

	<p>90% within 5 minutes. 6 months – 95% within 1 minute.</p>
Acknowledgment Timeliness (ELECTRONIC)	<p>A) Functional Acknowledgment Response Interval</p> <p>Definition: The correct start time is the receipt time of the LSR at BellSouth's side of the interface (gateway). The end time is when the acknowledgment is transmitted by BellSouth at BellSouth's side of the interface (gateway).</p> <p>B) Exclusions: none</p> <p>C) Benchmark: <u>6 Months</u> EDI- 90% within 30 minutes. 95% within 30 minutes. TAG- 95% within 30 minutes.</p>
Acknowledgment Completeness (Fully Mechanized, Partially Mechanized and Total Mechanized)	<p>A) Percent of Functional Acknowledgments Returned.</p> <p>Definition: This measurement provides the percent of LSRs received via EDI or TAG, which are acknowledged electronically.</p> <p>B) Exclusions: none</p> <p>C) Benchmark: 100% Returned</p>
Firm Order Confirmation and Reject Response Completeness.	<p>Adopt the CLEC SQM.</p> <p><u>Deletions:</u> Business Rules: Everything after and including ILEC Results.</p> <p>Calculation –Multiple or Differing FOC/Reject Responses.</p> <p>Level of Disaggregation: Volume</p> <p>Benchmark: 95 % Returned</p>
Timeliness of Response to Request for BST- to CLEC Trunks Mean Time to Provide Response % Within 7 days % Negative Responses	<p>DO NOT ADOPT AT THIS TIME.</p> <p>Please provide the Commission with the BellSouth's detailed process for Trunk Augmentation.</p>
Percent Completion/ Attempts without notice or with Less than 24 hours notice.	<p>Adopt the CLEC SQM. Do not report by MSA. Benchmark: DIAGNOSTIC</p>
Percent Service Loss for Early Cuts Percent Service Loss for Late Cuts	<p>DO NOT ADOPT AT THIS TIME.</p> <p>ADOPT BST MEASURE P-6A. Coordinated Customer Conversion- Hot Cut Timelines % within Interval and Average Interval.</p>
Percent Orders Canceled or Supplemented at the request of the ILEC.	<p>DO NOT ADOPT AT THIS TIME.</p>

Percent of Coordinated Cuts Not Working as Initially Provisioned.	<p>DO NOT ADOPT AT THIS TIME.</p> <p>THIS INFORMATION WILL BE CAPTURED IN BST PROPOSED PROVISIONING TROUBLES WITHIN 7 DAYS OF HOT CUT COMPLETION.</p>
Average Recovery Time for Coordinated Cuts	<p>Adopt the CLEC SQM with the following deletions or additions:</p> <ol style="list-style-type: none"> 1) Exclusion: add Cutovers where service disruptions are due to end-user or CLEC caused reasons. 2) Delete the business rule For ILEC Results. 3) Delete BST Aggregate 4) Delete MSA and Volume Category. 5) This measure is Diagnostic.
Mean Time to Restore a Customer to ILEC Percent of Customers Restored to ILEC	DO NOT ADOPT AT THIS TIME.
Cooperative Acceptance Testing (What percentage of xDSL Loops are tested)	<p>Adopt the following measure:</p> <p>Title: % of cooperative testing attempts for xDSL lines to cooperative line tests requested.</p> <p>Definition: The loop will be considered cooperatively tested when the BellSouth tech places a call to the CLEC representative to initiate cooperative testing and jointly perform the test with the CLEC.</p> <p>Exclusions:</p> <ol style="list-style-type: none"> a) xDSL lines requested for testing by the CLEC but the CLEC contact number is incorrect or the CLEC representative is not available or not ready for testing. b) xDSL lines of CLEC who do not request cooperative testing. <p>Business Rules: When a BellSouth tech finishes delivering an xDSL Loop at the customer premise, he is to call a toll free number to the CLEC's testing center. The tech and the CLEC rep. at the center then test the line. As an example of the type of testing performed, the testing center may ask the tech to put a short on the line, so that the center can run a test to see if it can identify the short.</p> <p>Calculation: (Total number of successful xDSL cooperative test for xDSL lines where cooperative testing was requested)/ (Total number of xDSL line tests requested by the CLEC and scheduled in the reporting period.</p> <p>Report Structure: CLEC Aggregate CLEC Specific</p>

	<p>Specific as to the loop type</p> <p>Level of Disaggregation: Region State ADSL HDSL UCL Other DSL</p> <p>Benchmark: 95% of requested lines tested.</p>
Percent Completion of Loop Modification/Conditioning on xDSL Loops.	<p>DO NOT ADOPT AT THIS TIME.</p> <p>The time to perform loop modification/conditioning is included in the Order Completion interval for the xDSL Loops.</p>
Percent Billing Errors Corrected in X Days	DO NOT ADOPT AT THIS TIME.
Usage Timeliness	DO NOT ADOPT AT THIS TIME.
Recurring and Non-recurring Charge Completeness	<p>Adopt CLEC SQM</p> <p>BST has 90 days to put this measure into production.</p>
Percent On-Time Mechanized Local Services Invoice Delivery.	DO NOT ADOPT AT THIS TIME.
Meantime To Notify CLEC of Network Outages	<p>Adopt the CLEC SQM with the following deletions:</p> <p>Level of Disaggregation: Delete By Switch and Tandem.</p> <p>Retail Analog/ Benchmark: Parity by design.</p>
Average Database Update Interval Percent Database Update Accuracy NXX and LRN(s) Loaded by LERG Effective Date	Adopt CLEC SQM
Notification of Interface Outages	Adopt CLEC SQM.
Timeliness of Change Management Notices Timeliness of Final Versions of Documents Associated w/ Change Average Delay Days for Notices Average Delay Days for Documentation	Adopt the BST SQM of Timeliness of Change Management Notice with Average Delay Days. 30 days after this order Change Management Team shall file with the Commission the interval to include in this measure.
% ILEC vs. CLEC Changes Made Accuracy of Change Notices Percent Software Certification Failures Software Problem Resolution Timeliness Software Problem Resolution Avg. Delay Days	DO NOT ADOPT AT THIS TIME.
Percent Response Commitments Met (On-Time)	DO NOT ADOPT AT THIS TIME.
Percentage of Request Processed within 30 Business Days (TX)	<p>Adopt CLEC SQM with following change:</p> <p>Exclusions: Excludes weekends and holidays</p>

Percentage of Quotes provided for Authorized BFR/Special requests Within X (10, 30, 60) days. (TX)	Adopt the CLEC SQM with the following changes. Exclusions: Requests that are subject to pending arbitration. Retail analog/Benchmark: Change calendar days to business days.
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3. Performance Measurements Audit

BellSouth states that its proposed audit policy provides the Commission and the CLECs with adequate audit opportunities to ensure that the data used to measure performance is reliable. BellSouth's Audit Policy states as follows:

If requested by a Public Service Commission or by a CLEC exercising contractual audit rights, BellSouth will agree to undergo a comprehensive audit of the aggregate level reports for both BellSouth and the CLEC(s) for each of the next five (5) years (2000-2005), to be conducted by an independent third party. The results of that audit will be made available to all parties subject to proper safeguards to protect proprietary information. This aggregate level audit includes the following specifications:

1. The cost shall be borne 50% by BellSouth and 50% by the CLEC or CLECs;
2. The independent third party auditor shall be selected with input from BellSouth, the PSC, if applicable, and the CLEC(s);
3. BellSouth, the PSC and the CLEC(s) shall jointly determine the scope of the audit."

BST Ex. 2, Appendix C. Moreover, BellSouth states that it provides the CLECs with the raw data underlying many of the SQMs as well as a user manual describing how to manipulate the data into reports. Coon, Tr. at 162. The CLECs can use this raw data to validate the results in the SQM reports posed every month on the BellSouth website. Id.

Sprint has requested an audit mechanism that would include "mini-audits" of individual measurements. See Lenihan Rebuttal, at 2-5. BellSouth argues that Sprint's proposal is unworkable and would place an unreasonable burden on BellSouth for little incremental gain over the value of BellSouth's proposed yearly audit.

The Commission adopts BellSouth's audit proposal with the following change: Revise "(2000-2005)" in the Audit Policy to read "(2001-2005)." The Commission does not adopt the

Sprint proposal.

B. Benchmarks and Retail Analogs.

Analogs and benchmarks are the measuring sticks of a good performance measurements plan. As described by CLEC Coalition witness Emch:

A retail analog is service or function that BellSouth provides for itself, its customers or its affiliates that is analogous to a service or function that BellSouth provides to CLECs. When a BellSouth retail analog exists, BellSouth's performance for itself, its customers and its affiliates should be compared to its performance for CLECs to determine if BellSouth is meeting The Act's parity requirement. If no retail analog exists, BellSouth's performance must be gauged by a performance standard, also known as a benchmark.

Emch Dir. 24. The CLECs argue that benchmarks should be established based on a level of performance that will allow CLECs to compete, not simply on BellSouth's historical performance. Where BellSouth provides service to its affiliate that is superior to the service provided to its retail operations, the CLECs argue that comparisons should be made between performance for CLECs and performance for the BellSouth affiliate. The CLEC Coalition proposes the analogs and benchmarks set forth in Exhibit 7 to Ms. Emch's Rebuttal Testimony, as clarified for xDSL loops by Exhibit A to the CLEC Coalition's Brief.

BellSouth argues that the Commission should adopt the retail analogs and benchmarks set forth in BellSouth Exhibit 2 (DAC-2). BellSouth states that each analog and/or benchmark will provide the Commission with the information it needs to assess BellSouth's performance with respect to the CLEC community. BellSouth states that its current set of proposed analogs and benchmarks are based on collaborative work between BellSouth and the CLECs in the Louisiana performance measurement workshops, as well as on input from KPMG and the Commission and its Staff during the Georgia OSS testing and performance measurement audit. Coon, Tr. at 110. BellSouth states that, in large part, its proposed analogs and benchmarks mirror those established by the Commission in its July 5, 2000 Order in Docket No. 8354-U. BellSouth states, however, that there are certain analogs and benchmarks that the Commission should amend from the 8354-U Order. These analogs and benchmarks are as follows:

- (1) Business and UNE Flow-Through;
- (2) Average Response Time;
- (3) Reject Interval (Electronic);
- (4) Average Disconnect Timeliness Interval for LNP;
- (5) Average Arrangement Time for Collocation Orders; and,
- (6) FOC and Reject Intervals for Interconnection Trunks.

After considering the testimony and arguments presented in this matter, the Commission

hereby approves the benchmarks and retail analogs set forth below in Table 3. The Commission does not adopt the CLEC proposal that where BellSouth provides service to its affiliate that is superior to the service provided to its retail operations, comparisons should be made between performance for CLECs and performance for the BellSouth affiliate. If a CLEC believes that BellSouth is showing preference to its affiliate, however, the CLEC may file a complaint with the Commission. See, e.g., O.C.G.A. §§ 46-5-163(d) and 46-5-169(6).

TABLE 3

CATEGORY	MEASURES AND SUB-METRICS	BENCHMARK/ANALOG
<u>PRE-ORDERING</u>	<u>Percent Response Received within "X" Seconds (LENS & TAG)</u> Customer Service Record Due Date Availability Address Validation Product and Service Availability Telephone No. Availability	Parity
	<u>Service Inquiry with Firm Order (Manual)</u>	95% in 5 business days
	<u>Loop Makeup Inquiry (Manual)</u> ADSL HDSL UCL Other DSL Line Sharing	95% in 3 business days
	<u>Loop Makeup Inquiry (Electronic: EDI, TAG and LENS)</u> ADSL HDSL UCL Other DSL Line Sharing	90% in 5 minutes 6 months after going into production 95% in 1 minute
	<u>OSS Interface Availability (All Systems)</u>	99.5%
<u>ORDERING</u>	<u>Acknowledgment Timeliness (Electronic)</u>	EDI: 90% in 30 mins. TAG: 95% in 30 mins. <u>6 months</u> EDI: 95% in 30 mins.
	<u>Acknowledgment Completeness (Fully Mechanized, Partially Mechanized & Total Mechanized)</u>	100% Returned
	<u>Percent Flow Through Service Request</u> Resale Residence Resale Business UNE LNP	95% 90% 85% 85%
	<u>Percent Rejected Service Request (Mechanized, Partially Mechanized & Non- Mechanized)</u>	Diagnostic
	<u>Reject Interval (Mechanized)</u> Resale Residence Resale Business Resale Design Resale PBX Resale Centrex	97% within 1hour

CATEGORY	MEASURES AND SUB-METRICS	BENCHMARK/ANALOG
	Resale ISDN 2W Analog Loop Design 2W Analog Loop Non-Design 2W Analog Loop w/ INP Design 2W Analog Loop w/ INP Non- Design 2W Analog Loop w/ LNP Design 2W Analog Loop w/ LNP Non- Design UNE xDSL (ADSL, HDSL, UCL) Line Sharing INP Standalone LNP Standalone Switch Ports Loop + Port Combinations Local Transport UNE Other Non- Design UNE Other Design Local Interconnection Trunks	
	<u>Reject Interval (Partially Mechanized)</u> Resale Residence Resale Business Resale Design Resale PBX Resale Centrex Resale ISDN 2W Analog Loop Design 2W Analog Loop Non-Design 2W Analog Loop w/ INP Design 2W Analog Loop w/ INP Non- Design 2W Analog Loop w/ LNP Design 2W Analog Loop w/ LNP Non- Design UNE xDSL (ADSL, HDSL, UCL) Line Sharing INP Standalone LNP Standalone Switch Ports Loop + Port Combinations Local Transport UNE Other Non- Design UNE Other Design Local Interconnection Trunks	85% w/in 18 hours (3 months) 85% w/in 10 hours (6 months)
	<u>Reject Interval (Non- Mechanized)</u> <u>(Same as above)</u> Local Interconnection Trunks	85% within 24 hours 85% within 4 days
	<u>Firm Order Confirmation Timeliness</u> <u>Mechanized</u> <u>Partially Mechanized</u>	95% within 3 hours 85% w/in 18 hours (3 months)

CATEGORY	MEASURES AND SUB-METRICS	BENCHMARK/ANALOG
	<u>Non-Mechanized</u> Local Interconnection Trunks	85% w/in 10 hours (6 months) 85% within 36 hours 95% within 10 days
	<u>Firm Order Confirmation and Reject Response Completeness</u>	95% Returned
	<u>Speed of Answer in Ordering Center</u>	Parity with retail
PROVISIONING	<u>Mean Held Order Interval</u> Resale Residence Resale Business Resale Design Resale PBX Resale Centrex Resale ISDN 2W Analog Loop Design 2W Analog Loop Non-Design 2W Analog Loop w/ INP Design 2W Analog Loop w/ INP Non- Design 2W Analog Loop w/ LNP Design 2W Analog Loop w/ LNP Non- Design UNE Digital Loop < DS1 UNE Digital Loop >= DS1 UNE xDSL (ADSL, HDSL, UCL) UNE ISDN Line Sharing INP Standalone LNP Standalone Switch Ports Loop + Port Combinations UNE Combo Other Local Transport UNE Other Non-Design UNE Other Design Local Interconnection Trunks	Parity with retail Residence Parity with retail Business Parity with retail Design Parity with retail PBX Parity with retail Centrex Parity with retail ISDN Retail Res. and Bus. Dispatch Retail Res. and Bus. (POTS)* Retail Res. and Bus. Dispatch Retail Res. and Bus. Dispatch Retail Res. and Bus. Dispatch Retail Res. and Bus. Dispatch Retail Digital Loop < DS1 Retail Digital Loop ≥ DS1 ADSL provided to retail Retail ISDN- BRI ADSL provide to retail Retail POTS Retail POTS Retail POTS Retail Res. and Bus. (POTS) Retail Res, Bus &Design (Dispatch) Retail DS1/DS3 Interoffice Retail Res. & Bus. Retail Design Parity with retail
	<u>Percent Orders given Jeopardy Notice (Electronic)</u> Resale Residence Resale Business Resale Design Resale PBX Resale Centrex Resale ISDN 2W Analog Loop Design 2W Analog Loop Non-Design 2W Analog Loop w/ INP Design	Parity with retail Residence Parity with retail Business Parity with retail Design Parity with retail PBX Parity with retail Centrex Parity with retail ISDN Retail Res. and Bus. Dispatch Retail Res. and Bus. (POTS)* Retail Res. and Bus. Dispatch

CATEGORY	MEASURES AND SUB-METRICS	BENCHMARK/ANALOG
	2W Analog Loop w/ INP Non- Design 2W Analog Loop w/ LNP Design 2W Analog Loop w/ LNP Non- Design UNE Digital Loop < DS1 UNE Digital Loop >= DS1 UNE xDSL (ADSL, HDSL, UCL) UNE ISDN Line Sharing INP Standalone LNP Standalone Switch Ports Loop + Port Combinations UNE Combo Other Local Transport UNE Other Non-Design UNE Other Design Local Interconnection Trunks	Retail Res. and Bus. Dispatch Retail Res. and Bus. Dispatch Retail Res. and Bus. Dispatch Retail Digital Loop < DS1 Retail Digital Loop ≥ DS1 ADSL provided to retail Retail ISDN- BRI ADSL provide to retail Retail POTS Retail POTS Retail POTS Retail Residence and Business Retail Res, Bus &Design (Dispatch) Retail DS1/DS3 Interoffice Retail Res. & Bus. Retail Design Parity with retail
	<u>Order Completion Interval</u> Resale Residence Resale Business Resale Design Resale PBX Resale Centrex Resale ISDN 2W Analog Loop Design 2W Analog Loop Non-Design 2W Analog Loop w/ INP Design 2W Analog Loop w/ INP Non- Design 2W Analog Loop w/ LNP Design 2W Analog Loop w/ LNP Non- Design UNE Digital Loop < DS1 UNE Digital Loop >= DS1 UNE xDSL (ADSL, HDSL, UCL) UNE ISDN Line Sharing INP Standalone LNP Standalone Switch Ports Loop + Port Combinations UNE Combo Other Local Transport UNE Other Non-Design UNE Other Design	Parity with retail Residence Parity with retail Business Parity with retail Design Parity with retail PBX Parity with retail Centrex Parity with retail ISDN Retail Res. and Bus. Dispatch Retail Res. and Bus. (POTS)* Retail Res. and Bus. Dispatch Retail Res. and Bus. Dispatch Retail Res. and Bus. Dispatch Retail Res. and Bus. Dispatch Retail Digital Loop < DS1 Retail Digital Loop ≥ DS1 7 bus days (w/o conditioning) 14 bus days (w/conditioning) Retail ISDN- BRI ADSL provide to retail Retail POTS Retail POTS Retail POTS Retail Residence and Business Retail Res, Bus &Design (Dispatch) Retail DS1/DS3 Interoffice Retail Res. & Bus. Retail Design

CATEGORY	MEASURES AND SUB-METRICS	BENCHMARK/ANALOG
	Local Interconnection Trunks	Parity with retail
	<u>Average Jeopardy Notice Interval (Electronic)</u> Same Disaggregation as above.	95% >= 48 hours
	<u>Percent Missed Installation Appointments</u> <u>Average Completion Notice Interval (Electronic)</u> <u>% Provisioning Troubles within 30 days</u>	Same analog and benchmarks as Held Orders
	<u>Total Service Order Cycle Time</u>	Diagnostic
	<u>Cooperative Acceptance Testing</u> ADSL HDSL UCL Other DSL	95% of requested lines tested
<u>MAINTENANCE & REPAIR</u>	<u>Missed Repair Appointments</u> <u>Customer Trouble Report Rate</u> <u>Maintenance Average Duration</u> <u>% Repeat Troubles within 30 days</u> <u>Out of Service > 24 hours</u> Resale Residence Resale Business Resale Design Resale PBX Resale Centrex Resale ISDN LNP (Standalone) 2W Analog Loop Design 2W Analog Loop Non-Design UNE Switch Ports UNE Loop + Port Combo UNE Combo Other UNE xDSL (HDSL, ADSL & UCL) UNE ISDN UNE Line Sharing UNE Other Design UNE Other Non-Design Local Interconnection Trunks Local Transport	Parity with retail Residence Parity with retail Business Parity with retail Design Parity with retail PBX Parity with retail Centrex Parity with retail ISDN Retail POTS Retail Res. and Bus. Dispatch Retail Res. and Bus. (POTS)* Retail POTS Retail Residence and Business Retail Res. Bus & Design (Dispatch) ADSL provided to retail Retail ISDN- BRI ADSL provide to retail Retail Res. & Bus. Retail Design Parity with retail Retail DS1/DS3 Interoffice
	<u>OSS Response Interval</u> TAFI (Front End) CRIS	Parity with retail Parity by design

CATEGORY	MEASURES AND SUB-METRICS	BENCHMARK/ANALOG
	DLETH DLR LMOS LMOSupd LNP MARCH OSPCM Predictor SOCS	
	<u>Average Answer time - Repair Center</u>	Parity with retail
<u>BILLING</u>	<u>Invoice Accuracy</u> <u>Mean time to Deliver Invoices</u> <u>Usage Data Delivery Timeliness</u> <u>Usage Data Delivery Completeness</u> <u>Mean time to Deliver Usage</u>	Parity with retail
	<u>Recurring and Non-Recurring Charge Completeness</u> Resale UNE Interconnection	Parity 90% 90%
<u>OPERATOR SERVICES</u>	<u>Average Speed to Answer</u>	Parity by design
	<u>% Answered in "X" Seconds</u>	Parity by design
<u>DA</u>	<u>Average Speed to Answer</u>	Parity by design
	<u>% Answered in "X" Seconds</u>	Parity by design
<u>E911</u>	<u>Timeliness</u> <u>Accuracy</u> <u>Mean Interval</u>	Parity by design
<u>LNP</u>	<u>Average Disconnect Timeliness</u>	95% within 15 minutes
<u>CUSTOMER COORDINATED CONVERSIONS</u>	<u>Coordinated Customer Conversions- UNE Loops w LNP</u> <u>Coordinated Customer Conversions- UNE Loops w/o LNP</u>	95% <= 15 minutes

*Exclude switch based orders. Separate for both (UNEs and Retail) orders that require only Central Office work from those that require fieldwork.

C. Remedies and Enforcement Plan.

The development of an effective performance measurement plan does not end with the establishment of a set of comprehensive, adequately defined measures, benchmarks and analogs. It also includes an appropriate remedies plan to provide incentives for BellSouth to meet the established benchmarks and analogs. The FCC identified five key characteristics of an effective enforcement plan:

1. Potential liability that provides a meaningful and significant incentive to comply with the designated performance standards;
2. Clearly articulated, pre-determined measures and standards, which encompass a comprehensive range of carrier-to-carrier performance;
3. A reasonable structure that is designed to detect and sanction poor performance when it occurs;
4. A self-executing mechanism that does not leave the door open unreasonably to litigation and appeal; and,
5. Reasonable assurances that the reported data is accurate.

BA NY Order, ¶ 433.

A well-developed remedies plan serves several important purposes. First, it promotes the initial development of competition by providing further incentive for BellSouth to allow nondiscriminatory access to its network. The ability to offer customers at least the same level of service that they would receive from BellSouth is critical to CLEC efforts to attract and retain customers. Second, once competition develops, self-enforcing penalties help to guarantee that BellSouth will continue to provide CLEC customers with the same quality service it provides to its retail customers. Third, where BellSouth does provide discriminatory or non-parity service to CLEC customers, penalties are paid to CLECs to partially defray the additional costs attributable to inferior service provided by BellSouth. Fourth, uncovering discriminatory service may lead to the discovery of underlying problems in BellSouth's systems and/or procedures. Once such problems are identified, penalties provide the incentive for BellSouth to address them head-on rather than to simply implement quick, short term fixes. Fifth, rather than waiting for problems to be discovered, the prospect of remedies for discriminatory performance will provide an incentive for BellSouth to take proactive steps to avoid providing poor quality performance to CLECs. Finally, adverse consequences for discriminatory behavior will discourage backsliding once BellSouth has attained approval to enter the interLATA market.

The object of a self-executing remedies plan is to avoid coming to the Commission to resolve disputes about poor performance. Self-executing remedies remove the delays and expense of pursuing litigation. As the FCC stated, an effective enforcement plan shall "have a self-executing mechanism that does not leave the door open unreasonably to litigation and appeal." BA NY Order ¶ 433.

BellSouth argues that the Commission should adopt BellSouth's proposed penalty plan, BellSouth's Voluntary Self-Effectuating Enforcement Mechanism (VEESM) proposal. BellSouth states that VEESM is based on key outcome-oriented measurements contained in the BellSouth SQM as well as the corresponding analogs and benchmarks and that it meets all five of

the key characteristics expressed by the FCC. The VSEEM Plan establishes a three-tiered schedule for penalties for non-performance. The three tiers are as follows:

- Tier-1 enforcement mechanisms are triggered when BellSouth fails on any one of the Tier-1 VSEEM measurements for a particular month and are paid directly to the individual CLECs;
- Tier-2 enforcement mechanisms are triggered when BellSouth fails at the CLEC aggregate level on any one of the Tier-2 VSEEM measurements in a calendar quarter. These payments would be made directly to the State;
- Tier-3 enforcement mechanisms are triggered when BellSouth consistently fails at the CLEC aggregate level on any 5 of the 12 Tier-3 VSEEM measurements for 3 consecutive months in a calendar quarter. Under Tier-3, BellSouth will voluntarily discontinue marketing long distance service in Georgia until such time as BellSouth's performance improves.

Coon, Tr. at 114. Moreover, BellSouth states, VSEEM recognizes that not all metrics are created equal and that some are more important to end users than others by offering greater remedies for certain measurements, such as UNE Installation Intervals, than others, such as OSS Response Interval. Coon, Tr. at 123. Also, the multi-tiered structure of the plan is designed to incent BellSouth to continue to provide service parity by creating escalating penalties for continuing violations. Coon, Tr. at 123.

In contrast to BellSouth, the CLECs recommend that the Commission adopt a remedies plan with a two tiered structure that measures: (1) the quality of support delivered to each individual CLEC (Tier 1), and (2) the quality of support delivered to the CLEC industry as a whole (Tier 2). For Tier 1 violations, BellSouth would pay penalties directly to the affected CLEC as compensatory damages. For Tier 2 violations, BellSouth would make payment directly to a governmental agency, to protect the public interest, as regulatory fines. Bursh Dir. 8. The dollar value of the consequences for both Tier 1 and Tier 2 violations depend on the severity of the violation.

All measures proposed by CLECs in the performance measurement plan are included in the CLECs proposed remedies plan. The CLECs argue that if a measure is important enough to be included in the performance measurement plan, then the plan must provide the incentive for BellSouth to meet the applicable analog or benchmark by including the measure in the remedies plan. The CLECs recommend the use of the modified z score as the appropriate statistical methodology. Where there is no retail analog to the service provided to CLECs and a benchmark has been established, BellSouth either passes or fails. Bursh, Direct 9. In either case, the monetary consequences increase with the severity of the violation

The CLECs argue that increasing penalties as the severity of the violation increases is appropriate because the more severe the violation, the more disruption and inconvenience experienced by CLECs and their customers. In addition, increasing the consequences as severity increases will encourage BellSouth

to provide the best service possible even if BellSouth recognizes that it will not meet a certain measure within a given month. Under the CLECs' remedy plan, Tier 1 violations would be assessed on a monthly basis and penalties for noncompliant performance would be paid directly to the CLEC that received the degraded service. Bursh, Direct 9. The CLEC plan addresses chronic performance failures by increasing the monthly penalty payment to the rate assessed for severe violations (\$25,000) beginning in the third month that a particular submeasure is violated. This additional payment would continue monthly until BellSouth complied with that measure. *Id.* at 11.

The CLECs state that payments for Tier 2 violations would be made to a state-designated fund. Bursh, Direct 12. Penalties for Tier 2 violations also would increase depending on severity, with parameters defined for those violations, which are market impacting, and those designated as market damaging or market constraining. In addition, a factor "n" would be applied as a multiplier to the basic penalty amount. The value of "n" would decrease as the CLEC market penetration increases. *Id.* at 13. Thus, the CLECs argue, the plan is devised to encourage BellSouth to open its market by reducing its exposure to penalties as it does so.

BellSouth states that the Commission should not adopt the CLECs' penalty plan because: Its Tier-1 remedies are unsubstantiated; it uses a per measure approach; it incorporates all of the CLECs' performance measures as opposed to a subset of key measures; it fails to incorporate a balancing critical value; it misuses the Z-statistic; it incorporates the wrong statistical test; and, it inappropriately bases BellSouth's liability on market share.

After considering the testimony and arguments presented in this matter, the Commission, using the provisions of the VSEEM plan as a starting point, hereby finds that the remedy plan shall be adopted with the following characteristic:

1. Truncated-Z Methodology using the balancing critical value.

BellSouth's VSEEM plan is based on a statistical methodology known as the "Truncated Z," a methodology invented by Dr. Colin Mallows of AT&T during a collaborative process in Louisiana. Mallows, Tr. at 950-51. The Truncated Z represents a significant enhancement to the LCUG version 1.0 modified Z methodology, the statistical methodology proposed by the CLECs. Mulrow, Tr. at 472. In general terms, the Truncated Z statistic is a summary of the results of many statistical comparisons made with like-to-like categories. These categories, or cells, are formed by sorting both CLEC transactions, and BellSouth retail analog transactions on such factors as service type, order type, time of month, and wire center. Mulrow, Tr. at 465. In each comparison cell, a "modified Z" type statistic is calculated. The form of the Z statistic may vary depending on the performance measure, but it should be distributed approximately as a standard normal "bell curve" with a mean zero and a standard deviation of one.

One of the keys of the Truncated Z methodology, which the CLECs' proposed methodology lacks, is the ability to balance Type I and Type II errors. A Type I error occurs when the statistical test decision rule indicates that BellSouth is favoring its own customers when it is not. A Type II error, on the other hand, occurs when the statistical test decision rule indicates BellSouth is not

favoring its own customers when in fact, it is. Mulrow, Tr. at 467. The concept of "balancing" is crucial because if the methodology balances, it will ensure that the two error probabilities are equal and neither the ILEC nor the CLEC is unfairly prejudiced. Mulrow, Tr. at 468. The formula to balance the critical values depends on the materiality factor of "delta," the number of BellSouth transactions, and the number of CLEC transactions. Id.

The Commission adopts the Truncated-Z Methodology using the balancing critical value.

2. Effect 45 days from issuance of order.

BellSouth maintains that remedies should only be adopted to prevent backsliding once BellSouth has entered the long distance market. Yet avoiding backsliding is only one of the purposes served by a remedies plan. By delaying adoption of a penalty plan until BellSouth enters the long distance market, the Commission would forego the opportunity to enable more rapid development of competition. At the hearing, many CLECs testified that they are currently experiencing problems with the quality of service they are receiving from BellSouth. These problems could make it more difficult for CLECs to attract and retain customers. An appropriate penalty plan will further encourage BellSouth to provide nondiscriminatory service during the critical early stages of competition, while providing some compensation to CLECs for the additional costs they incur when BellSouth's performance falls short. The Commission finds that the remedy plan shall go into effect 45 days from issuance of order. This time will allow BST to put statistical methods and the remedy plan into operation.

3. Delta.

The "delta" is a measure of the meaningful difference between BellSouth performance and CLEC performance. In other words, certain levels of differing performance may have statistical significance, but in terms of impact on the end user, be meaningless. See Varner, Tr. at 39. The delta takes into account this fact and ensures that a component of materiality is present in the statistical methodology. As explained by Mr. Varner, "the delta provides a way to determine whether a difference in performance measurements indicates that a difference in performance provided by BellSouth to itself and to a CLEC is material and should trigger the application of penalties." Varner, Tr. at 39. The FCC has recognized the need for a delta. In the *Bell Atlantic Order*, the FCC noted that random variation is inherent in the ILEC's process of providing interconnection and access to UNEs. Consequently, it is appropriate to determine whether or not such difference is material. Varner, Tr. at 39; Bell Atlantic Order, ¶ 59.

In its VSEEMs plan, BellSouth has proposed a delta of 1.0 to evaluate individual CLEC performance (Tier-1), and a delta value of 0.5 to evaluate CLEC aggregate results (Tier-2). Varner, Tr. at 40. The CLECs propose that this Commission adopt .25 as the parameter delta value. The CLECs state that this value is based on a judgment of an acceptable disparity in the number of CLEC customers and BellSouth customers receiving like quality service.

The Commission finds that the following delta values are appropriate and reasonable and shall be adopted for use in the plan: .50 for individual CLECs and .35 for CLEC Aggregate.

4. Absolute Cap.

The VSEEM Plan sets an automatic financial cap based on a percentage of BellSouth's net revenues in Georgia. Coon, Tr. at 115-16. The CLECs recommend a review threshold, or procedural cap, that only determines the point at which the ILEC is permitted to seek relief from additional penalties from the state commission. The CLECs argue that, even after reaching the review threshold, BellSouth should be required to continue Tier 1 payments to CLECs because Tier 1 payments are intended in part to compensate CLECs for the harm incurred due to BellSouth's poor performance. In addition, while the review process is ongoing, BellSouth should continue to make Tier 2 payments into an interest-bearing registry or escrow account. To escape penalties beyond the threshold, BellSouth would have the burden of showing during the review hearing that its performance for CLECs in the aggregate did not merit the remedies invoked.

The Commission finds that this plan shall have an absolute cap of 44% of BellSouth's net revenues, which equals approximately \$340 million dollars.

5. Remedy Plan is subject to modification.

The Commission recognizes that the enforcement plan and the SQM are still largely untested and intends to closely monitor the effectiveness of the plan. Accordingly, the Commission reserves the right to modify the enforcement plan or SQMs at any time it deems necessary.

6. Tier II and III measures determined on a 3-month rolling basis.

Under BellSouth's proposal, Tier-2 enforcement mechanisms are triggered when BellSouth fails at the CLEC aggregate level on any one of the Tier-2 VSEEM measurements in a calendar quarter. Tier-3 enforcement mechanisms are triggered when BellSouth consistently fails at the CLEC aggregate level on any 5 of the BellSouth's 12 Tier-3 VSEEM measurements for 3 consecutive months in a calendar quarter.

The CLECs complain that VSEEM would permit a pattern of Tier 2 violations so long as they were timed so as not to occur within all three months of the same calendar quarter. Under BellSouth's proposal, for example, BellSouth could miss two months, be compliant for one month and avoid Tier 2 sanctions. Further, BellSouth could miss even four months in a row not in the same calendar quarter such as February, March, April and May and still not face Tier 2 sanctions.

To trigger Tier 3 consequences, BellSouth would need to violate the same five measures for an entire quarter. Coon Tr. 405. All five measures would need to be violated within the same quarter. Therefore, if BellSouth violated five measures in January, the same five measures in February and four of the same measures in March along with a different measure not violated in January and February, Tier 3 would not be invoked. *Id.* at 406. Further, BellSouth could violate the same five measures in February, March, April and May and Tier 3 would still not be invoked

because the violations did not continue through an entire calendar quarter

The Commission finds that Tier II and III measures should be determined on a 3-month rolling basis. For example, Tier-2 enforcement mechanisms shall be triggered when BellSouth fails at the CLEC aggregate level on any one of the Tier-2 VSEEM measurements for three consecutive months.

7. Tier III failures.

As discussed below, Tier III now contains 26 submetrics. When any 12 of the 26 experience failures for 3 consecutive months, Tier III is triggered. For a Tier III failure, BST may begin marketing long distance when all 12 of the 26 failed sub-metrics show favorable results for 3 consecutive months.

8. Approved Metrics.

The Commission approves the Metrics set forth below in each Tier of enforcement. The Performance Measures below represent the same SQMs, analogs/benchmarks approved in this Order.

ENFORCEMENT PLAN SUBMETRICS

TIER I AND TIER II SUBMETRICS

- Percent Response Received within "X" seconds
- Interface Availability (All Systems)(**Exclude from Tier I Metric**)
- Average Response Time for LMU Information (Non- Mechanized & Electronic)
- Percent Flow-Through Service Request (Electronic- Residence, Business, UNE and LNP)
- Reject Interval (Mechanized)
- FOC Timeliness (Mechanized, Partially Mechanized and Non-Mechanized)
- Acknowledgment Timeliness
- Acknowledgment Completeness
- FOC and Reject Completeness
- Order Completion Interval
 - Resale POTS
 - Resale Design
 - Loop + Port Combo
 - UNE Loops
 - UNE xDSL
 - UNE Line Sharing
 - Interconnection Trunks
- Percent Cooperative Testing for xDSL Loops

- Percent Missed Installation Appointments
 - Resale POTS
 - Resale Design
 - Loop + Port Combo
 - UNE Loops
 - UNE xDSL
 - UNE Line Sharing
 - Interconnection Trunks
- Percent Provisioning Troubles within 30 days
(Same disaggregation as Order Completion Interval)
- Missed Repair Appointments
(Same disaggregation as Order Completion Interval)
- Customer Trouble Report Rate
(Same disaggregation as Order Completion Interval)
- Percent Troubles within 7 days of Hot Cut
- Coordinated Customer Conversion- Hot Cut Timeliness % within Interval and Average Interval
- Coordinated Customer Conversion
- Maintenance Average Duration
(Same disaggregation as Order Completion Interval)
- Percent Repeat Troubles Within 30 Days
(Same disaggregation as Order Completion Interval)
- LNP Disconnect Timeliness
- LNP Missed Installation Appointments
- Invoice Accuracy
- Mean Time to Deliver Invoices
- Usage Data Delivery Accuracy
- Trunk Group Performance
 - Aggregate
 - CLEC Specific
- Percent Missed Collocation Due Dates
- Timeliness of Change Management Notices and Documentation

TIER III SUBMETRICS

- Order Completion Interval
 - Resale POTS
 - Resale Design
 - Loop + Port Combo
 - UNE Loops
 - UNE xDSL

- UNE Line Sharing
 - Interconnection Trunks
- Percent Missed Installation Appointments
 - Resale POTS
 - Resale Design
 - Loop + Port Combo
 - UNE Loops
 - UNE xDSL
 - UNE Line Sharing
 - Interconnection Trunks
- Percent Missed Repair Appointments
(Same disaggregation as Percent Missed Installation Appointments)
- Invoice Accuracy
- Mean Time to Deliver Invoices
- Trunk Group Performance-Aggregate
- Timeliness of Change Management Notice and Documentation
- Percent of Collocation Due Dates Missed

9. Late and incomplete reports.

In addition to Tier 1 and Tier 2 payments, the CLECs also propose that the Commission set consequences for certain problem activities related to the implementation of the performance measurements plan itself such as late performance reports. Since the performance plan is completely dependent on timely and reliable reporting, BST shall pay the following for late and incomplete reports:

Late performance reports - If performance reports are not available to a CLEC by the due day, BST should be liable for payments of \$2,000 to the CLEC for every day past the due date of the reports posting on the web.

Incomplete or revised reports – If performance reports are incomplete, or if previously reported data are revised, then BST should be liable for payments of \$400 to the effected CLEC for every day past the due date of the original reports posting on the web.

10. Market penetration adjustment.

BellSouth shall implement a market penetration adjustment for new and advanced services as follows:

- 1 In order to ensure parity and benchmark performance where CLECs order low volumes of advanced and nascent services, BST shall make additional payments to the Commission for deposit in the Georgia State Treasury when there are more than 10 and less than 100 observations for those measures

listed below on average statewide for a three-month period.

- **Percent Missed Installation Appointments**
UNE Loop+Port Combo
UNE xDSL
UNE Line Sharing
- **Average Completion Interval**
UNE Loop+Port Combo
UNE xDSL
UNE Line Sharing
- **Missed Repair Appointments**
UNE Loop+Port Combo
UNE xDSL
UNE Line Sharing
- **Maintenance Average Duration**
UNE Loop+Port Combo
UNE xDSL
UNE Line Sharing
- **Average Response Time for Loop Make-Up Information**
UNE Loop+Port Combo
UNE xDSL
UNE Line Sharing

- 2 The additional payments referenced in 1, above, shall be made if BST fails to provide parity for the above measurements as determined by the use of the Truncated Z-Test and the balancing critical value for 3 consecutive months.
- 3 If, for the three months that are utilized to calculate the rolling average, there were 100 observations or more on average for the sub-metric, then no additional voluntary payments under this market penetration adjustment provision will be made to Commission for deposit with the State Treasury. However, if during the same time frame there is an average of more than 10 but less than 100 observations for a sub metric on statewide basis, then BST shall calculate the additional payments to the Commission for deposit with the State Treasury by trebling the normal Tier II remedy and applying the method of calculating affected volumes ordered by the Commission.
- 4 Any payments made under this market penetration adjustment provision are subject to the Absolute Cap set by the Commission.

11. Corrective action plans.

If any measure fails twice in any 3 consecutive months in a calendar year, BST must perform a "root cause analysis" and file with the Commission a corrective action plan within 30 days after the failure. The Commission will recommend to the Change Control Committee the priority to be given to the corrective action plan.

12. Staff Review.

Staff shall conduct a 6-month review of the SQMs as follows:

- 1 8 months after the date of a Commission order and every 6 months thereafter, the Commission Staff shall conduct a review of the measurements, benchmarks and analogs applicable to the performance of BellSouth. This review shall be for the purpose of modifying the SQMs and applicable analogs and benchmarks as deemed necessary by the Commission.
- 2 BellSouth, the CLEC Coalition, and any other interested parties shall file any proposed revisions to the SQMs, benchmarks and analogues 1 month prior to the beginning of each review period.
- 3 BellSouth, the CLEC Coalition, and any other interested party shall be allowed to submit comments on proposed changes and to submit any proposed additions.
- 4 The Commission Staff shall prepare a recommendation as to appropriate action to be taken by the Commission, if any, in connection with the review and shall submit this recommendation to the Commission for formal review and adoption.
- 5 The Commission Staff shall be authorized to modify this schedule at any time with written notice to interested parties.

13. Payments to the State.

All payments to the state under the enforcement plan shall be paid to the Commission for deposit in the State Treasury as penalties under O.C.G.A. § 46-2-91.

14. Force majeure.

The Commission recognizes that BellSouth's performance data may be influenced by factors beyond its control. Accordingly, in the event of a force majeure, BellSouth may file a petition for an exception with the Commission seeking to have the monthly service quality results modified. BellSouth will also be allowed to file an expedited petition seeking immediate relief from a payment pursuant to the enforcement plan in the event of a force majeure. In any such petition, BellSouth shall have the burden of demonstrating that the performance standard was not met due to causes beyond BellSouth's control and which could not have been avoided by

exercise of due care. The filing of any such petition shall not stay any payments under the enforcement plan unless otherwise ordered by the Commission.

III. CONCLUSION AND ORDERING PARAGRAPHS

The Commission finds and concludes that the performance measurements, the benchmarks and retail analogs, and the enforcement mechanisms set forth above are reasonable and appropriate and should be adopted pursuant to Georgia's Telecommunications and Competition Development Act of 1995 and Sections 251 and 252 of the Telecommunications Act of 1996.

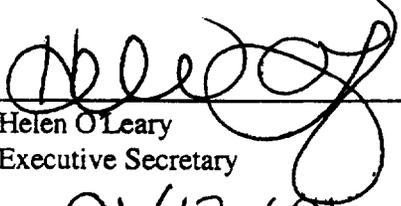
WHEREFORE IT IS ORDERED, that all findings, conclusions, statements, and directives made by the Commission and contained in the foregoing sections of this Order are hereby adopted as findings of fact, conclusions of law, statements of regulatory policy, and orders of this Commission.

ORDERED FURTHER, the performance measurements, the benchmarks and retail analogs, and the enforcement mechanisms set forth in the body of this Order are adopted and BellSouth shall submit such compliance filings as are necessary to reflect and implement the standards and mechanism established by this Order.

ORDERED FURTHER, that a motion for reconsideration, rehearing, or oral argument or any other motion shall not stay the effective date of this Order, unless otherwise ordered by the Commission.

ORDERED FURTHER, that jurisdiction over these matters is expressly retained for the purpose of entering such further Order or Orders as this Commission may deem just and proper.

The above by action of the Commission in Administrative Session on the 3rd day of October, 2000.



Helen O'Leary
Executive Secretary
01/12/01
Date



Bob Durden
Chairman
01/12/01
Date



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EXECUTIVE SECRETARY
G.P.S.C.

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DOCKET# 7892
DOCUMENT# 46998

DOCKET NO. 7892-U

ORDER ON MOTIONS FOR RECONSIDERATION AND CLARIFICATION

**IN RE: PERFORMANCE MEASURES FOR TELECOMMUNICATIONS
INTERCONNECTION, UNBUNDLING AND RESALE**

MAY 10 2001

On January 16, 2001, the Georgia Public Service Commission ("Commission") issued its Order in this docket. On January 29, 2001, BellSouth and the CLEC Coalition ("Coalition") filed motions for Clarification and Reconsideration in the above-referenced docket. On February 23, 2001 AT&T filed a response to BellSouth's Motion for Clarification and Reconsideration.

The CLEC Coalition requested Clarification on five (5) issues. The Coalition's first and second requests were to clarify that the Commission's Order required BellSouth to report performance data for its affiliates and to report its CLEC and affiliate data for purposes of Industry-level remedies. The Commission ordered that BellSouth did not have to report Performance Data for its affiliates providing local service and should not include its affiliate data in remedy calculations as it applies to industry level remedies.

The third request was to affirm that CLECs were entitled to all of the raw data underlying all performance reports, and the reasonable audits of CLEC-specific results and data, and the systems and processes that produce them. The Commission ordered that BellSouth shall provide access to all the available data (e.g., PMAP, Data Warehouse, raw data) and information necessary for a carrier receiving Performance Reports to verify the accuracy of such reports and that CLEC specific audit rights included in individual Interconnection Agreements shall remain in effect.

The Coalition's fourth request was to clarify whether BellSouth was required to report Local Number Portability ("LNP") Firm Order Confirmation ("FOC") and LNP rejection Performance Data in a discrete manner in the Tier I and Tier II sub-metrics of the Enforcement Plan, and whether BellSouth should report partially and non-mechanized rejection data for all product types included in Tier I and Tier II sub-metrics of the Enforcement Plan. The Commission ordered that BellSouth did not have to discretely report LNP FOC and Reject data in the Enforcement Plan. BellSouth shall report partially and non-mechanized data for products as specified in the Commission's Order.

The last request was for clarification of whether the Commission's 6-month review of the Performance Data would also include a review of the Enforcement Plan. The Commission agrees with the Coalition that the Enforcement Plan should be included in the Staff review. The performance measurements and the enforcement plan provide the Commission with the tools necessary to ensure ongoing compliance.

BellSouth requested that the Commission reconsider aspects of its Order. First, BellSouth sought reconsideration on findings regarding performance measures and analogs/benchmarks. Second, BellSouth sought clarification on the date the Order's requirements took affect and reconsideration of the implementation dates for changes and modification required. Third, BellSouth sought reconsideration on two issues relating to the adoption of the Enforcement Plan. Fourth, BellSouth sought clarification on the scope of the "Force Majeure" provision of the Order to explicitly state the provision includes situations in which the CLECs attempt to game the enforcement plan by causing BellSouth to miss its targets so as to trigger remedy payments. Finally, BellSouth requested the Commission reconsider its decision regarding the value for delta to be used in conjunction with the statistical methodology.

BellSouth's first request is that the Commission adopt the retail analog for OSS (Percent Response Received in X Seconds) of Parity + 4 seconds instead of the Commission adopted Parity retail analog. The Order provides that "the response interval starts when the client application (LENS or TAG for CLECs and RNS for BST) submits a request to the legacy system and ends when the appropriate response is returned to the client application." See Order, at 4. In conjunction with this Order, the data measurement points will include the time that the preordering inquiry travels through the client application, either TAG or LENS, as well as the time necessary for retail inquiries to pass through BellSouth's retail servers. This requires additional time for the CLEC inquiry to clear the security firewall, and to translate the inquiry into a format that can be read by the legacy system.

On the retail side, the orders are input into the legacy system in navigator contract format and thus there is no translation time incurred. In addition, BellSouth's retail systems (RNS and ROS) pass the security screen by signing on to the terminal that is hard wired into the system and requires a password. This process prevents the BellSouth service representative from accessing unauthorized records. The Commission Staff has reviewed the Pre-Ordering data from the Third-Party Test and a January 16th filing by KPMG on this issue and agrees that additional time for security measures and computer translations needed to process pre-order inquiries from CLECs are appropriate. Therefore the Commission orders Parity + 2 Seconds as the Retail Analog for Pre-Order responses.

Additionally, BellSouth requested that the Commission adopted measures D-1 (Average Database Update Interval) and D-2 (Percent Database Update Interval) to assess the timeliness and accuracy of BellSouth's updates for databases such as LIDB and Directory Assistance should not require actual data on each update because the systems are designed to function as parity by design and this data should be collected