 percent? Or are  
14 you looking at your provision of loops to us?  
15 MR. LOCUS: No. The retail DSL is  
16 over line-shared loop, and that would be the --  
17 that's the parity measure we talked about for  
18 CLEC line share versus the SWBT retail line  
19 share, which now is ASI.  
20 MR. SRINIVASA: So looking at --  
21 MR. KOUTSKY: Exactly. How is  
22 the providing DSL loop different from providing  
23 an ISDN loop to customers?  
24 MR. SRINIVASA: The BRI loop from  
25 the Southwestern Bell retail side -- well,

1 Covad on the fact that a loop is a loop is a  
2 loop. The data on the loop, be it POTS service,  
3 be it BRI or be it DSL, are different signals.  
4 They're different formats. Their interfere  
5 characteristics are different. The line  
6 formats are different. You can't compare a POTS  
7 service and say the trouble rate for POTS is the  
8 same for BRI or for DSL. Trouble on the line  
9 that does not affect POTS will affect DSL and  
10 may not affect BRI.  
11 What John has done is compare the  
12 CLEC-provided DSL loop performance over whatever  
13 time is available.  
14 MR. KOUTSKY: That would  
15 affect -- if there is a trouble on the loop  
16 that's not detected by POTS but is detected by  
17 DSL, that would equally impact your line share  
18 service.  
19 MR. FRISA: And line sharing is  
20 proposed to be a parity comparison between CLEC  
21 and ASI. This is benchmark issues around stand-  
22 alone loops.  
23 MR. COWLISHAW: But if the  
24 difference between the POTS loop troubles and  
25 the DSL loop troubles is the type of

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1 data-related troubles that you experience on  
2 your line sharing, then the line sharing  
3 performance ought to provide an appropriate  
4 analogy. For the month of -- for the month that  
5 you report the biggest activity statewide that  
6 you reported so far, you achieved a 4-and-a-half  
7 percent according to your report, trouble report  
8 rate for CLECs on PM 59.

9 MR. FRISA: And if I could  
10 clarify -- this is Ed Frisa again -- the  
11 technology that we apply and have applied that  
12 ASI is going to use is a technology. It is not  
13 any technology. It is not variable technology.  
14 It is not xDSL, IDSL or any other technology  
15 that may be used by a CLEC.

16 And what is a static technology that we  
17 have deployed and is deployed in large volumes  
18 compared to what a CLEC may choose to deploy to  
19 loop lengths that we can't control that a CLEC  
20 may choose to try to deploy to are the variable  
21 factors that, in my mind, clearly identify the  
22 need to -- stand-alone loops need to be measured  
23 against stand-alone loop performance. Line  
24 sharing is line sharing. The technologies are  
25 different.

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1 MR. SRINIVASA: Well, let me ask  
2 you this: The April data shows that as the  
3 volume increased in comparison to March, your  
4 performance also improved. You're able to  
5 achieve that 4.5 percent level. Why should the  
6 standard be lower than that?

7 MR. LOCUS: Well, I didn't select  
8 4.5 just as I didn't select 11.9 as the  
9 benchmark. So I didn't want to use one data  
10 point to say that's what Southwestern Bell would  
11 commit to for the next six months. I tried to  
12 use the data points that were available. So  
13 that's how you end up with -- like I say, the  
14 average was 7.3. What we're proposing is 7.

15 MR. SIEGEL: Do you have any  
16 information -- I know that, obviously, you may  
17 have just finished yesterday -- but did you have  
18 any information on how the May performance was  
19 looking as the month went by on that issue?

20 MR. DYSART: I don't have any of  
21 that.

22 MR. LOCUS: I didn't use any  
23 information for May. I used the data that's out  
24 there officially on the DOJ reports as  
25 successful --

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1 MR. DYSART: This is Randy Dysart.  
2 We created the benchmark, I thought, out of the  
3 conversations we had on the call and that was at  
4 the request of the CLECs. So if we did  
5 something people didn't want us to do, I  
6 apologize for that. But that was what at least  
7 was proposed that we come back with a benchmark.  
8 We'd be happy to provide our rationale  
9 for why we chose 7 percent, and then would ask  
10 the CLECs to come back with a proposal and  
11 provide their rationale. But I thought we were  
12 going to base it on historical data.

13 MR. SRINIVASA: Right. I think  
14 that we asked even during the last session for  
15 some of these measures to --

16 MR. KOUTSKY: I guess the  
17 principal point of this is we should start with  
18 that, I guess. And I do appreciate that you  
19 guys have gone back and looked at it. I think  
20 we're just -- I wanted to register the point  
21 about which historical data set we looked at.

22 MR. DYSART: Well, we'll include  
23 that in what we looked at, but I would ask y'all  
24 to take a look at what -- I mean, you're going  
25 to come up with your proposal based on what you

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1 feel is the appropriate comparison and just  
2 document what you used. And the data that is  
3 out on the website is available to everybody.  
4 You can take that data and look at that or  
5 whatever basis you choose to use. But we'll  
6 provide what we -- how we developed that and  
7 then let y'all --

8 MR. SRINIVASA: Well, let me add,  
9 some of the CLECs have used BRI loops to provide  
10 one flavor of DSL. You do have some historic  
11 data on BRI loops. And some CLECs have not used  
12 BRI loops that used other loops. Can you look  
13 at both of them and see what would be a  
14 reasonable benchmark for stand-alone loops? I  
15 know for line sharing it's parity. This is for  
16 the stand-alone loops.

17 And also one thing that I propose is if  
18 you come up with any proposal, a reasonable  
19 proposal, is adopted, then an allowance of equal  
20 to critical z issues should not apply to this.  
21 Because we are establishing benchmark based on  
22 some historical data. No critical Z allowance  
23 would apply to this if you come up with a  
24 benchmark on this. It's going to be based on  
25 historic data.

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1 MR. DYSART: Well, I would agree  
2 in theory. However, if we come up where we use  
3 the lowest point that we've achieved in the last  
4 year, then I would probably have a problem with  
5 that, I mean, we have to look at more than one  
6 month to develop historical data.  
7 Just because I did well last month  
8 doesn't mean it's going to carry forward,  
9 because, obviously, there's variation and --  
10 MR. SRINIVASA: Yeah, 11.9 was an  
11 aberration, too.  
12 MR. DYSART: Right. Absolutely.  
13 We wouldn't propose using that either.  
14 MS. NELSON: Ms. Mudge?  
15 MS. MUDGE: Just to give you some  
16 context, when we talked about this performance  
17 measurement on the 25th, there still was not a  
18 proposed benchmark. This is the first  
19 opportunity that we have had to -- and that's  
20 the reason we have questions about this. And  
21 certainly what we hear you ask us to do is now  
22 that we have a Southwestern Bell proposal of 7  
23 percent, if you have -- CLECs, if you have  
24 another proposal, make that proposal, state your  
25 rationale and then you can make the decision.

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1 That's what I'm hearing you say. Correct?  
2 MR. SRINIVASA: Yes.  
3 MS. MUDGE: And you'll see that in  
4 a couple of other places in performance  
5 measurements that follow -- that for the first  
6 time we're seeing Southwestern Bell's proposed  
7 specific measurement as opposed to a parity  
8 measurement. So you're going to hear the  
9 same -- probably the same issues, and the  
10 question raised is: "How did you base it on;  
11 well, we don't agree; yes, we'll get you a  
12 proposal."  
13 MS. NELSON: Are there future  
14 off-line sessions scheduled?  
15 MS. MUDGE: We did not have one  
16 set because we weren't sure what the result of  
17 this one was going to be. But it sounds like,  
18 you know, there will be some action items. And  
19 certainly, if there's a need, we'll go ahead get  
20 one coordinated.  
21 MS. NELSON: Okay. Thank you.  
22 Are there other issues under this measurement  
23 that need to be discussed?  
24 MR. DYSART: I don't believe there  
25 are any that apply except for the overriding

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1 UNE-P issue we talked about. There are some  
2 other issues for the other group, but I don't  
3 believe there is anymore.  
4 MS. NELSON: Okay.  
5 MR. SIEGEL: And on that,  
6 specifically, the excludes trouble reports  
7 counted in PM 59 or 69, that wasn't something  
8 that we agreed with, but that was something that  
9 we deferred to the larger group.  
10 MR. DYSART: Right.  
11 MS. NELSON: Okay.  
12 MR. COWLISHAW: What is Measure  
13 59?  
14 MS. NELSON: 59.1.  
15 MR. SIEGEL: Yeah. There's no  
16 proposal.  
17 MS. NELSON: Let's go back to  
18 that.  
19 MR. DYSART: Which one?  
20 MS. NELSON: There is an error  
21 here, Mr. Dysart.  
22 MR. SIEGEL: Yeah, I think you cut  
23 and pasted from another measure.  
24 MS. NELSON: It says, "Excludes  
25 and trouble reports found in PM 59." Well, this

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1 is PM 59.  
2 MR. COWLISHAW: In the little set  
3 of issues that are --  
4 MR. SIEGEL: Top of Page 130.  
5 MR. DYSART: Well, that was a  
6 pretty good exclusion, wasn't it?  
7 (Laughter)  
8 Yeah, that's not right. You caught me.  
9 MR. COWLISHAW: That's not really  
10 a proposed exclusion for this measurement?  
11 MR. DYSART: Not 59. That's a  
12 good one, though.  
13 MR. SIEGEL: But is there a  
14 proposed exclusion for anything under 69?  
15 MS. CHAPMAN: I thought it was 69  
16 had the exclusion for 59.  
17 MR. DYSART: Right. Any trouble  
18 reports -- and there was one more.  
19 MR. SIEGEL: There was a  
20 60-something that excludes 59 and 69 I think.  
21 MS. NELSON: Could you just let us  
22 know later?  
23 MR. COWLISHAW: You want to  
24 exclude from 59 --  
25 MR. DYSART: Right. That's not --

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1 MR. COWLISHAW: If this is an  
2 issue, it's going to be an issue over in --  
3 MR. DYSART: Somewhere else.  
4 You're right. Sorry.  
5 MR. SRINIVASA: 69 you can  
6 include --  
7 MR. DYSART: Yeah. It's not an  
8 issue there. Right. Thank you.  
9 MS. NELSON: Let's move on to  
10 59.1.  
11 MS. CHAPMAN: This one probably  
12 needs them to explain what they're wanting  
13 because I don't think we're in agreement.  
14 MS. NELSON: Okay.  
15 MS. MUDGE: Judge Nelson, this is  
16 one where we actually did talk about it not only  
17 off-line, but we talked to you-all before about  
18 this issue. We also had talked about looking at  
19 AT&T's proposal, which you'll find on the very  
20 next page of 59.1. And I think generally  
21 speaking what our task was to see if the  
22 59.1 proposed by AT&T addressed our similar  
23 issues.  
24 Now, I think we thought that there  
25 would be, but it sounds like there's still not

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1 an agreement as to whether or not any 59.1,  
2 whether it is Rhythms, Covad or Southwestern  
3 Bell.  
4 MS. NELSON: So the issues are  
5 well defined and we can move on.  
6 MS. MUDGE: Yes, ma'am.  
7 MR. SIEGEL: And just to add one  
8 thing that I think Southwestern Bell would agree  
9 with is if either version of 59.1 would remain,  
10 then the broadband UNE offering would be  
11 included in the local disaggregation. And I'm  
12 guessing that they didn't make that edit to this  
13 one because this isn't the measure that they  
14 were agreeable to at the time.  
15 MR. DYSART: That's correct.  
16 MS. NELSON: Then we move on to  
17 No. 63?  
18 MR. SRINIVASA: 60 is still --  
19 there is agreement --  
20 MS. NELSON: There's agreement on  
21 60 --  
22 MR. SRINIVASA: 61.  
23 MS. NELSON: -- 61 and 62 because  
24 there is nothing noted.  
25 MR. SRINIVASA: Apparently, the

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1 benchmark, see measurement No. 59, is that  
2 correct for 62, the reference on that?  
3 MS. NELSON: Should be 58 and 59.  
4 MR. DYSART: It should be 58 if it  
5 stays. Probably if it doesn't it will be --  
6 MR. SRINIVASA: Average delay days  
7 due to Southwestern Bell cause, it should be 58.  
8 MR. DYSART: Yes.  
9 MR. COWLISHAW: That's just giving  
10 parity comparisons.  
11 MR. SRINIVASA: For average delay  
12 days for Southwestern Bell caused missed due  
13 dates, 58. For DSL loops with line sharing you  
14 have to establish a benchmark.  
15 MR. DYSART: Right. From the DSL  
16 perspective -- which one are we on now?  
17 MS. CHAPMAN: 62.  
18 MR. DYSART: Okay. 62. I don't  
19 think we disagree on 62.  
20 MS. CHAPMAN: Well, no, they're  
21 saying we don't have a benchmark proposed.  
22 MR. SRINIVASA: Right. You say,  
23 "See measurement No. 58." And Measurement No.  
24 58, it's all parity comparison for line sharing  
25 and no line sharing -- you know, what would you

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1 compare it to?  
2 MS. NELSON: So what's the  
3 disagreement on 62 because there is nothing set  
4 out under --  
5 MR. SIEGEL: I think it's what  
6 Judge Srinivasa mentioned. Our global  
7 discussion was, at least for the six months, we  
8 could use parity for line sharing and we would  
9 need benchmarks for stand-alone loops. This is  
10 one where I think, because it related back to  
11 someplace else, Southwestern Bell just omitted  
12 suggesting a benchmark.  
13 MR. SRINIVASA: A benchmark.  
14 MR. SIEGEL: So that's something  
15 we'll have to include in our discussions.  
16 MR. DYSART: Right. I think  
17 that's the issue.  
18 MS. CHAPMAN: That is. We didn't  
19 prepare a benchmark for that one.  
20 MR. SIEGEL: And that being said,  
21 we don't have to discuss it right now but we  
22 should probably take a closer look at some of  
23 these other provisions, these ones that we just  
24 went past, and see if it applies there also.  
25 MS. NELSON: Can this be

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1 discussed -- can this be one of the issues that  
2 is discussed off-line if Southwestern Bell comes  
3 forward with a benchmark?  
4 MR. SIEGEL: Yes.  
5 MR. SRINIVASA: And then CLECs may  
6 have to come up with their own.  
7 MS. NELSON: Is the same in 60 and  
8 61?  
9 MS. MUDGE: That's what we are  
10 trying -- I think that's what, I think,  
11 Mr. Siegel suggested, Judge Nelson, is that we  
12 would --  
13 MS. NELSON: Take care of all  
14 three?  
15 MR. SIEGEL: And it may be that we  
16 won't need to because they're diagnostic.  
17 MS. NELSON: I didn't know if you  
18 meant today or --  
19 MR. SRINIVASA: If it's  
20 diagnostic, you will collect the data and then  
21 establish a benchmark later if required.  
22 THE REPORTER: I would remind you  
23 to please talk one at a time, not four.  
24 MS. NELSON: Or we get  
25 "inaudibles" on the transcript.

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1 Number 63? Define customer caused  
2 misses from a DSL perspective.  
3 MS. CHAPMAN: I think that was  
4 more of an information issue. It wasn't  
5 something that impacted the measure.  
6 NorthPoint, I don't think, is represented today,  
7 but they had a question of what was included  
8 in -- what was a Southwestern Bell caused miss  
9 and we went over that appendix. They had some  
10 issues of -- it wasn't so much that  
11 those weren't -- I'm sorry -- CLEC-caused  
12 misses. It wasn't so much that they disagree.  
13 I don't believe, that those would be considered  
14 CLEC-caused misses, but they may have disagreed  
15 with how we would code those different  
16 CLEC-caused misses. So it wouldn't have  
17 affected the measure but perhaps the coding that  
18 they would like to see us use.  
19 MR. SIEGEL: I agree. I think  
20 NorthPoint's concern was that if items were  
21 coded incorrectly for the cause, then they would  
22 be excluded. And I believe Jessica for  
23 NorthPoint had stated that in their experience  
24 they were -- they had seen some incorrect  
25 coding. But, like I say, I can't verify the

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1 accuracy of that.  
2 MS. NELSON: Okay.  
3 MR. SRINIVASA: Also in the  
4 business rule, reference is made to "see  
5 measurement No. 59." It should be 58.  
6 MS. NELSON: Again.  
7 MR. DYSART: We'll go back and  
8 verify all those.  
9 MS. NELSON: Okay. 64 is agreed  
10 to?  
11 MR. DYSART: Well, I think that's  
12 the issue that --  
13 MS. NELSON: Back again.  
14 MR. DYSART: Yeah, whether we  
15 count it here or count it in 56.  
16 MR. SRINIVASA: Okay. Maintenance  
17 measures.  
18 MS. NELSON: 65?  
19 MR. DYSART: 65, we still have  
20 that -- it's an issue that we talked about  
21 earlier on the excludes trouble reports caused  
22 by lack of test capabilities. We would apply  
23 that same language we had talked about before  
24 and put it in this one also.  
25 MS. NELSON: And the CLECs were

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1 agreeable to that?  
2 MR. DYSART: Well, they were  
3 agreeable to look at it and if it's satisfied, I  
4 think we were okay with their -- this one is the  
5 one that we had excludes any trouble reports  
6 counted in 59 or 69. So I think that's an  
7 issue.  
8 I believe what the DSL folks had said  
9 they would defer there that decision to the big  
10 group, whatever they came up with they would go  
11 along with?  
12 MS. NELSON: I see Ms. Mudge  
13 nodding her head yes.  
14 MS. MUDGE: I'm sorry. I believe  
15 that's what we talked about earlier this  
16 morning.  
17 MS. SIEGEL: That's what I recall.  
18 MR. DYSART: Then the other  
19 ones -- I think we're okay on the levels of  
20 disaggregation. I mean, obviously, we still  
21 need to talk about the broadband when we get a  
22 little more idea, but we discussed that. The  
23 UNE-P for DSL, obviously, still an overlying  
24 issue. And then we had a proposed benchmark for  
25 DSL loops with no line sharing.

1 MS. CHAPMAN: 4 percent.  
2 MS. LOPEZ: That was at 4 percent.  
3 MR. DYSART: Four percent, right.  
4 MS. LOPEZ: But back over here on  
5 59 it's 7 percent.  
6 MR. DYSART: It's a different  
7 measure.  
8 MS. CHAPMAN: Right. One is on  
9 installation measure where -- especially on a  
10 stand-alone loop you're installing a brand new  
11 service. So you may have some things that are  
12 just caused by being a brand new loop where this  
13 is an on-going measure.  
14 So any troubles that happen throughout  
15 the life of the loop would be captured here.  
16 So, obviously, it would be a lower benchmark  
17 than what you would have on an installation.  
18 MR. SRINIVASA: Is that based on  
19 the historical?  
20 MR. LOCUS: Yes, sir, Your Honor.  
21 This is John Locus with Southwestern Bell.  
22 Once again, we took the data that was  
23 available on our DOJ reports on the website.  
24 And using an average and a median, looking at  
25 all data as well as 2000 data, we settled around

1 not our experience at Southwestern Bell with  
2 trouble reports, either I Reports or trouble  
3 reports, indicate a loop is a loop.  
4 If you just look at the data that's out  
5 there on the Southwestern Bell side, not looking  
6 at the CLEC reports but just the Southwestern  
7 Bell side, we have hundreds of thousands or  
8 millions of customers for these services, you'll  
9 find that at a loop is a loop is not really the  
10 case based on historical performance.  
11 Our range of trouble report rates --  
12 you know, if you go look at 8dB, 5dB, BRI, DSL,  
13 DS1, just looking through the DOJ report, you  
14 will find there's a range of trouble reports  
15 from 15.6 down to 1.0.  
16 So I just wanted to make sure everybody  
17 is clear. A loop is not a loop. How you use  
18 the loop has a definite impact on the trouble  
19 report rate. And you can see it in the data  
20 from a large LEC with many, many customers.  
21 MS. NELSON: I doubt we're going  
22 to come to agreement on that today, so could you  
23 provide your rationale to the CLECs and then  
24 they can propose a benchmark and we can --  
25 MR. COWLISHAW: There's a

1 4 percent.  
2 MR. SRINIVASA: It was at 3.9 and  
3 you increased that to 4 percent?  
4 MR. LOCUS: Well, the average for  
5 the CLEC was 4.2, for Southwestern Bell was 4.3.  
6 MR. SRINIVASA: Actually, in April  
7 it shows the report 6508, it's 3.9 percent.  
8 MR. LOCUS: I'm sorry. I'm  
9 reading the wrong column.  
10 MR. SRINIVASA: And also we are  
11 basing it on the benchmarks based on the  
12 historic data, critical Z will not apply, alone  
13 for critical Z.  
14 MS. MUDGE: I think this is one  
15 that I had mentioned that this is the first time  
16 we've seen the proposal. So we would like to  
17 take this as a -- an opportunity and action item  
18 to come back with our proposal if we disagree  
19 with it. Again, this is the first time we've  
20 seen it.  
21 MR. DYSART: And we'll provide the  
22 documentation for what we based it on.  
23 MR. LOCUS: Can I just make one  
24 point though? The comment was made earlier that  
25 a loop is a loop. And, you know, it's certainly

1 reference in the benchmarks we have just been  
2 talking about. They're called like Benchmark  
3 13, the DSL loops are called Benchmark 13 --  
4 MR. SRINIVASA: What does that  
5 mean?  
6 MS. CHAPMAN: What does that mean?  
7 MR. COWLISHAW: I'm guessing -- is  
8 that a reference back to the list of 58 and how  
9 they're numbered back --  
10 MR. DYSART: To be quite honest, I  
11 don't know. It's a reference to -- okay.  
12 MR. SIEGEL: And as far as the  
13 benchmark discussion, I guess the one request  
14 that I would make on behalf of IP Communications  
15 is to the extent that Southwestern Bell might be  
16 able to pull the May data early for these  
17 specific measures -- so if you're looking at 59,  
18 62 and 65 -- so that we can at least have that  
19 information as well when we make any kind of  
20 proposal to them.  
21 MS. MUDGE: Well, can we go back  
22 to the question that Mr. Cowlshaw had? What we  
23 would propose is to eliminate the word  
24 "benchmark 13" in both instances under  
25 Performance Measure 65 because --

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1 MR. DYSART: That's fine.  
2 MS. MUDGE -- DSL loop with no line  
3 sharing has a different percentage.  
4 MR. DYSART: That's fine.  
5 MS. CHAPMAN: We're agreeable to  
6 that.  
7 MR. DYSART: That's fine.  
8 MR. COWLISHAW: And you say "See  
9 Measurement 58" or something like that.  
10 MS. NELSON: Is there any other  
11 discussion that needs to take place under this  
12 PM?  
13 MR. COWLISHAW: Just One question.  
14 Mr. Locus has referred a couple of times to the  
15 DOJ data as the source of the Bell  
16 recommendations. It seems like he's looking at  
17 statewide data. Is that right?  
18 MR. LOCUS: Yes, sir, it is.  
19 MR. COWLISHAW: Okay. I'm -- and  
20 maybe the practice has changed. I'm not aware  
21 of the statewide data, in fact, being available  
22 on the Southwestern Bell website. I think only  
23 the disaggregated data is available.  
24 MR. DYSART: If y'all need that,  
25 we'll provide it.

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1 MS. NELSON: Is this the April  
2 data?  
3 MR. SRINIVASA: No, no. This is  
4 statewide aggregate. Our requirement is that  
5 they need to disaggregate it by market area, and  
6 what they can see on the website is not by a  
7 statewide aggregate. They only see it by  
8 disaggregated basis.  
9 MS. NELSON: I think it's attached  
10 to Southwestern Bell's reply, though, on the 271  
11 reply is why I was asking.  
12 MR. COWLISHAW: I think it's been  
13 in an ex parte or something.  
14 MS. NELSON: Right.  
15 MR. COWLISHAW: But it is not the  
16 website data that's available.  
17 MR. DYSART: That's true. We can  
18 get it to you if anyone needs that.  
19 MS. NELSON: Is your point that  
20 you want it on the website --  
21 MS. CHAPMAN: Or that you --  
22 MR. COWLISHAW: I just want to  
23 make everybody here aware that as these other  
24 parties are trying to look at some of these  
25 benchmarks that they're not going to find that

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1 when they go to the website and they can get it  
2 from --  
3 MR. SRINIVASA: As part of the  
4 six-month review another issue that we're taking  
5 up should be disaggregated by market region to  
6 be aggregated, that's also another issue that we  
7 need to take up.  
8 MS. NELSON: Okay. Let's move to  
9 PM 66.  
10 MR. DYSART: Yeah. One of the  
11 issues here is can line sharing be added to  
12 reflect commitment time, and the answer is yes.  
13 We can do that. I think right now I'm not  
14 necessarily a proponent for adding 66.1.  
15 What I would do -- I think currently  
16 the commitment is 24 hours for DSL is my  
17 understanding. So I would just change the  
18 language to basically say commitment time as is  
19 currently defined is 24 hours for both 8 dB  
20 loops and DSL line sharing and then add a caveat  
21 at the end that if at such time a contractual  
22 obligation for commitment changes that we'll  
23 change the performance measurements to add that  
24 for DSL.  
25 MS. CHAPMAN: For line sharing you

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1 mean.  
2 MR. DYSART: For line sharing,  
3 yeah.  
4 MS. NELSON: Could you re-read  
5 that? The commitment time is defined as 24  
6 hours for both 8 dB loops and line sharing?  
7 MR. DYSART: And DSL line sharing,  
8 right.  
9 MS. NELSON: What was the  
10 additional language?  
11 MR. DYSART: At the end I would  
12 put "if at such time the contractual commitment  
13 for DSL line sharing changes, this measurement  
14 will be changed to reflect the appropriate  
15 interval."  
16 MR. SIEGEL: Howard Siegel, IP  
17 Communications. I think the one thing that I  
18 would like to add to that would be a time frame  
19 within x number of -- within 30 days or however  
20 long after, you know, the commitment was  
21 created, that it would -- the new time frame  
22 would be implemented. And I don't know --  
23 MR. DYSART: Within 30 days?  
24 MR. SIEGEL: That would be fine.  
25 MR. SRINIVASA: Within 30 days of

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1 this time frame --  
2 MR. DYSART: Well, within 30 days  
3 of the time frame the new -- the new --  
4 MS. CHAPMAN: The arbitration  
5 award from the line sharing arbitration, if it  
6 changes our commitment time on this, that we  
7 would change the business rules within 30 days  
8 so that next month after that would be captured?  
9 MR. SIEGEL: That would be  
10 acceptable.  
11 MR. DYSART: So once the contract  
12 is -- I'm getting some legal advice here.  
13 MR. LEAHY: Well, this is Tim  
14 Leahy for Southwestern Bell. You know, we talk  
15 about the arbitration award, and to the extent  
16 that the parties' behavior is driven by whatever  
17 the contract language sets out, then that's  
18 what -- that will drive the PM. So my concern  
19 is 30 days after an arbitration award we might  
20 not even have the language approved by that  
21 point.  
22 MR. SIEGEL: Then it seems like it  
23 should be, starting for the next month, maybe  
24 even less than 30 days. I mean, if an arb award  
25 comes out and the contract is signed two weeks

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1 later for the next calendar month even if it got  
2 signed May 20th, let's say, for June 20th, it  
3 should count since Southwestern Bell, since the  
4 arbitration award, has the time to do the  
5 programming.  
6 MS. NELSON: Ms. Mudge?  
7 MS. MUDGE: It seems to me this  
8 would be one where Mr. Dysart read this language  
9 for the first time. If we could get that and  
10 then use this as an action item on our  
11 subsequent off-line, then I think we can reach  
12 agreement on this in terms of technical wording.  
13 MS. NELSON: Is there anything  
14 else?  
15 MR. DYSART: The only thing then  
16 we would add for line sharing is that we would  
17 have it parity with ASI.  
18 MR. SRINIVASA: Okay.  
19 MR. SIEGEL: And since this one is  
20 only line sharing the issue of benchmark --  
21 MS. NELSON: Do the CLECs disagree  
22 with that?  
23 MR. SIEGEL: I think, consistent  
24 with what Ms. Mudge said in the beginning, for  
25 the first six months that's acceptable. And

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1 then we'd like to reserve the right to argue  
2 possible benchmark.  
3 MR. SRINIVASA: All PMS every six  
4 months they want to review the DSL.  
5 MS. NELSON: Hopefully the next  
6 ones will go faster.  
7 MR. DYSART: PM 67, we still have  
8 the language regarding the digital test  
9 capabilities, which is the same. So we won't go  
10 over that again.  
11 The other issue then, the only other  
12 issue I have, is actually the proposed benchmark  
13 for no line sharing.  
14 MR. SRINIVASA: 14 percent?  
15 MS. CHAPMAN: Is that ours or --  
16 MR. DYSART: 14 hours, yes, 14  
17 hours. That's a typo. And we'll provide our  
18 rationale with that.  
19 MS. NELSON: Okay. And that could  
20 be discussed off-line?  
21 MS. CHAPMAN: Yes.  
22 MS. NELSON: Anything else that  
23 needs to be discussed right now on this?  
24 MR. SRINIVASA: If it is based on  
25 historic data, we'll repeat it, critical Z will

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1 not apply.  
2 MS. NELSON: Mr. Cowlshaw?  
3 MR. COWLISHAW: The question why  
4 the deletion of the reference to WFA in the  
5 business rules?  
6 MS. CHAPMAN: Because of the fact  
7 line share takes a POTS flow. And so in order  
8 to capture line it would not, I believe, be NFWA  
9 but will have to capture from somewhere else.  
10 MR. COWLISHAW: This is a whole  
11 bunch of things, of which line sharing is only  
12 one.  
13 MR. DYSART: Well, I think the  
14 important thing is for normal UNES that are in  
15 WFA -- it is WFA --  
16 MS. CHAPMAN: Right.  
17 MR. DYSART: -- for line sharing  
18 it's not in WFA. It's in LMOS. So, I mean, we  
19 can clarify that if you like.  
20 UNIDEN. SPEAKER: Can you say by  
21 the appropriate system?  
22 MR. SIEGEL: I.e., WFA or LMOS?  
23 MS. CHAPMAN: Right. But that was  
24 the reasoning behind that was so that it would  
25 not exclude the line share, that we captured

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1 both of them. But if we need to --  
2 MS. NELSON: It sounds like you  
3 have agreement on concept.  
4 MS. CHAPMAN: Yeah.  
5 MS. NELSON: If you can just work  
6 on the language --  
7 MR. DYSART: That's fine.  
8 MS. NELSON: Does the Benchmark 13  
9 references need to come off of there?  
10 MR. DYSART: Yeah, we can take  
11 it --  
12 MS. CHAPMAN: We can take those  
13 off.  
14 MR. SIEGEL: Howard Siegel, IP  
15 Communications. I would assume a report  
16 structure would include the SWBT affiliates  
17 since line sharing is going to be -- is  
18 recommended as parity?  
19 MS. CHAPMAN: Right, where  
20 applicable.  
21 MR. SRINIVASA: Yeah. So we'll  
22 add that to the report.  
23 MS. CHAPMAN: To the report  
24 structure add --  
25 MR. DYSART: Oh, right, right.

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1 MS. CHAPMAN: Or appropriate  
2 choice.  
3 MS. NELSON: Okay. 68.  
4 MR. SRINIVASA: Bell is proposing  
5 to --  
6 MS. NELSON: This is not a DSL  
7 one.  
8 MR. DYSART: Right.  
9 MR. SIEGEL: Well, actually, one  
10 question that I think -- you want to go?  
11 Consistent with what we did with 66, if  
12 68 is not eliminated, should line sharing be  
13 added to this?  
14 MR. DYSART: Well, yeah, it would  
15 be. But in reality 66 and 68 are real close to  
16 the same measure.  
17 MR. SIEGEL: And I guess just to  
18 be consistent -- I mean, if 68 goes away, I  
19 wouldn't have a problem, but if it's decided  
20 that there's value to 68 and it stays, I would  
21 expect the same changes to 66 to be made to 68.  
22 MS. NELSON: Okay.  
23 MR. DYSART: We would agree with  
24 that.  
25 MR. SRINIVASA: It's the DLECS'

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1 position that if line sharing is disaggregated,  
2 68 should be retained?  
3 MS. NELSON: No.  
4 MR. SIEGEL: As of the last phone  
5 call I think -- at least for IP and maybe the  
6 other data providers on the call -- we were --  
7 we would defer to the larger group whether 68  
8 should remain. But if it does remain, we think  
9 it should have the same elements that 66 has.  
10 MR. SRINIVASA: Right.  
11 MS. NELSON: Okay. 69. It looks  
12 like this is the same issues that we've been  
13 discussing so far.  
14 MR. DYSART: They are. And then,  
15 again, we had a line sharing proposal. And,  
16 again, we'll provide the rationale.  
17 MS. NELSON: Okay. And then  
18 you'll work it off-line.  
19 Okay. So now it seems that we're up to  
20 the PM 21 through 26. I believe Ms. Mudge  
21 indicated they were going to try to find  
22 somebody -- to find out if somebody would be  
23 available to address the billing issues during  
24 the OSS session.  
25 MS. MUDGE: That's right, Your

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1 Honor. Ms. Lopez has not had an opportunity to  
2 talk directly with the person that might be able  
3 to visit with us. And those, of course, are  
4 performance measurements 14 through --  
5 MS. NELSON: That's correct.  
6 MS. MUDGE: Yes, ma'am. And,  
7 hopefully, after the lunch break Ms. Lopez will  
8 be able to give you a report.  
9 MS. NELSON: Even though we're a  
10 little bit early, let's go ahead and take the  
11 lunch break now. When we come back, we'll go  
12 onto 21 through 26. If we do not do billing  
13 today, it looks like we'll actually finish  
14 early. Thank you.  
15 (Recess: 12:22 p.m. - 1:45 p.m.)  
16 AFTERNOON SESSION  
17 THURSDAY, JUNE 1, 2000  
18 (1:45 p.m.)  
19 MS. NELSON: Okay. Let's go back  
20 on the record. Let's start with 21, which has  
21 been agreed to. Is that correct? Everyone is  
22 agreeing it should be eliminated?  
23 MR. DYSART: That's my  
24 understanding.  
25 MS. NELSON: Now, some of these

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1 are broader issues that are not DSL specific,  
2 and this is one of those. So, Mr. Cowlshaw,  
3 before you stand up and raise your concern about  
4 that, I will tell you that staff is aware of  
5 that.

6 MR. SIEGEL: And I may be  
7 remembering this wrong, and if someone else  
8 remembers it differently -- from the DSL  
9 providers, I think our position was that we  
10 expected to be able to agree to it, but we  
11 wanted to make sure that these other measures  
12 were -- like 22 was resolved, and then we would  
13 agree with 21 being eliminated.

14 MS. NELSON: Let's move forward  
15 then. And we will bring this up again at later  
16 sessions where it is attended by more than DSL.

17 MR. SIEGEL: But provided that  
18 these other measures are worked out, we wouldn't  
19 have a problem with this solution.

20 MR. SRINIVASA: 21, it's an  
21 average measure; 22 is a percentile measure. So  
22 it is the same.

23 MS. NELSON: Right. Okay. So  
24 let's get to 21.1 then. That's the new proposed  
25 Rhythms/Covad -- and since Covad is not on the

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1 line, we will let you address it, Ms. Lopez.

2 MS. LOPEZ: This one was one  
3 where -- I spoke to Maria during the lunch break  
4 regarding the ACD, and what this one entailed  
5 was the hold times once we go into queue and  
6 making sure that we could capture that. We had  
7 some questions on the ACD, if it was a separate  
8 ACD versus a singular ACD that routes the calls  
9 over. And what we are trying to capture is that  
10 queue time, and I know that Maria and I just  
11 talked about that off line. And that was  
12 something that you were going to look into a  
13 little bit more on the queue time.

14 MS. DILLARD: Maria Dillard,  
15 Southwestern Bell.

16 MS. NELSON: As you know, we have  
17 a new court reporter. So please introduce  
18 yourself the first time you speak.

19 MS. DILLARD: The one way the ACD  
20 works is that you do have one call-in number,  
21 and then what happens from there is you are able  
22 to press one, for example, for resale, press two  
23 for UNE and so on and so forth. So to take care  
24 of the concern that any -- there being any  
25 different type of measurement, there is not.

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1 The ACD does measure all calls coming into the  
2 center.

3 What we are not measuring today or  
4 tracking today is any queue time. So on  
5 Performance Measure 22, which was the concern  
6 that we had earlier that said we just needed to  
7 talk to Rhythms and Covad off line, I think we  
8 have resolved that. Like I said, all calls  
9 coming into the center are measured with the  
10 ACD, period.

11 21.1 is talking about average time  
12 placed on hold, and that is not something that  
13 we track.

14 MS. NELSON: Are you -- do you  
15 have a disagreement about this?

16 MS. DILLARD: Well --

17 MR. DYSART: This is Randy Dysart.  
18 I think it is our position that we don't want  
19 to -- as I see the measurement, first of all, it  
20 is the time after the call goes to the service  
21 rep that they place the customer on hold to go  
22 get further information. That's how I read the  
23 measurement, and we disagree with that because  
24 the only time the service rep will put a  
25 customer on hold is if they are asked a question

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1 and they have to go get additional information.  
2 There is no way for them to put a  
3 customer on hold and then answer another  
4 customer. That's not the way the ACD works. So  
5 that position has to be freed before another  
6 call would come in.

7 So we don't see the need for this  
8 measurement.

9 MS. NELSON: Is this a big  
10 problem?

11 MS. LOPEZ: This has been a major  
12 problem, yes.

13 MS. NELSON: So how would you  
14 propose that Southwestern Bell measure this?

15 MS. DILLARD: If I might --

16 MS. NELSON: Let me just ask her  
17 the question.

18 MS. LOPEZ: I'm not sure if their  
19 system would have the capability of measuring  
20 this. I don't know exactly how their system  
21 works, but they do have the different various  
22 monitoring systems that do track the hold time,  
23 the average time. That is something that they  
24 have in place for their service reps.

25 MS. NELSON: You know, this really