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October 22, 2001

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Via hand delivery

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D. C. 20554

Re: CC Docket No. 01-277

Dear Ms. Salas:

Enclosed for filing in the above-referenced docket are confidential comments and exhibits, which have been redacted, of Covad Communications Company. Confidential material appears on pages 10, 11, 15, 16, 37, 38, 39, and 40, as well as in all exhibits. These documents are being provided pursuant to the Protective Order released October 2, 2001 in this proceeding.

Any parties seeking access to these documents should contact Jason Oxman at 202-220-0409.

Respectfully submitted,

Florence Grasso

cc: Jessica Rosenworcel

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of)
)
Applications by BellSouth Corporation *et al.*) CC Docket No. 01-277
for Authorization to Provide In-Region,)
InterLATA Services in Georgia and Louisiana)

COMMENTS OF COVAD COMMUNICATIONS COMPANY

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Introduction

Covad Communications Company (Covad), by its attorney, hereby respectfully submits its comments in opposition to the Georgia and Louisiana long distance applications submitted by BellSouth. With these two applications, BellSouth continues a long tradition of not only filing such applications prematurely, but also ignoring the specific findings of the FCC regarding the defects in BellSouth's checklist compliance. As it did with its Louisiana application twice before, BellSouth has refiled without correcting the substantive defects that the Commission highlighted in its prior rejections. Having witnessed the success of its BOC brethren in recent months, BellSouth apparently believes that it is now BellSouth's turn – that a premature application has a reasonable chance of success. As with BellSouth's past premature applications, the Commission must stand firm against this latest attempt to ignore the competitive checklist and play politics instead of substance.

Covad raises two principal objections to the Georgia and Louisiana applications, centered on checklist items two and four. First, BellSouth's operations support systems (OSS) fail to provide competitive LECs like Covad a meaningful opportunity to compete. In these comments, Covad highlights the serious and ongoing problems with the pre-order and ordering OSS that BellSouth makes available. Because BellSouth does not present any evidence of an independent, third party test of the majority of the OSS that BellSouth relies on in this application, nor can it demonstrate any viable commercial usage of its interfaces, BellSouth has not satisfied its checklist burden of proof. Second, Covad highlights the facial discrimination demonstrated by BellSouth's performance metrics. In addition, Covad demonstrates that there is a severe disconnect between the

business rules that BellSouth should follow, and the actual performance it reports. Again, because BellSouth has not provided the Commission with an independent, third party evaluation of BellSouth's performance data, BellSouth fails to satisfy its burden. In order to highlight the shortcomings of BellSouth's OSS and UNE performance, Covad points to the findings of the OSS test undertaken by the Florida Commission – a true third party test that has uncovered numerous recurring problems with all aspects of BellSouth's performance.

Checklist Item 2: OSS

The Commission consistently has found that nondiscriminatory access to OSS is a prerequisite to the development of meaningful local competition.¹ The Commission has determined that without nondiscriminatory access to the BOC's OSS, a competing carrier "will be severely disadvantaged, if not precluded altogether, from fairly competing."² Because OSS access is a necessary prerequisite to UNE access, the Commission examines a BOC's OSS performance to determine compliance with section 271(c)(2)(B)(ii) and (xiv).³ OSS access means more than just computer systems: BellSouth must prove it provides nondiscriminatory access to the systems, information, documentation, and personnel that support its OSS.⁴ For OSS functions that are analogous to those that a BOC provides to itself, its customers or its affiliates, the nondiscrimination standard requires the BOC to offer requesting carriers access that is equivalent in terms of quality, accuracy, and timeliness.⁵

¹ See *Bell Atlantic New York Order*, at 3990, ¶ 83; *BellSouth South Carolina Order*, 547-48, 585; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20653.

² See *Bell Atlantic New York Order* at 3990, ¶ 83.

³ *Bell Atlantic New York Order*, 15 FCC Rcd at 3990, ¶ 84.

⁴ *Bell Atlantic New York Order*, 15 FCC Rcd at 3990, ¶ 84.

⁵ *Id* at 3991, ¶ 85.

BellSouth's OSS checklist burden has two components. First, BellSouth must prove that it has deployed functional interfaces and OSS capabilities. Second, it must prove that "the OSS functions that the BOC has deployed are operationally ready, as a practical matter."⁶ In order to satisfy the latter prong, BellSouth must prove that it has provided competing carriers the internal business rules and other formatting information necessary to ensure that a carrier's requests and orders are processed efficiently.⁷

Pursuant to the Commission's section 271 precedent, a Bell Operating Company can take one of two possible pathways to satisfy its burden of proof regarding OSS checklist compliance. As BellSouth well knows from its prior three section 271 filings, the Commission considers "the most critical aspect of evaluating a BOC's OSS is the actual performance results of commercial usage⁸ or, in the absence of commercial usage, testing results."⁹ Absent sufficient and reliable data on commercial usage, the Commission will consider the results of carrier-to-carrier testing, independent third-party testing, and internal testing in assessing the commercial readiness of a BOC's OSS.¹⁰ A third-party test that is limited in scope, not independent, and fails to test relevant aspects of the BOC's OSS will be afforded little weight.

Covad filed extensive comments with the Georgia Commission in January 2000 and April 2000, asking the Commission to require KPMG to test all aspects of pre-ordering and ordering of xDSL loops, including IDSL loops and linesharing, as well as

⁶ See *Bell Atlantic New York Order*, 15 FCC Rcd at 3992, ¶ 88.

⁷ *Bell Atlantic New York Order*, 15 FCC Rcd at 3992, ¶ 88.

⁸ Commercial usage does not, as BellSouth suggests, mean simply that a CLEC is attempting to use an interface. If that were the case, the Commission would have approved BellSouth's three prior applications – CLECs were trying desperately to use the interfaces that BellSouth purported to support. Commercial usage means that the CLEC is using the interfaces in question successfully in a manner that permits the CLEC a meaningful opportunity to compete.

⁹ *BellSouth Louisiana II 271 Order* at ¶ 92.

¹⁰ *Bell Atlantic New York Order*, 15 FCC Rcd 3993, ¶ 89.

the LENS GUI. Unfortunately, the Georgia Commission did not have the contractual relationship with KPMG necessary to direct the testing process: BellSouth did. Despite this Commission's oft-repeated preference for independent third party testing, and despite the fact that the long distance "anchor" applications approved by the Commission thus far have featured state commission-directed third party testing, BellSouth chose to proceed with a test directed by itself. Although the Commission approved some bare bones test parameters, the details of the test and its scope were left to BellSouth and KPMG. The result is that none of Covad's suggestions were included in the test or reflected in the final reports. As a practical matter, that means that KPMG did not test jeopardy procedures, loop conditioning, electronic ordering for xDSL loops or line sharing, missed appointment processes or a host of other critical aspects of OSS. Covad participated with KPMG on a series of third party test conference calls. Covad again objected to the KPMG test in comments regarding its inadequacy filed in May 2001 in Docket 8354-U. Despite these efforts, the KPMG test proceeded without testing xDSL OSS capabilities. Given BellSouth's control of the process, it is easy to understand how that happened.

BellSouth relies on three OSS interfaces as evidence of its checklist compliance. Of those interfaces, Covad uses one for pre-ordering and ordering (LENS), and is planning to launch a second interface (EDI) for ordering in December 2001. At the outset, it is important to explain why Covad has not yet deployed EDI. There are two basic reasons. First, despite contending that EDI has been available for four years¹¹, BellSouth did not make EDI ordering for xDSL loops and line sharing available to Covad

¹¹ See *In the Matter of Application of BellSouth Corporation, et al. Pursuant to Section 271 of the Communications Act of 1934, As Amended, to Provide In-Region, InterLATA Services in South Carolina*, CC Docket No. 97-208, 13 FCC Rcd 539 (1997) (BellSouth South Carolina 271 Order), at ¶ 94 (BellSouth relies on EDI ordering interface for evidence of checklist compliance).

until February 2001. Prior to that time, BellSouth simply failed to develop ANY electronic ordering interfaces for xDSL loops or line sharing. From its earliest entrance into the market in the BellSouth region, Covad repeatedly requested a schedule for electronic pre-ordering and ordering functionality. BellSouth responded with a host of unfulfilled promises and missed deadlines stretching from December 1999 until February 2001. Despite repeated requests from Covad for a definitive timetable, BellSouth refused to even tell Covad when EDI would be available. Thus, when BellSouth “launched” EDI in February of this year, Covad did not have the ability to instantly switch to EDI, because work had not yet been completed on Covad’s EDI interface. Covad does not have the resources to devote to developing and deploying interfaces in the hypothetical possibility that BellSouth will offer such functionality, especially when BellSouth had been promising and delaying deployment for more than a year and a half. Now that BellSouth claims to have EDI available, Covad’s work on its end of the interface is underway, and should be completed within a few months. Given Covad’s disastrous experience with LENS, Covad will not deploy EDI until it has assurances that it will work.

Even if BellSouth had kept Covad apprised of EDI’s upcoming availability in February 2001, there are two additional important reasons why Covad does not have EDI running with BellSouth. First, BellSouth has provided no evidence that EDI actually works for xDSL services. As KPMG found in its Florida test of BellSouth’s OSS, BellSouth “lacks an appropriate process, methodology, and robust test environment for testing of the electronic data interchange (EDI) interface.”¹² Specifically, KPMG found

¹² State of Florida – 3rd Party Test Program Progress Document, BellSouth Stacy Aff., Exhibit OSS-80, at pp. 57-8.

that “CLECs that seek to test the EDI machine-to-machine interface during the establishment of system connectivity do not have an adequate test environment available.”¹³ Given that KPMG did not test LENS at all in Georgia, and that BellSouth does not make a testing environment available for EDI, it is difficult to see how the Commission could give credence to BellSouth’s claim that its OSS interfaces are fully tested and operational.

Second, BellSouth does not make pre-ordering capabilities available via EDI, but does make pre-ordering available through LENS.¹⁴ LENS is not an automated OSS – LENS is a human-to-machine interface.¹⁵ The Commission has emphasized that providing pre-ordering functionality through an application-to-application interface is essential in enabling carriers to conduct real-time processing and to integrate pre-ordering and ordering functions in the same manner as the BOC.¹⁶ In prior orders, the Commission has emphasized that providing pre-ordering functionality through an application-to-application interface is essential in enabling carriers to conduct real-time processing and to integrate pre-ordering and ordering functions in the same manner as the BOC.¹⁷

Indeed, the pre-ordering activities that must be undertaken by Covad to order UNEs from the BellSouth are analogous to the activities BellSouth must accomplish to furnish service to its own customers. As such, BellSouth must demonstrate that it provides Covad access that enables it to perform pre-ordering functions in substantially

¹³ *Id.*

¹⁴ See BellSouth Stacy Affidavit at ¶ 34 (“EDI is not used to access pre-ordering OSS.”).

¹⁵ See BellSouth Stacy Aff. at ¶ 44 (“BellSouth also makes available the human-to-machine Local Exchange Navigation System (“LENS”) interface.”).

¹⁶ *SWBT Texas Order*, 15 FCC Rcd at 18426, ¶ 148.

¹⁷ *Bell Atlantic New York Order* at 4014, ¶ 130; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20661-67, ¶ 105.

the same time and manner as BellSouth's retail operations.¹⁸ Covad has implemented EDI capabilities with all Bell Operating Companies except BellSouth, and has successfully integrated EDI pre-ordering and ordering capabilities.¹⁹ BellSouth, on the other hand, requires Covad to use a combination of different interfaces and manual processes, rather than offering EDI for both pre-ordering and orderings. It is Covad's hope that the Commission will require BellSouth to make pre-ordering EDI capabilities available.²⁰ In the interim, Covad relies on LENS for pre-ordering and ordering OSS. Because of the lack of an EDI pre-ordering capability, BellSouth claims checklist compliance based only on the availability of LENS.

Before describing the specific shortcomings of the LENS interface that Covad uses for pre-ordering and ordering, where available, it is important to take note of what the KPMG test did not test:

- electronic ordering of stand alone xDSL loops by any of the three electronic order gateways, TAG, LENS, or EDI
- BellSouth's ability to handle high volumes of manual orders for stand alone xDSL loops that cannot be ordered electronically
- missed appointment/jeopardy notices for stand alone xDSL loops
- electronic ordering of linesharing through the three gateways
- provisioning processes and systems for linesharing
- missed appointments/jeopardy for line sharing
- electronic OSS for IDSL loops²¹

¹⁸ *Bell Atlantic New York Order*, 15 FCC Rcd at 4014, ¶ 129; *see also BellSouth South Carolina Order*, 13 FCC Rcd. at 623-29 (concluding that failure to deploy an application-to-application interface denies competing carriers equivalent access to pre-ordering OSS functions).

¹⁹ *See, e.g., SWBT Kansas/Oklahoma 271 Order*, FCC 01-29, at ¶ 122 (SWBT makes pre-order loop makeup information available via EDI).

²⁰ Rather than do so, BellSouth offers the following suggestion: "A CLEC may integrate ordering and pre-ordering functions by integrating the TAG pre-ordering interface with the EDI ordering interface, or by integrating the TAG pre-ordering interface with the TAG ordering interface." BellSouth Stacy Aff. at ¶ 36.

²¹ BellSouth's IDSL loop product is identical to its ISDN loop in all but one respect. Because of a design problem with the Marconi digital loop carrier, IDSL service will not work if the loop is provisioned through one of the first four ports of the DLC. Thus, BellSouth's IDSL loop product is designed to avoid provisioning through the first four ports. BellSouth makes electronic ordering capability of ISDN loops available, but not IDSL loops. Covad is contractually barred from ordering ISDN loops. When BellSouth finally responded to regulatory pressure and made an IDSL loop available, it required Covad to sign an

- electronic access to loop makeup information

In the absence of an independent test of this long list of critical capabilities, the Commission cannot have any confidence in BellSouth's claims that it provides nondiscriminatory OSS to its competitors. The Commission has long held that an OSS interface need not merely exist – it must be stable and reliable, so that competing carriers can market their services and serve their customers as efficiently and at the same level of quality as a BOC serves its own customers.²² The need to independently test such capabilities –and indeed, the need to test xDSL wholesale capabilities – cannot be a surprise to BellSouth. The Commission has paid close attention to xDSL issues in every BOC long distance application it has approved, and has required separate xDSL compliance showing from the BOC in each application. BellSouth's efforts to gloss over that requirement should not be permitted to succeed.

BellSouth offers numerous loop products. For xDSL providers, that list includes “Unbundled Copper Loop (UCL), Short and Long,” “Unbundled Copper Loop – Non-Designed loop,” “Asymmetrical Digital Subscriber Loop (ADSL) Capable loop,” “High Bit Rate Digital Subscriber Line (HDSL) Capable loop,” “ISDN loop,” and “Universal Digital Channel (UDC).”²³ The UCL-ND (non-designed) loop, BellSouth's most recent new loop product, has been available since March 31, 2001.²⁴

For the telecommunications services that Covad seeks to offer its customers, Covad orders BellSouth's UDL-ADSL, the UDC/IDSL-compatible loop, and line sharing UNEs. BellSouth has designed its systems, however, to ensure that the maximum

interconnection agreement obligating Covad to order IDSL loops and not ISDN loops. See Attachment H at page 2.

²² *Bell Atlantic New York Order*, 15 FCC Rcd at 4025, 4029, ¶¶ 145, 154.

²³ BellSouth Latham Aff. at ¶ 3.

number of these orders must be processed manually, orders for each and every one of those loops do not flow through BellSouth's OSS, but rather must be processed manually. Because each of these loops must be prequalified, they do not flow through BellSouth's OSS. Only UCL-ND and UDC/IDSL loops do not have to be qualified, and thus can flow through BellSouth's OSS.²⁵ Because BellSouth has failed to make electronic ordering available (through ANY interface) for UDC/IDSL loops, UCL-ND loops, or line sharing or ADSL loops that require conditioning, Covad must order [*****] of its loops manually. Not only is it more expensive (due to manual order service charges), but it is hugely inefficient. The lack of electronic ordering capabilities for any of these loops means that Covad must submit the loop order manually and must then manually supplement, cancel, disconnect or change all of these orders. By failing to provide electronic ordering for the vast majority of Covad's loops, BellSouth sentences Covad to a prison of slow, expensive and time consuming manual processes for the foreseeable future. This deprives Covad of a meaningful opportunity to compete in Georgia or Louisiana. Moreover, it demonstrates marked discrimination against Covad, given that BellSouth retail analogs for these loops (the ISDN loop, the analog voice loop and conditioned ADSL provided to BellSouth's retail customers) can all be ordered electronically.

BellSouth recognizes in its application that it must convince the Commission that the flaws found in BellSouth's three prior applications have been remedied. BellSouth's expert Bill Stacy attempts to sweep OSS concerns under the rug thusly:

In the Second Louisiana Order ¶¶ 104-105, the Commission expressed some concern that there was a lack of parity with respect to due dates because, while

²⁴ BellSouth Latham Aff. at ¶ 11.

²⁵ BellSouth Latham Aff. at ¶ 17 n.3.

both BellSouth and CLECs receive an estimated due date for an order at the pre-ordering stage, and do not receive an actual due date until the order is processed, BellSouth could be confident that the estimate will be met, whereas a CLEC is not. See also South Carolina Order ¶¶ 168-169; First Louisiana Order ¶ 57. This disparity in confidence allegedly resulted from the fact that BellSouth relied excessively on manual handling of CLEC orders, and thus orders were processed much more slowly for CLECs. As explained below in the discussion on flow through, however, BellSouth has substantially reduced the percentage of orders that are subject to manual handling.²⁶

The fatal flaw with BellSouth's argument is that BellSouth has not reduced the number of Covad orders that are subject to manual handling. Indeed, more than [*****] of Covad orders are handled manually – not simply because of errors in BellSouth's automated OSS, but because BellSouth *does not have an automated OSS* for the UNE loops that Covad orders. In Georgia, BellSouth handles *at minimum* [*****] of Covad's loop orders manually, and in reality the number is much higher because BellSouth does not properly process electronically even those loops that are theoretically capable of electronic handling.²⁷

Competitive Significance of Denial of Checklist-Compliant OSS

The Commission has recognized in several past section 271 orders that a BOC that makes only manual OSS capabilities available to competitive LECs does not comply with the OSS requirements of the competitive checklist. There is a simple reason why the Commission has repeatedly reached that conclusion. The competitive harm that Covad suffers as a result of BellSouth's refusal to provide electronic OSS capabilities is significant. In order to make this point, Covad first sets out the process (as described by BellSouth) of utilizing the manual OSS. Second, Covad quantifies the competitive harm in financial, employee hours, lost revenue, and harm to customer service in terms that

²⁶ BellSouth Stacy Aff. at ¶ 210.

should demonstrate clearly to the Commission that its precedent requiring automated OSS is vital to the viability of competition.

BellSouth describes the manual UNE ordering process in its Ainsworth affidavit. In is important for the Commission to recall that this process is no mere hypothetical for Covad – over two thirds of Covad’s loop orders must be submitted manually because BellSouth simply does not make electronic ordering capability available.²⁸ BellSouth does not make electronic ordering capability available for the loops that Covad uses most – UDC/IDSL, linesharing/xDSL loops that require conditioning, and non-designed xDSL stand-alone loops.

The manual loop ordering process is time consuming, expensive, and error prone. The first step in the process is the LSR submission. Before the LSR can be submitted, however, Covad must either seek a manual service inquiry from BellSouth or obtain loop makeup information and a reservation identification number (RESID) for all non-line shared loops. For loops ordered manually for which BellSouth’s LFACS system contains loop makeup information, Covad must select a loop and obtain a loop reservation identification number (RESID). Covad must place that reservation identification on any order submitted. If Covad is not able to obtain loop makeup information and thus the reservation identification number, Covad must submit both the loop LSR and an SI (service inquiry) to BellSouth’s CRSG, Complex Resale. The CRSG

²⁷ See Exhibit D, a chart detailing percentage of Covad loops in Georgia that must be ordered manually from BellSouth.

²⁸ See Exhibit D.

then “holds the LSR” and sends the SI to outside plant for qualification.²⁹ It is not until that process is complete that BellSouth will begin processes Covad’s LSR.

Covad submits the LSR manually via fax so that a BellSouth representative can retype all of the information into a BellSouth ordering OSS that Covad cannot access directly. “The CLEC transmits an LSR to the LCSC via facsimile. Pertinent information is typed into the Order Tracker or Local Order Number (“LON”), which assigns a BellSouth tracking number.”³⁰ Next, a BellSouth representative retypes the order off of the fax into BellSouth’s OSS. “The LSR for stand-alone UNE Loops is distributed to the service representative to begin service order processing. The service representative verifies the LSR for accuracy and completeness and types the information directly into the Exchange Access Control and Tracking (“EXACT”) system.”³¹

BellSouth eventually returns a manual FOC to Covad. “A FOC is returned to the CLEC via an electronically generated facsimile³², and the Order Tracker is updated with order numbers, due dates, date and time of FOC transmittal, and any applicable remarks.”³³

If BellSouth detects what it perceives to be an error in the LSR, BellSouth will not process that order because of the perceived error, but rather faxes back to Covad either a rejection or a clarification. “If the LCSC receives an LSR with erroneous or improperly formatted data, the LCSC will return the LSR to the CLEC for clarification. Initially, when an error is detected, the service representative will attempt to identify or clarify any

²⁹ See Appendix E, BellSouth’s ADSL/HDSL CLEC Information Package, which details the manual and electronic loop qualification and ordering processes.

³⁰ BellSouth Ainsworth Aff. at ¶ 118.

³¹ BellSouth Ainsworth Aff. at ¶ 120.

³² The fact that BellSouth calls a fax an “electronically generated facsimile” should give the Commission pause before accepting at face value BellSouth’s claims that it has “electronic” OSS capabilities. Apparently, BellSouth considers anything that plugs into a wall outlet to be an “electronic” OSS capability.

other errors associated with the LSR. After this scan, the service representative will transmit the request for clarification to the CLEC via fax through Order Tracker.”³⁴

Covad is not notified in this manner, however, if BellSouth does not believe it has adequate facilities to fulfill Covad’s UNE order. Rather, Covad must affirmatively search for orders that will not be provisioned due to facilities reasons on a separately maintained facilities report that BellSouth maintains on the Internet. “If a facility jeopardy condition exists, *e.g.*, if facilities are unavailable, which happens in both wholesale and retail orders, the CLEC is notified of the PF condition by accessing the PF Report (Exhibit LCSC-11) that is accessible via the Internet.”³⁵

If BellSouth believes it is not going to deliver the loop on the due date, BellSouth advises Covad through a jeopardy notification process of the impending miss. “The CLEC is advised by the service center representative of any other known jeopardy conditions prior to the due date. The CWINS technician advises the CLEC when a missed appointment occurs on the due date. Misses attributable to BellSouth are normally rescheduled for the next working day. Misses attributable to the CLEC are subsequently identified by the service representative and referred to the CLEC for a new due date. The CLEC is advised via facsimile that a supplemental LSR is required.”³⁶

If BellSouth provided a checklist-compliant OSS capability, Covad would not have to deal with this mountain of faxes, phone calls, separate systems, and errors. Rather, Covad would have a smooth, end-to-end automated transaction that would save time and money. Mere rhetoric? As it happens, Covad has a automated EDI capability in

³³ BellSouth Ainsworth Aff. at ¶ 123.

³⁴ BellSouth Ainsworth Aff. at ¶ 56.

³⁵ BellSouth Ainsworth Aff. at ¶ 125.

³⁶ BellSouth Ainsworth Aff. at ¶ 125.

place and working with Pacific Bell in California. The time, cost, and customer benefits of the California experience should demonstrate conclusively to the Commission the true competitive harm BellSouth inflicts by denying its CLEC customers an OSS that complies with the Act and the Commission's rules.

By refusing to implement a fully-functional automated OSS, BellSouth is making a perverse, yet understandable, business decision. Conducting the unbundled loop ordering process manually adds to BellSouth's own cost of doing business (additional headcount at the LCSC, if nothing else). At the same time, competitors are deterred from operating in the BellSouth territory because of the high cost of submitting wholesale orders. Simply put, it is more expensive for Covad simply to place orders in BellSouth's territory compared to other territories, and it is more difficult to track the progress of orders. The lack of automated OSS functionality ripples across Covad's entire business operation, raising Covad's cost of doing business and hindering its ability to provide superior customer service to its end-users.

The most glaring impact of the lack of automated OSS is the increased cost of placing an order. On average, it costs Covad over [*****] more to place an order with BellSouth than with Pacific Bell. There are two steps in the ordering process that are relevant. Before accepting an order from a customer, Covad must first check with BellSouth to see if the customer's loop is of the appropriate length and make-up, a process generally known as pre-qualification. In Georgia, it costs [*****] to manually fax a loop pre-qualification request, which is necessary because BellSouth has not provided any EDI pre-ordering capabilities. Even if Covad can obtain loop makeup information from LFACs via LENS, that is yet another manual process that costs Covad the time and

effort of its order administration group to perform this activity. Comparatively, it costs exactly \$0.00 in the Pacific Bell territory, where Covad has fully implemented EDI pre-ordering and ordering capabilities. So for every order Covad places in BellSouth territory, the lack of EDI pre-ordering capability costs either [*****] to have BellSouth perform the manual loop makeup and facility reservation or the time and money for Covad's own order administration group to conduct a manual loop makeup. If the loop is determined to be appropriate for Covad's DSL service, Covad will place the order. Because BellSouth does not make electronic ordering capability available for over two-thirds of the loops Covad orders, Covad must submit those orders via fax. BellSouth perversely charges Covad significantly more to place an order manually via fax, than it would charge IF BellSouth had established electronic ordering capabilities. Faxing an order to BellSouth costs[*****]. The cost to place an order via EDI in Pacific Bell territory is again exactly \$0.00. Thus, whereas qualifying the loop and placing the order cost \$0.00 in California, the total cost is [*****] in Georgia, thanks to the lack of automated ordering.

These costs add up. In July of this year, for example, Covad placed [*****] loop orders with BellSouth. All were done manually, costing Covad roughly [*****] (either the actual cost of faxing a manual loop qualification order, or the time and labor costs to Covad employees of undertaking a manual loop qualification inquiry) just to submit the orders. Had those same orders been placed in California, Covad would have paid nothing. There is good reason for that – a fully automated process, once implemented, imposes no additional incremental cost on the BOC. To look at the issue on a more micro level, the cost just to place a loop order from BellSouth is greater than the entire first month's

revenue Covad can hope to garner from selling the xDSL line to one of Covad's ISP customers.

The lack of automation in the ordering process also impacts Covad's ability to provide outstanding customer service that is necessary to garner customers in a fiercely competitive broadband industry. For example, Covad has attached a chart to these Comments as Exhibit C. In the Pacific Bell territory, EDI was fully implemented and operational in the first quarter of this year, and in fact PacBell operates the most efficient OSS in the nation. Once the ordering process became nearly 100%-automated, Covad's average overall installation interval began to drop. The chart compares the rapid decline in the average time period that a Covad customer waited for service from time of signup to time of turnup. In San Francisco, California, since Covad successfully deployed fully integrated pre-order and order OSS capabilities, that interval has dropped by over 25% since March 2001. In Atlanta, Georgia, the interval has stayed exactly the same.

The impact on customers cannot be overstated. Covad's ability to reduce the amount of time a potential customer must wait for service by 25% is a significant marketing advantage. In addition, with automated pre-order and order OSS in California, Covad has real-time access to loop order status, online error correction abilities, online real time jeopardy notifications – all features that permit Covad to interact with and provide updated order status to its customers.³⁷ That kind of customer service keeps

³⁷ For example, the reject interval measures how long it takes for the BOC to reject an order with an error and transmit it back to Covad. In Washington State, where Qwest provides mechanized rejects, Covad receives reject notices in an extremely short time -- the average time for reject notice transmission is 9 seconds. In Georgia, where Covad receives reject notification manually, the time it takes BellSouth to notify Covad of rejects is significantly longer -- only 2% in under 1 hour, between 25% and 66% in 1-4 hours, between 33% and 66% in 4-8 hours, and between 17% and 25% in 8-12 hours (depending on the specific loop product). Because BellSouth often rejects orders multiple times before accepting an order, these hours add up quickly. It also makes real-time resolution of order errors impossible – by the time the reject notice is received, Covad's service representative has long moved on to other orders. The

customers happy, and prevents them from choosing another broadband provider. In the BellSouth territory, BellSouth has denied Covad the ability to do all of these things. In the BellSouth territory, that “other” broadband provider that unhappy Covad customers will seek is BellSouth.

This disparity in treatment between BellSouth wholesale and retail should not come as a surprise to the Commission. Such disparity has been the hallmark of every single BellSouth long distance application since the first. Indeed, note the Commission observation on the competitive harm inflicted by BellSouth’s OSS in 1997:

Without such an integrated system, a new entrant is forced to enter information manually Entering information manually can lead to significant delays while the customer is on the line, assuming that a carrier wants to complete the order while speaking to the customer. Moreover, whether a carrier completes the order while the customer is on the line, as BellSouth's customer service representatives generally do, or enters the information at a later time, such manual entry of data requires a greater amount of time than BellSouth's retail operation requires. As a result, the need to reenter information may limit a new entrant's ability to process a high volume of orders and would require a new entrant to expend a greater amount of resources than BellSouth to conduct the same number of pre-ordering transactions.³⁸

Also in 1997, the Commission reached a similar conclusion as to the cause of errors and the high number of BellSouth rejections of CLEC orders, and the competitive harm CLECs suffer as a result of manual OSS processes:

Such manual entry of data also could lead to increased errors in entering information when placing an order. As discussed above, BellSouth's systems are rejecting the vast majority of orders submitted by competing carriers. Although BellSouth claims that these high rejection rates are due to mistakes made by competing carriers, we conclude above that BellSouth's actions have contributed to such errors. It is reasonable to assume that this manual entry of information is a contributing factor to the high error rate, as a number of parties contend.

competitive effect in Georgia is significant, as it increases the overall time that it takes Covad to turn up service to its customers.

³⁸ In the Matter of Application of BellSouth Corporation, et al. Pursuant to Section 271 of the Communications Act of 1934, As Amended, to Provide In-Region, InterLATA Services in South Carolina, CC Docket No. 97-208, 13 FCC Rcd 539 (1997), at ¶ 156.

Accordingly, competitors' access to BellSouth's pre-ordering operations support systems is more conducive to errors than is the case for BellSouth's retail operations. When new entrants' customer service representatives make errors because of reentering information, the orders are rejected, and there is an unnecessary delay in processing those orders. As a result, customers may conclude that the new entrant does not match the quality of BellSouth's service, even though the problem stems from the access to OSS functions that BellSouth offers.³⁹

LENS

Covad uses BellSouth's LENS interface for pre-ordering and ordering. KPMG did not test LENS. That simple fact cannot be disputed. Yet BellSouth tries to trick the Commission into believing that KPMG conducted a full test of LENS. Here's BellSouth expert Bill Stacy: "As part of its third-party test, KPMG performed a comprehensive review of BellSouth's ability accurately and expeditiously to complete the provisioning of the CLEC orders for UNEs. KPMG tested the accuracy of the provisioning by examining the switch translations for orders for UNEs placed via EDI and TAG (O&P 5-2-1)."⁴⁰ Examining switch translations is hardly a "comprehensive" review of BellSouth UNE capabilities. Even more outrageous, the very KPMG inquiry into "UNEs" that BellSouth cites is listed by KPMG as "not satisfied." BellSouth, of course, claims to have fixed whatever problems with UNE provisioning that KPMG found. How? Again, expert Stacy: "To prevent this problem from occurring in the future, BellSouth retrained the service representatives."⁴¹ That single statement is the extent of record evidence in support of BellSouth's claim of checklist compliance. It is unverified, untested, unverifiable, and – as with BellSouth's prior claims of OSS checklist compliance – unreliable. This is especially true given the high employee turn over rate in the BellSouth

³⁹ *Id.* at ¶ 157.

⁴⁰ BellSouth Stacy Aff. at ¶ 513.

⁴¹ BellSouth Stacy Aff. at ¶ 515.

CRSG and LCSC groups. The Commission cannot rely on BellSouth's feeble claim that it has retrained service representatives when there is no indication of whether that training will be successful in resolving the problem or whether the faulty processes that lead to the error will be sufficiently improved so that the next BellSouth representative will not make the same mistake.

Broadly speaking, KPMG tested none of the critical electronic pre-ordering or ordering functionalities for xDSL loops or linesharing. KPMG did not test electronic ordering for ADSL, HDSL, UCL, IDSL, or line sharing. Despite the fact that BellSouth forces Covad to order a majority of its UNEs via manual processes, KPMG did not perform any volume testing on BellSouth's manual pre-ordering and ordering processes whatsoever. KPMG did not test electronic loop makeup capabilities.⁴²

BellSouth's failure to submit to an independent third party test of LENS (or, indeed, any test of LENS) is particularly disturbing given the way in which BellSouth has made the LENS interface available. Again, expert Stacy: "As described above, however, LENS and RoboTAG™ are proprietary interfaces for which BellSouth performs the programming. In other words, when modifications are made to LENS or RoboTAG™, all of the programming work is done on the BellSouth side of the interface."⁴³ In essence, then, if LENS does not work, if it is programmed incorrectly, if it does not function as advertised, it is BellSouth that must address the issue. In this application, BellSouth is not going to voluntarily highlight the shortcomings of its LENS interface. This is why the Commission requires an independent, third party test of such interfaces. There was no such test.

⁴² "In the Georgia Test, KPMG tested all of these pre-ordering functions with the exception of electronic access to loop makeup." BellSouth Stacy Aff. at ¶ 191.

In Florida, where the Florida Commission, not BellSouth, is in charge of an independent third party test, the findings are much different. For example, in exception 89, opened 7/25/01, KPMG concluded that BellSouth's LENS interface "prevents supplemental local service requests (LSR) from flowing through by instating a requirement that is inconsistent with the BellSouth Business Rules for Local Ordering, OSS99." KPMG is continuing to test this issue.⁴⁴ Covad raises exactly the same objection in the instant proceeding. In addition, in exception 86, opened 8/15/01, KPMG concluded that it was not receiving flow-through FOCs on electronically submitted LSRs via TAG, EDI, and LENS. BellSouth admitted system defects and claimed that it "expects these defects to be completed by September 30, 2001."⁴⁵

These findings by KPMG in Florida echo Covad's experience in Georgia and Louisiana, where Covad's orders fall out for manual processing, and Covad does not receive timely FOCs. Why is there no mention in BellSouth's Georgia/Louisiana applications of these serious defects? Two reasons. First, KPMG did not test LENS in Georgia/Louisiana. Second, BellSouth has no incentive to voluntarily disclose the problems with its OSS. The fact that BellSouth has the same OSS in Florida as in Georgia and Louisiana, and that KPMG has discovered these defects in Florida, makes BellSouth's gamesmanship in this application even more troubling.

BellSouth makes one weak attempt to blame Covad for the problems it experiences with LENS. Specifically, BellSouth blames Covad for failing to seek any LENS training from BellSouth since 1999. "Contrary to Covad's arguments," reports Bill Stacy, "BellSouth provides extensive support to the CLECS through both

⁴³ BellSouth Stacy Aff. at ¶ 177.

⁴⁴ BellSouth Stacy Aff., Exhibit OSS-80, at pp. 17-18.

documentation and training.”⁴⁶ The notion that BellSouth, which by its own admission retains full control over the operation, programming, and implementation of LENS, is blameless for LENS’s complete dysfunction because Covad hasn’t sought training is ridiculous. LENS doesn’t work because BellSouth implemented a non-functioning OSS interface. Had LENS been subjected to testing – as it was in Florida, with predictable results – BellSouth would have to look for a new excuse.

Had BellSouth permitted a true independent OSS test, under the auspices of the state commission, the FCC would have before it evidence of the true discriminatory nature of LENS. For example, when Covad first began placing orders through LENS, Covad could neither change an order nor cancel an order through LENS. If a customer orders Covad service and wishes to change the speed of service, Covad might have to modify the UNE loop order to a different loop product. Thus, that entire process had to be done manually, not electronically, because the BellSouth systems did not permit order changes through LENS. In addition, Covad could not submit loop disconnect orders through LENS. That manual process ensured that Covad would be unable to disconnect UNE loops in a timely manner, affording BellSouth the opportunity to continue to charge Covad for the loops until the lengthy manual disconnect process is complete. Finally, Covad was unable to check order status using the purchase order number (PON) status report, because orders placed via LENS did not appear on that report. Although BellSouth may claim to have remedied some, but not all of these issues, through a series of home grown and vendor “patches,” neither Covad nor this Commission has any reason to believe that the systems are now fully functional.

⁴⁵ BellSouth Stacy Aff., Exhibit OSS-80, at pp. 28-9.

⁴⁶ BellSouth Stacy Aff. at ¶ 74.

Above all, Covad's experience with LENS has been one of constant frustration and confusion – mainly caused by BellSouth's own documentation – about how LENS works. In the *Ameritech Michigan Order*, the Commission determined that a BOC has an obligation "to provide competing carriers with the specifications necessary to instruct competing carriers on how to modify or design their systems in a manner that will enable them to communicate with the BOC's legacy systems and any interfaces utilized by the BOC for such access."⁴⁷ BellSouth has provided documentation, but the documentation is wildly inconsistent with how BellSouth's OSS actually works. To demonstrate this, Covad has prepared a timeline, attached as Exhibit F, of some of the most egregious recently discovered defects in LENS and LENS documentation, and the difficulty Covad has had in seeking resolution of those defects. Exhibit F also includes numerous email chains between Covad and BellSouth documenting these difficulties. What those emails reveal is that BellSouth employees have as much trouble figuring out how LENS works as Covad does. For example, Covad was unable to submit linesharing orders because certain fields in the LSR were returned to Covad as errors. Covad followed the documentation provided by BellSouth for ordering linesharing UNEs, but as set out in the chronology and in Tabs 8-22 of Exhibit F, BellSouth employees provided different instructions to Covad for completing a linesharing LSR than did BellSouth's documentation. Exhibit F is a vital piece of evidence for the Commission to consider in evaluating whether BellSouth's OSS complies with the competitive checklist. Because

⁴⁷ *Ameritech Michigan Order* at ¶ 137. In addition, in the *Local Competition Second Reconsideration Order*, the Commission noted that "[i]nformation regarding interface design specifications is critical to enable competing carriers to modify their existing systems and procedures or develop new systems to use these interfaces to obtain access to the incumbent LEC's OSS functions." *Local Competition Second Reconsideration Order*, 11 FCC Rcd at 19742.

KPMG did not test linesharing ordering capabilities in any way⁴⁸, the Commission has only BellSouth's word that its OSS works. The documentary evidence of linesharing, and other OSS problems experienced by Covad, reveals that this claim is far from the truth.

In its application, BellSouth highlights still more problems with LENS. For example, BellSouth notes that it "recently discovered" that CLECs could not submit supplemental LSRs for xDSL loops that had been placed in the missed appointment status.⁴⁹ In other words, if BellSouth missed an installation appointment (either due to its own negligence, or a customer problem), Covad cannot supplement the order. BellSouth's solution? A "short-term fix" that allows the CLECs to submit the supplemental LSR electronically, "but the LSR will fall out for manual handling. BellSouth is developing a long-term solution."⁵⁰ In other words, if an order is placed in missed appointment status, it becomes a manually processed order to be added to the growing list of Covad orders that are manually processed. The long-term solution that BellSouth hints is being developed could be months, or even years, away. Moreover, neither Covad nor this Commission can have any assurance that the "fix" will actually solve the problem. After all, BellSouth claims that all of its OSS systems were put through rigorous end-to-end testing in advance of rolling these systems out for CLEC use. Covad's experience belies that statement or at the very minimum, proves BellSouth testing to be wholly unreliable.

And what about linesharing? According to BellSouth, "If a CLEC wishes to order line sharing that is central office-based and the splitter is owned by the CLEC, or

⁴⁸ A particularly strange omission, given that the FCC adopted linesharing as a UNE in November of 1999.

⁴⁹ BellSouth Stacy Aff. at ¶ 278.

remote terminal line sharing, it must submit a manual LSR to the LCSC. The mechanization of ordering remote terminal line sharing for central office-based splitters owned by CLECs is under development.”⁵¹ Again, BellSouth has a manual process in place that will remain manual until such time as BellSouth, of its own volition, decides to change it.⁵²

The system BellSouth has put in place is quite remarkable. Whereas BellSouth claims to roll out new loop products in order to comply with its regulatory obligations, BellSouth does not provide any electronic ordering capability as it deploys those new loops. For example, the UDC/IDSL loop, which makes up almost two thirds of Covad’s loop volume in Georgia and Louisiana, cannot be ordered electronically at all, through any interface. Nor can the UCL-Non designed loop, a loop that BellSouth claims is designed specifically for xDSL providers who have requested a clean, unencumbered copper loop. Were Covad to use that loop for all its xDSL needs, Covad would have no electronic ordering capability.

BellSouth’s response to this lack of electronic OSS is that Covad should have submitted these requests to change control.

Covad also argued that BellSouth does not provide electronic ordering for IDSL/UDC (Unbundled Digital Channels) loops. CLECs may order UDCs manually. As I described above, BellSouth worked quickly to implement ordering functionality for the loops that the CLECs had requested. Covad did not, in either of the meetings in March and May 2000, or subsequently via the Change Control Process, indicate its desire for a mechanized ordering capability for UDC loops. Covad has made this complaint during 271 proceedings in the states, but

⁵⁰ BellSouth Stacy Aff. at ¶ 278.

⁵¹ BellSouth Stacy Aff. at ¶ 281.

⁵² The repair and maintenance process for linesharing is similarly manual. As BellSouth describes it, “[t]o obtain maintenance for Line Sharing UNEs, the CLEC calls the CWINS Center and reports its trouble using the POTS telephone number. The CWINS Center will take the report and submit an LMOS ticket to the CO.”

never submitted a change request to the Change Control Process. The mechanization of UDC and IDSL ordering is now under consideration by the Flow-Through Task Force, which is described below.⁵³

BellSouth deployed the IDSL loop in response to a Covad-initiated complaint proceeding before the Georgia PSC. All Covad needs to provision IDSL service is a functional, technically compliant ISDN loop. Because BellSouth has chosen to deploy certain flawed DLC units that create ISDN loops that do not meet technical specifications and thus will not support IDSL, BellSouth must provision these loops for Covad by avoiding certain time slots in the DLC units. This is simple work-around. To ensure that BellSouth would do this correctly for every one of Covad's ISDN orders, Covad agreed to order the new UDC/IDSL loop for its IDSL service. This loop is nothing more than an ISDN loop provisioned to avoid certain time slots on certain DLC units. At the time of the agreement, BellSouth had no electronic ordering for any xDSL loops or line sharing. Covad could not have known and would have no reason to assume that BellSouth would simply fail to include this loop in the long awaited OSS enhancements that would (purportedly) enable Covad to place its orders electronically. BellSouth's argument now is that it could not have known that Covad desired electronic ordering capability. Why not? Since Covad entrance into the market in BellSouth territory, Covad repeatedly insisted that full electronic pre-ordering and ordering through EDI was critical to its success. In BellSouth's view of the world, Covad had to seek regulatory intervention in order to secure access to the loop it needed to offer service to its customers, and then had to ask BellSouth through an entirely different process (change control) for the ability to order the loop. In other words, BellSouth assumed, absent any request from Covad

⁵³ BellSouth Stacy Aff. at ¶ 277.

through Change Control, that Covad preferred to order its loops manually. Ironically, the UNE ISDN loop can be ordered electronically. If Covad had continued to order the ISDN loop for its service, Covad could have ordered it electronically. Now Covad cannot without facing harsh financial penalties.

When BellSouth developed this new loop product, it refused to develop end-to-end electronic ordering capabilities for it. It goes without saying that new BellSouth retail products are not even offered for sale until there is an electronic ordering capability. But CLECs first have to get the loop they need, and then beg for the privilege of ordering via an electronic interface. One question the Commission should ask of BellSouth: historically, as BellSouth launches new retail products, does it force its retail sales representatives to use a manual ordering process until they submit a change control request for electronic ordering capability? KPMG of course did not test BellSouth's retail OSS capabilities and its change control obligations. But we can guess the answer to the parity question is that BellSouth retail has no such hoops to jump through. In any event, the description that BellSouth offers of its change control process in this application, together with the Florida OSS test findings concerning change control, reveal conclusively that Covad would have been wasting its time in even attempting to participate.⁵⁴

Even the KPMG Georgia test, limited as it was, found serious deficiencies in BellSouth's handling of manual orders. Indeed, BellSouth opened an exception (exception number 118) in Georgia for "partially mechanized" orders submitted via EDI for which KPMG did not receive completion notices. KPMG followed the documentation for proper submission of orders via EDI, but BellSouth's systems caused

the orders to “drop[] out for manually handling downstream as a result of the incorrect listed name code information. When the LCSC personnel reviewed these orders, they mistakenly identified them as internal test orders and canceled them.”⁵⁵ Not only did the orders not flow through as they should have, they fell out for manual processing, and worst of all BellSouth employees simply cancelled the orders. And what has BellSouth done to correct this problem of BellSouth employees simply canceling orders that do not flow through BellSouth’s dysfunctional OSS? According to BellSouth, they solved the problem by ensuring that their LCSC employees are “retrained.”⁵⁶ And did KPMG retest BellSouth’s systems to ensure that this “retraining” cured not only the system defects, but also the large percentage of orders that were simply cancelled? No. All we have is BellSouth’s word that retraining cured the problem.

Indeed, BellSouth’s claim that it has “retrained” its personnel to solve problems is one of its favorite lines. For example, KPMG received numerous clarifications for valid LSRs that were submitted via EDI and TAG, and opened exception 47. BellSouth claims that it “gave its service representatives additional training to correct this problem.”⁵⁷ KPMG began retesting the issue, and discovered that, in fact, the training had not worked as advertised – indeed, 18% of the clarifications for partially-mechanized LSRs sent via EDI were inaccurate. KPMG reopened exception 47.⁵⁸ BellSouth began investigating KPMG’s reopening of this exception, and what did BellSouth find? “In response to the reopened Exception 47, BellSouth investigated KPMG’s findings, and agreed that the inaccuracies were caused by service representatives in the LCSC. In order to prevent

⁵⁴ See discussion of BellSouth’s change control process, *infra*.

⁵⁵ BellSouth Stacy Aff. at ¶ 490.

⁵⁶ BellSouth Stacy Aff. at ¶ 493.

⁵⁷ BellSouth Stacy Aff. at ¶ 498.

future occurrences, BellSouth retrained the service representatives on the business rules in November and December 2000.”⁵⁹

And after this *second* retraining of the same service representatives on the exact same issue, did BellSouth permit KPMG to test the issue again, given that BellSouth’s representations about the efficacy of its retraining the first time had proved inaccurate? No. But BellSouth has its argument prepared for the FCC: “BellSouth believes that the retraining of its LCSC service representatives and the initiatives described earlier will prevent this from causing any material adverse impact on local competition.”⁶⁰

This series of representations, perhaps more than any other, highlights two fundamental flaws with BellSouth’s application. First, BellSouth relies on a KPMG test that simply was not designed to resolve issues. When KPMG found a problem and opened an exception, BellSouth could simply make a representation about fixing the problem and the exception would go away without any retesting of the issue to verify compliance. Even where BellSouth’s representations proved false, as in the “retraining” case cited above, KPMG did not feel it necessary to retest the exception to verify if the BellSouth’s representations actually went from false to true. In a truly independent third party test environment, BellSouth would not be able to get away with such tricks. The Commission should not let BellSouth get away with them either.

This is not the end of the story. KPMG found more problems with BellSouth’s ordering OSS. For example, KPMG failed BellSouth on its test of EDI order confirmation returns during a “peak” test of BellSouth’s OSS.⁶¹ In other words, during

⁵⁸ BellSouth Stacy Aff. at ¶ 499.

⁵⁹ BellSouth Stacy Aff. at ¶ 500.

⁶⁰ BellSouth Stacy Aff. at ¶ 501.

⁶¹ O&P 3-3-1 and O&P 4-3-1.

peak order volumes, BellSouth failed to return order confirmation in a timely manner, if at all. BellSouth's response? "The upgrade to EDI corrected this problem."⁶² Do we have any independent verification of BellSouth's claim that the upgrade fixed the problem? No, because KPMG did not retest the issue. Again, we only have BellSouth's word for it. KPMG also failed BellSouth on its test for BellSouth's timely return of error notifications for UNE orders submitted via EDI.⁶³ Again, BellSouth makes the same claim about how an upgrade to its OSS fixed the problem.⁶⁴ No test by KPMG was conducted to verify this claim.

Change Control

In order to demonstrate that it is providing nondiscriminatory access to its OSS, BellSouth must first demonstrate that it "has deployed the necessary systems and personnel to provide sufficient access to each of the necessary OSS functions and . . . is adequately assisting competing carriers to understand how to implement and use all of the OSS functions available to them."⁶⁵ Only by showing that it adequately assists competing carriers to use available OSS functions can BellSouth prove that it offers an efficient competitor a meaningful opportunity to compete.⁶⁶ As part of this demonstration, the Commission gives substantial consideration to the existence of an adequate change management process and evidence that the BOC has adhered to this process over time.⁶⁷ The Commission has concluded that, without a functional change management process in place, a BOC can impose substantial costs on competing carriers

⁶² BellSouth Stacy Aff. at ¶ 468.

⁶³ MTP Final Report, O&P 1-3-2a and STP Final Report, PO&P 11-3-2a.

⁶⁴ BellSouth Stacy Aff. at ¶ 474.

⁶⁵ *Bell Atlantic New York Order* 15 FCC Rcd at 3999, ¶ 102.

⁶⁶ *Id.* at 3999-4000, ¶ 102.

⁶⁷ *Id.* at 4000, ¶ 102.