provide services such as ISDN, ADSL, HDSL, and DS-1 level signals. *Id.* The LPSC finds that BellSouth complies fully with this checklist item, thereby enabling CLECs to provide local service without investing large amounts of capital in facilities that connect each customer premises to the public switched telephone network. As of February 28, 2001, BellSouth has provisioned more than 13,000 loops for 20 CLECs in Louisiana, and over 340,553 unbundled loops region-wide. *See* LPSC Docket No. U-22252-E, Milner Affidavit, ¶ 82.

1. Local Loops

The local loop is an unbundled network element that must be provided on a nondiscriminatory basis pursuant to section 251(c)(3). BellSouth allows CLECs to access unbundled loops at any technically feasible point. *See* LPSC Docket No. U-22252-E, Milner Affidavit, ¶ 81. BellSouth makes the following loop types available to CLECs: SL1 voice grade loops; SL2 voice grade loops; 2-wire ISDN digital grade loops; 2-wire ADSL loops; 2-wire HDSL loops; 4-wire HDSL loops; 4-wire DS-1 digital grade loops; 56 or 64 kbps digital grade loops; UCL; and DS3 loops. *See* LPSC Docket No. U-22252-E, Milner Affidavit, ¶ 80-81; *see also Interconnection Agreement Between BellSouth and NewSouth, Att. 2.* In addition, BellSouth provides CLECs with unbundled loops served by Integrated Digital Loop Carrier (IDLC). *Milner Affidavit*, ¶ 83. Finally, CLECs may purchase additional loop types through the bona fide request process. BellSouth offers local loop transmission of the same quality and same equipment and technical specifications used by BellSouth to serve its own customers. *See* LPSC Docket No. U-22252-E, Milner Affidavit, ¶ 81.

In the *Second Louisiana Order,* the FCC found that the performance data BellSouth presented on the ordering and provisioning of unbundled local loops failed to demonstrate that the access it provides to such loops is sufficient to allow an efficient competitor a meaningful

opportunity to compete. Furthermore, it stated that BellSouth did not show that it could provide loop cutovers based on reasonably foreseeable demand in a timely and reliable fashion. *See* Second Louisiana Order ¶ 192-199.

To address these issues, BellSouth has provided the Commission with performance data, disaggregated by loop type, which it says demonstrates that BellSouth is providing CLECs with unbundled loops in a manner sufficient to provide them a meaningful opportunity to compete. As the FCC has stated, a BOC can demonstrate compliance with checklist item 4 by submitting performance data evidencing the time interval for providing unbundled loops and whether due dates are met. *New York Order,* ¶ 270 & 283 ("Bell Atlantic meets the confirmed due dates of the customers of competitive carriers in the same time and manner as it meets the confirmed due dates of its retail customers."). BellSouth has provided Louisiana performance data in the MSS format for April, May and June 2001 relating to its loop provisioning and maintenance and repair functions for CLECs, disaggregated by loop type, including voice loops and loops capable of supporting high speed data. *See* Texas Order, ¶ 249.

In addition, in the state 271 proceeding, BellSouth demonstrated its ability to accomplish a hot cut in a timely, accurate manner. Hot cuts involve the conversion of an existing BellSouth customer to the network of a competitor by transferring the customer's in-service loop over to the CLEC's network. *See* LPSC Docket No. U-22252-E, Milner Affidavit, ¶ 100. BellSouth has implemented three hot cut processes, two involving order coordination and one that does not involve such coordination. *Id.* The two processes that include order coordination are a time-specific cutover, and a non-time-specific cutover. Both of these processes involve BellSouth and the CLEC working together to establish a time for the cutover. In the third option, the CLEC merely specifies the date on which the cut is to occur but leaves the time of the cutover to

BellSouth's discretion. *See* LPSC Docket No. U-22252-E, Milner Affidavit, ¶¶ 101-103. These three options give the CLEC choices depending on its business plan and the needs of its end user. As the FCC noted, "[t]he ability of a BOC to provision working, trouble-free loops through hot cuts is critically important in light of the substantial risk that a defective hot cut will result in competing carrier customers experiencing service outages for more than a brief period." *Texas Order*, ¶ 256. BellSouth contends that it provides coordinated hot cuts in a timely manner, at an acceptable level of quality, with minimal service disruptions, and with a minimum number of troubles following installation. *See* Kansas/Oklahoma Order, ¶ 201.

AT&T Witness Berger alleged in the state Section 271 proceeding numerous examples of problems with hot cuts (although she acknowledged that BellSouth and AT&T have recently on May 15, 2001 executed a Memorandum of Understanding concerning methods and procedures for "hot cuts" on a going-forward basis). Issues concerning hot-cuts were also discussed at great length in the CLEC collaboratives. As of the last meeting, none of the CLEC participants had any current problems with *"hot cuts"* and Staff and the parties agreed to monitor this item. Relative to Hot Cuts (B.2.13.1 through B.2.15.4), BellSouth met or exceeded the benchmark for all six sub-metrics with CLEC activity in April and for all seven in May.

AT&T also complained that BellSouth's method for addressing erroneous disconnects is not comparable to BellSouth's method for its own customers. *See* LPSC Docket No. U-22252-E, Berger Affidavit, p. 12. In response, BellSouth pointed to the fact that AT&T has not performed any hot cuts in Louisiana. BellSouth also noted that it is AT&T who is in control of when the disconnect is completed by BellSouth in this instance. Service orders must be issued in order for BellSouth to reestablish service to the end user. This is the same process that occurs for an erroneous disconnect of a BellSouth end user and both situations are handled as a provisioning

issue, rather than a maintenance issue. *See* LPSC Docket No. U-22252-E, Ainsworth Reply Affidavit, ¶41.

AT&T also complained that if an erroneous disconnect occurs due to a CLEC error, BellSouth treats it like a new loop, rather than a maintenance issue, and the customer can be out of service for up to seven days. *Id.* at p. 14-15. BellSouth utilizes the same procedure when it erroneously disconnects its own end user. New service orders must be issued and are treated as a provisioning matter, rather than a maintenance issue. The LPSC is unaware of any requirement that BellSouth is violating by not treating AT&T's mistakes any different from its own. It is our opinion that AT&T should review its own processes to minimize or eliminate the instances in which it makes an erroneous request to BellSouth to disconnect its end user.

AT&T further objected to BellSouth's request for a four-hour window to start a conversion when a customer's service is provided over BellSouth's IDLC and that the parties disagree regarding the start and stop times. *See* LPSC Docket No. U-22252-E, Berger Affidavit, pp. 12-14. BellSouth made no such request in the state 271 (or any other pending) proceeding, but the LPSC will address any such request during the six-month review of the service quality measurements. AT&T also voiced concern regarding the hot cut measures adopted by the Commission. Suffice it to say, the LPSC believes that the hot cut measures it adopted in its May 14, 2001 Order in Docket No. U-22252-C are appropriate.

KMC alleged that BellSouth will mistakenly indicate that there are no facilities to complete an order for an unbundled loop when, in fact, there are such facilities. *See* LPSC Docket No. U-22252-E, Braddock Affidavit, ¶3. Further, KMC complains that BellSouth will cancel a due date at the last minute due to a lack of facilities. *See* LPSC Docket No. U-22252-E, Dermint Affidavit, ¶2. BellSouth responds to these complaints through the sworn testimony of

Mr. Ainsworth. *See* LPSC Docket No. U-22252-E, Ainsworth Reply Affidavit, ¶¶ 23-25, 44. These issues were discussed at length during the collaborative workshops held by this Commission in January through May of this year. The LPSC is convinced that BellSouth provisions UNE loops to CLECs in the same manner as it provisions loops to its own retail customers. The process that BellSouth goes through to determine whether facilities are available to complete a CLEC's order are the same as those that BellSouth uses to complete its own retail orders. Indeed, during the collaborative workshops, and in order to address this issue, CLECs were to submit a Bona Fide Request to BellSouth to develop a method for provisioning loops in which a CLEC could ascertain the availability of facilities prior to placing an order. BellSouth has advised us that such request has been submitted as CR0461 to the Change Control Process and will be prioritized by the CLECs. *See* LPSC Docket No. U-22252-E, BellSouth Comments to Proposed Staff Recommendation, p. 23.

KMC raised additional issues that were addressed in the collaborative workshops. KMC claimed that BellSouth will often miss a due date for order coordinated, time-specific hot cuts to the point where KMC has stopped ordering them. *See* LPSC Docket No. U-22252-E, Chiasson Affidavit, 2. BellSouth does not respond to trouble reports and refuses to act on a trouble claiming it is KMC's responsibility, only to acknowledge that it is BellSouth's problem one week later. *Id.* at 3. BellSouth responded to these allegations. *See* LPSC Docket No. U-22252-E, Ainsworth Reply Affidavit, ¶¶ 48-49. These issues do not appear to indicate systemic problems that would warrant a finding of checklist non-compliance. *See* Kansas/Oklahoma Order, ¶159. The LPSC encourages BellSouth and KMC to resolve these issues informally or bring them to the attention of the Louisiana Commission through its complaint process.

2. Access to xDSL-capable Loops

BellSouth must demonstrate that it offers CLECs nondiscriminatory access to xDSL-capable loops in Louisiana.[23] To compensate for differing parameters such as the end user's distance from his serving wire center, BellSouth offers CLECs a variety of unbundled loops that may support DSL services from the CLEC to its end user customers. These loop types are known as ADSL-capable loop; HDSL-capable loop; ISDN loop; Universal Digital Channel (UDC); Unbundled Copper Loop (UCL), Short and Long; and UCL-Nondesign (UCL-ND). *Latham Affidavit*, ¶3; *see also Interconnection Agreement Between BellSouth and COVAD, Amend.* § 2.2.9. As of February 28, 2001, BellSouth had provisioned 1,301 two-wire ADSL loops; 66 two-wire HDSL loops; and one (1) four-wire HDSL loop to over 20 different CLECs in Louisiana. *Milner Affidavit*, ¶ 97. Further, in response to CLEC requests for an xDSL capable loop that is similar in price and provisioning practices to an SL1, BellSouth recently began offering a "nondesigned" unbundled copper loop ("UCL-ND"), which we believe will spur the deployment of advanced services to end users in Louisiana.

In its *Texas Order*, the FCC commended the Texas state commission for developing comprehensive measures to assess SWBT's performance in provisioning xDSL-capable loops and related services in Texas. *See* Texas Order, ¶283. BellSouth has presented the Louisiana Commission with comparable performance data, specific to xDSL loops, to demonstrate that it is providing CLECs with nondiscriminatory access to such loops. Based on this performance data, the Louisiana Commission was able to conclude, as did the FCC in the Kansas/Oklahoma decision, that the BOC "provisions xDSL-capable loops for competing carriers in substantially

[23] The FCC has stated that it would "find it most persuasive if future applicants under 271...make a separate and comprehensive evidentiary showing with respect to the provision of xDSL-capable loops." *New York Order*, 330.

the same time and manner that it installs xDSL-capable loops for its own retail operations." *Kansas/Oklahoma*, ¶ 185.

An analysis of xDSL product data across all UNE categories (Ordering, Provisioning and Maintenance & Repair) indicates that BellSouth met 80% (20 of 25) of the measures with CLEC activity in April. Results in May decreased to 70.4% (19 of 27) of all measurements being met. Overall performance increased over May results, with 81.5% of all measurements met for June, 74.2% (23 of 31) met for July and 72.4% (21 of 29) met for August. Within Provisioning, BellSouth demonstrated strong improvement in May with 87.5% (7 of 8) of measurements met as compared to April with 66.7% (4 of 6). Within Provisioning, BellSouth demonstrated strong improvement in June by meeting 100% (9 of 9) of measurements. BellSouth continued to demonstrate excellent results within the Provisioning measures in July and August.

Results in Ordering fell slightly from a level of 80% (8 of 10) of the measurements at parity in April to a level of 70% (7 of 10) in May and 66.7% (6 of 9) in June. July and August results show no improvement, primarily due to the problems with the FOC and Reject Response Completeness measure discussed earlier.

Also, results in Maintenance and Repair experienced a more serious drop from 88.9% (8 of 9) of the measurements in April to a level of 55.6% (5 of 9). Within Maintenance and Repair, BellSouth demonstrated improvement by meeting 77.8% (7 of 9) measurements. Results increased to 90% in July, and dropped to 62.5% in August. Because there are only 9 submeasures in this category, the LPSC realizes that any miss can significantly impact the overall percentages. The LPSC believes that implementation of the SEEMs will improve consistency of performance in this category. We believe in particular that BellSouth should pay particular attention to the FOC & Reject Completeness addressed under Checklist Item 2

generally, as well as its performance under the % Repeat Troubles within 30 Days category. Within Ordering, results fell slightly when BellSouth met 66.7% (6 of 9) measurements.[24]

The LPSC intends to monitor performance in this area in the 6-month review, and will take whatever action is necessary to ensure sustained performance in this area.

3. Loop Conditioning

To further enable CLECs to provide high-speed data services to their end users, CLECs have the option of selecting the precise conditioning (i.e. loop modification) they desire on their loop. *See* LPSC Docket No. U-22252-E, Latham Affidavit, ¶ 31; Access One Agmnt., Att 2, § 2.2. If a CLEC needs to have a loop conditioned, it can use BellSouth's Unbundled Loop Modification (ULM) process in order to modify any existing loop to be compatible with the CLEC's particular hardware requirements. *See* LPSC Docket No. U-22252-E, Latham Affidavit, ¶ 31. The ULM process conditions the loop by the removal of any devices that may diminish the capability of the loop to deliver high-speed switched wireline capability, including xDSL service. The CLEC may select the level of conditioning it wants, and will only pay for the level of conditioning it selects. *Id.*, ¶ 31. BellSouth will provide line conditioning upon request from a CLEC for an unbundled loop, regardless of whether or not BellSouth offers advanced services to the end-user customer on that loop. *Id.* Through January 2001, CLECs in Louisiana had made 1 request for loop conditioning. Region-wide, CLECs have made 52 requests. *See* LPSC Docket No. U-22252-E, Milner Affidavit, ¶ 87.

[24] Commentator Covad provided performance results from BellSouth's March 2001 MSS report and claimed that the results demonstrate that BellSouth is not providing non-discriminatory access. *See* LPSC Docket No. U-22252-E, Covad Comments, pp. 15-22. Further, Covad filed comments to BellSouth's May performance data in the FCC format on July 23, 2001. Mr. Varner adequately addressed Covad's performance criticisms in his reply affidavit at ¶¶135-155.

The LPSC notes that the costs/rates for these ULM processes were recently set in the generic UNE cost docket, Docket U-24714-A, and that the ordered rates for such processes are dramatically lower than the rates proposed by BellSouth.

4. Access to Line Sharing on the Unbundled Loop

Line-sharing allows CLECs to provide high-speed data service to BellSouth voice customers. BellSouth provides access to the high frequency portion of the loop as an unbundled network element. *See* LPSC Docket No. U-22252-E, Covad Agmnt., 4/25/00 Amendment; Interconnection Agreement between BellSouth and Access One, Att. 2, Exh. C. Like SWBT, BellSouth developed the line-sharing product in a collaborative with CLECs, and is continuing to work with CLECs on an ongoing basis to resolve issues as they arise. *See* LPSC Docket No. U-22252-E, Williams Affidavit, ¶ 8. As of April 1, 2001, BellSouth shows that it has provisioned 267 line-sharing arrangements in Louisiana, and 2,542 arrangements region-wide. *See* LPSC Docket No. U-22252-E, Milner Affidavit, ¶ 93. In its Proposed Recommendation, Staff instructed BellSouth, as well as the other parties to this proceeding, to provide further comment regarding the line sharing collaborative referenced by Mr. Williams, including the number of meetings held, the participants, the issues that were addressed and resolved and any other issues from the collaborative that remain unresolved. Staff noted with approval the fact that BellSouth hosted 73 Line Sharing Industry Collaborative meetings during 2000 and has hosted 38 Line Sharing and Line Splitting Collaborative meetings in 2001. Of 260 Action Items, only 9 remain open. *See* LPSC Docket No. U-22252-E, BellSouth Comments, p.29.

In a line-sharing arrangement, the high frequency portion of the loop is the frequency range above the voice band on a copper loop facility that is being used to carry analog circuit switched voice band transmission. The data signal typically is split off from the voice signal by

a splitter and then delivered to a digital subscriber line access multiplexer (DSLAM) located in the CLEC's network at its collocation space. The DSLAM converts the data signal into packets for transmission over the CLEC's network. *See* LPSC Docket No. U-22252-E, Williams Affidavit, ¶ 4. BellSouth claimed that it provides line-sharing in accordance with the obligations set forth in the FCC's *Line-Sharing Order* and *Line-Sharing Reconsideration Order*.[25] Specifically, line-sharing is available to a single requesting carrier, on loops that carry BellSouth's POTS, so long as the xDSL technology deployed by the requesting carrier does not interfere with the analog voice band transmissions. BellSouth allows line-sharing CLECs to deploy any version of xDSL that is presumed acceptable for shared-line deployment in accordance with FCC rules and will not significantly degrade analog voice service. *See* LPSC Docket No. U-22252-E, Williams Affidavit, ¶ 6.

Further, BellSouth will facilitate line-splitting between CLECs using BellSouth's UNEs in full compliance with the FCC's rules. *See* LPSC Docket No. U-22252-E, Williams Affidavit, ¶ 33; SGAT, II.A.9. Specifically, BellSouth facilitates line-splitting by CLECs by cross-connecting a loop and a port to the collocation space of either the voice CLEC or the data CLEC. The CLECs may then connect the loop and the port to a CLEC-owned splitter and split the line themselves. BellSouth offers the same arrangement to CLECs as that described by the FCC in the Texas 271 Order and the *Line-Sharing Reconsideration* Order. By allowing CLECs to engage in line-splitting, BellSouth's current offerings meet all FCC requirements for line splitting. *Texas Order,* ¶¶ 323-329.

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[25] *Deployment of Wireline Services Offering Advanced Telecommunications Capability and Implementation of Local Competition Provisions of the Telecommunications Act of 1996*, Third Report and Order, CLEC Docket No. 98-147 and Fourth Report and Order, CLEC Docket No. 96-98, 14 FCC Rcd 20,912 (1999)("Line-Sharing Order"); *Deployment of Wireline Services Offering Advanced Telecommunications Capability*, Order on Remand, CC Docket Nos. 98-147, 98-11, 98-26, 98-32, 98-78, 98-91 (1999)("Line-Sharing Reconsideration Order").

AT&T witness Turner and WorldCom witness Darnell contended in the Louisiana 271 proceeding that for numerous reasons, BellSouth is not in compliance with the FCC's Advanced Services Order regarding line splitting and line sharing. Initially, the LPSC notes that neither AT&T nor WorldCom is engaged in the provision of any advanced services within the state of Louisiana.

WorldCom raised the fact that BellSouth refuses to permit line splitting when a customer wants to receive its voice service from a CLEC and its DSL (or data) service from BellSouth. *See* LPSC Docket No. U-22252-E, Darnell Affidavit, ¶¶ 7-8. In other words, BellSouth will not provide a customer with its retail DSL service unless that customer also purchases its voice service from BellSouth as well. The LPSC acknowledges reluctantly that BellSouth's position is not contrary to the FCC's rulings on this point. In its *Line Sharing Reconsideration Order*, the FCC stated, "We deny, however, AT&T's request that the Commission clarify that incumbent LECs must continue to provide xDSL service in the event customers choose to obtain service from a competing carrier on the same line because we find that the *Line Sharing Order* contained no such requirement." *Line Sharing Reconsideration Order*, ¶26. The FCC then expressly stated that its Line Sharing Order "does not require that [LECs] provide xDSL service when they are no longer the voice provider." *Id.*

Although BellSouth appears to be within its rights to refuse to provide its xDSL service in situations where it is not the voice provider, this Commission intends to study this issue further and to determine, after further comment, including comment from BellSouth on the operational issues, whether it would be in the public interest to require BellSouth to provide its xDSL service over UNE-P arrangements.

Further, AT&T made several allegations regarding BellSouth's line sharing and line splitting offerings. *See* LPSC Docket No. U-22252-E, Turner Affidavit, pp. 18-32. AT&T claimed that BellSouth does not provide line splitting in Louisiana and does not have methods and procedures for line splitting. We cannot square AT&T's allegations with the information provided by BellSouth regarding the line sharing arrangements provisioned in Louisiana and the testimony of BellSouth's product manager, Thomas G. Williams, who states that BellSouth presently offers line splitting and line sharing in Louisiana pursuant to procedures developed in a Line Splitting collaborative that included many CLECs, including AT&T. *See* LPSC Docket No. U-22252-E, Williams Reply Affidavit, ¶6.

Further, AT&T claimed that CLECs are precluded from offering both voice and data services to a customer because BellSouth will not provide the splitter. *See* LPSC Docket No. U-22252-E, Turner Affidavit, pp. 18-29. The FCC does not obligate BellSouth to provide the splitter in a line splitting arrangement:

> We reject AT&T's argument that SWBT has a present obligation to furnish the splitter when AT&T engages in line splitting over the UNE-P. The Commission has never exercised its legislative rulemaking authority under section 251(d)(2) to require incumbent LECs to provide access to the splitter, and *incumbent LECs therefore have no obligation to make the splitter available.*

Texas Order, 327 (emphasis added). A CLEC is free, however, to install its own splitter in its collocation space if it desires to offer both voice and data services over the same loop. *See* LPSC Docket No. U-22252-E, Williams Reply Affidavit, ¶¶ 7-9. In any event, the Louisiana Commission has ordered BellSouth to provide the splitter in all line splitting arrangements. *See* LPSC Order No. U-24714-A, dated September 21, 2001.

We further found, contrary to AT&T's further contentions, that BellSouth is not required to maintain a CLEC's UNE-P arrangement where the CLEC wants to engage in line splitting. The UNE-P arrangement consists of a combined loop and port arrangement in which a CLEC can provide voice service to an end user in competition with BellSouth without collocating any equipment in a BellSouth central office. If the CLEC wants to provide a data service to that same end user over that same loop, or wants to partner with another CLEC to engage in line spitting to provide a data service to that end user over that same loop, then the loop and port must be disconnected and both terminated to the data CLEC's collocation space with cross connections. By terminating the loop and port at the CLEC's collocation space, the line can be "split" to allow the voice traffic to proceed to one switch, while the data traffic is routed to the CLEC owned DSLAM. As Mr. Williams points out, the central office architecture for line splitting is vastly different from the relatively simple UNE-P architecture. *See* LPSC Docket No. U-22252-E, Exhibits TGW-4, TGW-5 and TGW-6, attached to *Williams Reply Affidavit.* BellSouth's practices in this regard appear to be in compliance with applicable FCC requirements:

> For instance, if a competing carrier is providing voice service using the UNE-platform, it can order an unbundled xDSL-capable loop terminated to a collocated splitter and DSLAM equipment and unbundled switching combined with shared transport, to replace its existing UNE-platform arrangement with a configuration that allows provisioning of both data and voice services. As we described in the Texas 271 Order, in this situation, the incumbent must provide the loop that was part of the existing UNE-platform as the unbundled xDSL-capable loop, unless the loop that was used for UNE-platform is not capable of providing xDSL service."

FCC Line Sharing Reconsideration Order, ¶19.

In sum, none of the issues raised by AT&T appear to be required by FCC rule or regulation and do not affect whether BellSouth is in compliance with checklist item no. 4. In its

Proposed Recommendation, Staff sought comments from the parties to this proceeding whether there are substantial unresolved issues surrounding line sharing and line splitting that would warrant this Commission's opening a generic docket for their resolution. In response, no party requested opening a generic docket.

The pre-ordering, ordering, provisioning and maintenance and repair processes for the line-sharing product are very similar to the processes for xDSL-capable loops. *See* LPSC Docket No. U-22252-E, Williams Affidavit, ¶ 22-27. For loop makeup information, the process is the same whether the CLEC wishes to obtain an xDSL-capable loop, or the high frequency portion of the loop. *Id.*, ¶ 22.

BellSouth has provided the Commission with performance data specific to line-sharing in the FCC data format to demonstrate with empirical evidence its compliance with checklist item 4. An analysis of Line Sharing product data across all UNE categories (Ordering, Provisioning and Maintenance and Repair) indicates that BellSouth demonstrated strong performance in both months by meeting 87.5% (14 of 16) of the measures with CLEC activity in April, and 100% (5 of 5) in May. Relative to Line Sharing across all categories indicates performance dropped in June when BellSouth met only 57.1% (8 of 14) measurements with CLEC activity.[26] Of the six measures missed in June, an analysis shows that in half of the cases the CLEC volume was only between 1 and 7 activities. In the other half, where there was substantial activity, BellSouth missed the 95% benchmark, but it did achieve results in excess of 91%. Although BellSouth's performance did not achieve the stringent benchmark, it was nevertheless at a high level.[27]

E. CHECKLIST ITEM 5: Unbundled Local Transport

[26] The LPSC further notes that performance in July and August rebounded to 76.2% (16 of 21) and 81.8% (18 of 22), respectively.
[27] July and August results substantially improved over June results.

Section 271(c)(2)(B)(v) of the competitive checklist requires a BOC to provide "[l]ocal transport from the trunk side of a wireline local exchange carrier switch unbundled from switching or other services." Interoffice transmission facilities include both dedicated transport and shared transport. *See* Second Louisiana Order, at ¶ 201. Dedicated transport is defined as "incumbent LEC transmission facilities dedicated to a particular customer or carrier that provide telecommunications between wire centers owned by incumbent LECs or requesting telecommunications carriers, or between switches owned by incumbent LECs or requesting telecommunications carriers." 47 U.S.C. 51.319(d)(1)(i). Shared transport is defined as "incumbent LEC transmission facilities shared by more than one carrier, including the incumbent LEC, between end office switches, between end office switches and tandem switches, and between tandem switches, in the incumbent LEC's network." 47 U.S.C. 51.319(d)(1)(ii).

In the *Second Louisiana Order,* the FCC concluded that, but for the deficiencies in the OSS systems noted earlier under checklist item 2 (access to unbundled network elements), BellSouth demonstrated that it provides unbundled local transport as required in Section 271. *See* Second Louisiana Order, ¶ 202. BellSouth continues to provide dedicated and shared transport between end offices, between tandems, and between tandems and end offices, and has procedures in place for the ordering, provisioning and maintenance of both dedicated and shared transport. *See* LPSC Docket No. U-22252-E, ¶ 113; SGAT, VI; *Covad Agmnt.*, Att. 2, § 8.0. BellSouth offers both dedicated and shared transport at high levels of capacity, including DS3 and OCn levels. *See* LPSC Docket No. U-22252-E, Milner Affidavit, ¶ 113. As of February 28, 2001, BellSouth had provided 625 dedicated local transport trunks to CLECs in Louisiana and 10,565 trunks region-wide. While BellSouth cannot provide specific trunk numbers for common trunks, from July 1999 through February 28, 2001, 24 CLECs in Louisiana and 92 region-wide

used common transport to some degree. BellSouth's rates for transport, as reflected in the approved SGAT as revised on September 25, 2001 to incorporate this Commission's September 21, 2001 rulings, are consistent with the LPSC Order No. U-24714-A. [28]

In Docket No. U-22252-E, WorldCom raised the only concern regarding this checklist item. WorldCom claimed that BellSouth is in violation of the FCC's Local Competition Rules because BellSouth refuses to provide dedicated transport between two points on the CLEC's network or between a point that connects one CLEC's network to a point on the network of another CLEC, even where the facilities to provide such UNE's are currently in place. *See* LPSC Docket No. U-22252-E, Argenbright Affidavit, pp. 14-19. This issue is pending in WorldCom's arbitration, and it is the type of novel, interpretive issue that we believe need not be resolved in the state 271 proceeding, but can and will address in WorldCom's pending arbitration proceeding. The LPSC is unaware of any specific FCC precedent that requires BellSouth to provide transport between points on CLEC networks, and thus does not believe it appropriate to conclude that BellSouth does not comply with checklist item 5 because of its refusal in this regard.

Based on the foregoing, the LPSC finds that BellSouth meets the requirements of checklist item no. 5.

F. CHECK LIST ITEM 6: Unbundled Local Switching

Checklist item 6 obligates a BOC to provide "[l]ocal switching unbundled from transport, local loop transmission, or other services." In the *Second Louisiana Order,* the FCC required BellSouth to provide unbundled local switching that included line-side and trunk-side facilities, plus the features, functions and capabilities of the switch. *See* Second Louisiana Order, at ¶ 207.

[28] Prior to that filing, the record reflected that BellSouth's rates for transport were consistent with the rates ordered

The features, functions, and capabilities of the switch include the basic switching function as well as the same basic capabilities that are available to the incumbent LEC's customers. *Id.* Additionally, local switching includes all vertical features that the switch is capable of providing, as well as any technically feasible customized routing features. *Id; see also Texas Order,* at ¶ 336. The FCC requires that a BOC demonstrate in order to meet checklist item 6 that it provides (1) line-side and trunk-side facilities; (2) basic switching functions; (3) vertical features (4) customized routing; (5) shared trunk ports; (6) unbundled tandem switching (7) usage information for billing exchange access and (8) usage information for billing for reciprocal compensation. *See New York Order,* at ¶346; *Texas Order,* ¶ 339; *Kansas/Oklahoma Order,* ¶242.

In the *Second Louisiana Order,* the FCC stated that to comply with the requirements of unbundled local switching, a BOC must also make available trunk ports on a shared basis and routing tables resident in the BOC's switch, as necessary to provide access to shared transport functionality. *Second Louisiana Order,* ¶ 209; *SWBT-TX Order,* ¶ 338. The FCC also stated that a BOC may not limit the ability of competitors to use unbundled local switching to provide exchange access by requiring CLECs to purchase a dedicated trunk from an interexchange carrier's point of presence to a dedicated trunk port on the local switch. *Id.*

In the *Second Louisiana Order,* the FCC concluded that BellSouth proved that it provides, or can provide, the line-side and trunk-side facilities of the switch, the basic switching function, trunk ports on a shared basis, and unbundled tandem switching. *See* Second Louisiana Order, ¶¶ 210; 212-215; 228-29. BellSouth continues to provide unbundled switching in accordance with the requirements of the FCC. *See* LPSC Docket No. U-22252-E, NewSouth

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by this Commission in LPSC Order No. U-22022/22093 dated October 24, 1997.

Agmnt., Att. 3; Att. 6. BellSouth provides CLECs unbundled switching capability with the same features and functionality available to BellSouth's own retail operations, in a nondiscriminatory manner. *See* LPSC Docket No. U-22252-E, *Milner Affidavit*, ¶ 124. This offering is proved through actual commercial usage, as BellSouth has furnished over 9,345 unbundled switch ports in Louisiana through February 28, 2001, most as part of the loop/port combination. *Id.*, ¶ 133. BellSouth also provides CLECs with unbundled tandem switching, and unbundled packet switching in accordance with FCC rule 51.391(c)(3). *Id.*, ¶ 131-132.

At the time of its section 271 state filing on April 20, 2001, BellSouth's rates for unbundled local switching complied with this Commission's Order No. U-22022/22093. In connection with BellSouth's second Louisiana application to the FCC, the DOJ questioned BellSouth's switching and vertical features rates. *See* Second Louisiana Order, fn. 677. The LPSC has reexamined those rates in Docket No. U-24714-A (LPSC Order No. U-24714-A, September 21, 2001), and BellSouth revised its SGAT on September 25, 2001 to comport with the LPSC's decision.

Despite finding that BellSouth provided the basic switching functionality on an unbundled basis, the FCC concluded that BellSouth failed to meet its burden of proof with respect to access to vertical features; customized routing; usage information for billing exchange access; and usage information necessary for billing for reciprocal compensation. BellSouth has filed evidence herein to show that it has remedied all of the FCC's concerns.

1. Vertical Features

At the time of BellSouth's second application, the FCC and BellSouth disagreed as to whether a BOC was obligated only to offer those vertical features actually being offered to its retail customers, or all vertical features loaded in the software of the switch, whether or not the

BOC offered them on a retail basis. *See* Second Louisiana Order, ¶ 218-220. BellSouth now offers CLECs all vertical features that are loaded in the switch, or loaded but not currently activated. *See* LPSC Docket No. 22252-E, Milner Affidavit, ¶ 126; *COVAD Agmnt.*, Att. 2, § 7.1.1.1; SGAT, § VI.A. In addition, BellSouth will provide switch features not currently loaded in the switch pursuant to the bona fide request process provided that the CLEC is willing to pay the additional costs involved, such as additional right-to-use fees, programming costs to the manufacturer and internal costs to adapt BellSouth's systems to accept an order for the new feature. No party takes issue with BellSouth's compliance in this area.

2. Customized Routing

Customized routing allows calls from a CLEC's customer served by a BellSouth switch to reach the CLEC's operator services or directory assistance platforms. In the *Second Louisiana Order*, the FCC found deficiencies with BellSouth's offer of customized routing. First, while the FCC believed BellSouth's Advanced Intelligent Network (AIN) method of providing customized routing had "the potential to meet the requirements of the *Local Competition First Report and Order,*" the FCC nevertheless discounted it for purposes of BellSouth's second application because AIN was not then being currently offered. *See* Second Louisiana Order, ¶ 222. BellSouth offers evidence that it now offers its AIN solution to customized routing to any CLEC that wishes to use it. *See* LPSC Docket No. U-22252-E, Milner Affidavit, ¶ 136; *Access One Agmnt.*, Att. 2, § 3.1.6; 3.4.

The FCC further indicated that BellSouth's line class code (LCC) solution for customized routing would have been acceptable had BellSouth been able to demonstrate adequately that CLECs can order this option efficiently. Specifically, the FCC held that "BellSouth should not require the competitive LEC to provide the actual line class codes, which may differ from switch

to switch, if BellSouth is capable of accepting a single code region-wide." *Second Louisiana Order*, ¶ 224. In compliance with this obligation, BellSouth has stated that it will implement one routing pattern per region for a CLEC's customers. In addition, although it is not required to do so, BellSouth voluntarily will provide a single routing pattern on a state-wide basis. This single routing pattern (whether region-wide or state-wide) can be to a BellSouth platform (branded or unbranded), a CLEC platform, or a third-party platform. *See* LPSC Docket No. U-22252-E, Milner Affidavit, ¶ 144.

To avail itself of the single routing pattern, the CLEC need not put any LCC on the local service request. Such orders will be handled electronically (assuming, of course, that they would not otherwise fall out for manual handling) and therefore will need no manual intervention. *See* LPSC Docket No. U-22252-E, Milner Affidavit, ¶ 145. This ordering mechanism satisfies the FCC's directive that "the easiest way for BellSouth to make this demonstration [of ordering efficiency] is to ensure that orders that include selective routing information do not require manual intervention." *See* Second Louisiana Order, at ¶ 223-225. This LCC routing arrangement is identical to that provided to the BellSouth retail units. On the retail side, BellSouth has a single region-wide routing pattern for its customers' calls that is effectuated without the service representative having to populate the LCC on the service order. Likewise, BellSouth will provide a CLEC a single routing pattern that is effectuated without the CLEC service representative having to populate the LCC on the local service request. *See* LPSC Docket No. U-22252-E, Milner ¶, 146.

If, on the other hand, the CLEC chooses to have different routing options for different customers served out of the same switch, BellSouth will handle such requests on a manual basis. In this scenario, the CLEC will provide information on the LSR designating the appropriate

LCCs to direct the call. Although submitted electronically, such an order will fall out for manual handling and BellSouth will process it manually. The FCC specifically recognized that CLECs who wish to have multiple routing patterns in the same switch should bear the obligation to populate the requisite LCCs on the LSR. The FCC held as follows:

> We agree with BellSouth that a competitive LEC must tell BellSouth how to route its customers' calls. If a competitive LEC wants all of its customers' calls routed in the same way, it should be able to inform BellSouth, and BellSouth should be able to build the corresponding routing instructions into its systems just as BellSouth has done for itself. If, however, a competitive LEC has more than one set of routing instructions for its customers, it seems reasonable and necessary for BellSouth to require the competitive LEC to include in its order an indicator that will inform BellSouth which selective routing pattern to use.

Second Louisiana Order, ¶ 224. AT&T and WorldCom dispute that BellSouth is providing adequate customized routing. *See* Docket No. U-22252-E, AT&T Original Comments, pp. 90-91.

Although certain parties raise concerns regarding BellSouth's customized routing options, the LPSC finds that BellSouth offers customized routing in compliance with the FCC's requirements. *See* Docket No. U-22252-E, Bradbury Affidavit, pp. 92-97; Lichtenberg Affidavit, pp. 5-6. The customized routing issues raised by AT&T in this proceeding were raised by AT&T in other states within its Section 272 arbitrations. The LPSC agrees with BellSouth, as well as other state commissions within BellSouth's region, that BellSouth has provided sufficient customized routing to avoid providing OS/DA as a UNE. *See* Docket No. U-22252-E, Milner Reply Affidavit, 96.

3. Usage Information Necessary for Billing for Reciprocal Compensation

In the *Second Louisiana Order*, the FCC held that BellSouth did not provide CLECs with information necessary to bill for reciprocal compensation or, alternatively, have in place other

arrangements such as a surrogate. Section 251(b)(5) requires all LECs "to establish reciprocal compensation arrangements for the transport and termination of telecommunications." 47 U.S.C. 251(b)(5). Without this information or other arrangements, CLECs purchasing unbundled local switching will not be able to bill and collect reciprocal compensation. *See* Second Louisiana Order, ¶ *232.*

The FCC therefore requires that a BOC provide a purchaser of unbundled local switching with either: (1) actual terminating usage data indicating how many calls/minutes its customers received and identifying the carriers that originated those calls; or (2) a reasonable surrogate for this information. *Id.* at ¶ 233. In this regard, the FCC expressly rejected BellSouth's argument that it is not legally required to provide billing information for terminating traffic because any reciprocal compensation payments due from BellSouth are offset by payments due to BellSouth for the competitors' use of unbundled local switching to terminate traffic. *Id.* ¶ 234.

BellSouth now provides CLECs with information necessary to bill for reciprocal compensation. The Access Daily Usage File (ADUF) provides the CLEC with records for billing interstate and intrastate access charges (whether the call was handled by BellSouth or an interexchange carrier) or reciprocal compensation charges to other LECs and interexchange carriers for calls originating from and terminating to unbundled ports. *See* LPSC Docket No.U-22252-E, *Scollard Affidavit*, ¶ 27. The BellSouth network does not have the capability to record a terminating call record when an end user served out of a BellSouth switch has placed a call to a CLEC's unbundled switch port. Because the UNE charges that would be paid by the CLEC to BellSouth for these calls offsets the reciprocal compensation charges collected for the same calls, the need for the call records is obviated. This, in effect, represents a surrogate for the records which is offered to all CLECs, obviating the need for the data. *Id.*, ¶ 27.

In sum, the LPSC concludes that BellSouth has remedied the deficiencies noted by the FCC in its *Second Louisiana Order* under checklist item no. 6.

G. CHECKLIST ITEM 7: Access to Operator Services/Directory Assistance and E911 (and 911)

1. 911 and E911 Services

Section 271(c)(2)(B)(vii) of the Act requires a BOC to provide "[n]ondiscriminatory access to 911 and E911 services." Section 271 requires a BOC to provide competitors access to its 911 and E911 services in the same manner that a BOC obtains such access, i.e., at parity. *See* Second Louisiana Order, ¶ 235. The Louisiana Commission found that BellSouth has met this requirement, and the FCC has twice concluded likewise. *See South Carolina Order,* ¶ 666-67*; Second Louisiana Order,* ¶ 235-36. Only KMC raised any issue with respect to this item, and claims generally without any supporting detail that BellSouth fails to properly process 911 information. *See* LPSC Docket No. U-22252-E, Demint Affidavit, p. 7. Mr. Demint cites a single example of a facility where the wrong name and address appeared to the 911 operator. BellSouth responds that in such situations, the fault may lie with the CLEC not having provided correct information to BellSouth. *See* LPSC Docket No. U-22252-E, Stacy Reply Affidavit ¶¶268-69. The LPSC believes that this isolated example is not indicative of any systematic failure on BellSouth's part. BellSouth continues to provide access to 911 and E911 services in a manner consistent with that presented to this Commission and the FCC. *See* LPSC Docket No. U-22252-E, Milner Affidavit, ¶ 149.

2. Directory Assistance/Operator Services

Section 271(c)(2)(B)(vii)(II) and section 271(c)(2)(B)(vii)(III) require a BOC to provide nondiscriminatory access to "directory assistance services to allow the other carrier's customers to obtain telephone numbers" and "operator call completion services," respectively. Section 251(b)(3) of the Act imposes on each LEC "the duty to permit all [competing providers of telephone exchange service and telephone toll service] to have nondiscriminatory access to ... operator services, directory assistance, and directory listing, with no unreasonable dialing delays." In the *UNE Remand Order,* the FCC removed directory assistance and operator services from the list of required unbundled network elements. *UNE Remand Order,* at ¶¶ 441-42. To comply with the competitive checklist, however, BellSouth must make directory assistance and operator services available on rates, terms and conditions that are just, reasonable and nondiscriminatory. *Id.* at ¶¶ 470-73.

The FCC concluded in the *Local Competition Second Report and Order* that the phrase "nondiscriminatory access to directory assistance and directory listings" means that "the customers of all telecommunications service providers should be able to access each LEC's directory assistance service and obtain a directory listing on a nondiscriminatory basis, notwithstanding: (1) the identity of a requesting customer's local telephone service provider; or (2) the identity of the telephone service provider for a customer whose directory listing is requested." *Second Louisiana Order,* ¶ 241, citing 47 U.S.C. § 51.217(c)(3); *Local Competition Second Report and Order,* ¶ 130-35. Nondiscriminatory access to the dialing patterns of 4-1-1 and 5-5-5-1-2-1-2 to access directory assistance were technically feasible, the FCC concluded, and would continue. *Second Louisiana Order,* ¶ 241, citing *Local Competition Second Report and Order,* ¶ 151. The FCC specifically noted that the phrase "nondiscriminatory access to operator services" means that "...a telephone service customer, regardless of the identity of his or

her local telephone service provider, must be able to connect to a local operator by dialing 'O', or 'O plus' the desired telephone number." *Id.* ¶ 112.

BellSouth provides directory assistance services to CLEC customers in the same manner as it does for its own retail subscribers. See LPSC Docket No. U-22252-E, Milner Affidavit, ¶ 151; Coutee Affidavit, ¶ 10; *Access One Agmnt.*, Att. 2, § 10.4. BellSouth provides CLECs access to the Directory Assistance Access Service (DAAS) and the Directory Assistance Call Completion service (DACC) via trunks connecting the CLEC's point of interface with the BellSouth platform. *See* LPSC Docket No. U-22252-E, Milner Affidavit, ¶ 151. As of February 28, 2001, CLECs in Louisiana had 145 directory assistance trunks in place between CLEC switches and BellSouth's platform. *Id.*, ¶ 152.

CLECs can provide their local exchange customers with the same access to BellSouth's DA using the same 411 dialing pattern as BellSouth provides its retail customers. *See* LPSC Docket No. U-22252-E,Coutee Affidavit, ¶ *10.* The DA request will be handled in the same manner as BellSouth does for its own retail local exchange customers. The same operators, the same automated systems, and the same databases are used to provide the CLEC local exchange customer with DA. Whether the CLEC elects to brand with its name or not brand, the call is handled with the same speed, care, accuracy and quality that a BellSouth retail local exchange customer would receive. *Id.*, ¶ 10.

BellSouth also provides CLECs with access to the Directory Assistance Database Service (DADS) to allow CLECs to use BellSouth's subscriber listing information to set up their own directory assistance services. *Id.*, ¶ 11; *Access One Agmnt.*, Att. 2 § 10.5. In addition, BellSouth provides CLECs with access to the Direct Access to Directory Assistance Service (DADAS), which gives CLECs direct access to BellSouth directory assistance database so that CLECs may

provide directory assistance services. *See* LPSC Docket No. U-22252-E, *Access One Agmnt.*, Att. 2 § 10.6. All information contained in BellSouth's listing database for its own end users, CLECs' end users, and independent LECs' end users is available to CLECs in the same manner as it is available to BellSouth itself. *See* LPSC Docket No. U-22252-E, Milner Affidavit, ¶ 155. In the *Second Louisiana Order,* the FCC found that BellSouth made a *prima facie* showing that it has a concrete legal obligation to provide nondiscriminatory access to directory assistance and operator services, and that it provides access to its directory assistance database on a "read only" or "per dip" inquiry basis through its DADAS. *Second Louisiana Order,* at ¶ 243; 248.

Despite the FCC's finding that BellSouth made a *prima facie* showing that it had a legal obligation to provide access to its directory listings database, the FCC also concluded that BellSouth failed to make a *prima facie* showing that it provides nondiscriminatory access: (1) to BellSouth-supplied operator services and directory assistance; and (2) to the directory listings in its directory assistance databases. *Second Louisiana Order,* ¶ 243. It observed in this regard, however, that " the deficiencies we identify...should be readily correctable by BellSouth." *Id.*

First, the FCC stated that in future applications, if BellSouth chose to rely on performance data to demonstrate its compliance with this checklist item "it should either disaggregate the data or explain why disaggregation is not feasible or is unnecessary to show nondiscrimination." *Second Louisiana Order,* ¶ 245. BellSouth has made such a showing to the Louisiana Commission. Disaggregation of performance data related to directory assistance and operator services is unnecessary because BellSouth's provision of directory assistance and operator services to CLECs is parity by design. *See* LPSC Docket No. U-22252-E, *Milner Affidavit,* ¶ 161. BellSouth states that the flow of service orders to directory assistance or operator services platforms is exactly the same regardless of the source of the service order. *Id.*,

¶ 161. Because calls are not differentiated between BellSouth retail calls and CLEC calls, there is no need to disaggregate performance data between the types of calls. The LPSC agreed in Docket No. U-22252-C that this appeared to be parity by design and in an abundance of caution is subjecting this conclusion to an independent third-party audit.

Second, the FCC concluded that BellSouth failed to demonstrate that it complies with the FCC's rebranding requirements. The FCC directed BellSouth in future applications to demonstrate that its method of providing branding results in nondiscriminatory access by showing, for example, that the way it brands operator calls for competing carriers is the same as the way it provides access to operator services for its own customers. *Second Louisiana Order*, ¶ 247. BellSouth concludes that CLECs have four branding options: BellSouth-branded; unbranded; custom branding; and self-branding. *See* LPSC Docket No.. U-22252-E, Milner Affidavit, ¶ 164. As demonstrated in the discussion of Checklist item 6, BellSouth provides CLECs the ability to apply unique branding via either AIN or line class codes. *Id.*, ¶ 170. A CLEC's use of line class codes to reach an OS/DA platform is the same as BellSouth's use of line class codes to reach its Traffic Operator Position System (TOPS), and thus BellSouth's provision of customized routing is nondiscriminatory. *Id.*, ¶ 171.[29]

In addition, BellSouth provides CLECs with Operator Line Number Screening (OLNS). OLNS is a method of providing customized branding in addition to the LCC and AIN methods.

[29] In response to its second Louisiana application, WorldCom claimed that BellSouth's rebranding solution imposes "an unreasonable requirement that would result in a grossly inefficient and costly parallel network for each CLEC seeking branded operator services." *Second Louisiana Order*, ¶ 247. It appears to the LPSC that BellSouth imposes no burden on the CLECs that it does not impose upon itself. Under the LCC method of customized routing, calls are directed at the end office switch to the requested OS/DA platform over dedicated trunks. Dedicated trunks are required because of the technical limitations of the switches. To the extent that CLECs choose the same OS/DA platform and the same branding (or unbranding) of calls, CLECs may share the transport between the end office switch and the platform. A CLEC's use of LCCs to reach an OS/DA platform is the same as BellSouth's use of LCC's to reach its TOPS platform, and thus BellSouth's provision of customized routing is nondiscriminatory. *Milner Affidavit*, ¶ 167. In addition, CLECs can avail themselves of the AIN method or OLNS.

Id., ¶ 164. OLNS provides a means of making information available to the OS/DA platform about the end user originating a telephone call. OLNS allows end users' calls to proceed from the end office switches to BellSouth's OS/DA platform over common trunk groups (that is, a single trunk group between an end office switch and the OS/DA platform carrying multiple service providers' traffic including calls from BellSouth's retail customers). Once the call arrives at the OS/DA platform, OLNS is used to "look up" the telephone number of the calling party in its database to determine whether and how to brand a call from that particular end user. *Id.*, ¶ 173.

Finally, the FCC found that BellSouth failed to demonstrate that it provides subscriber listing information in its directory assistance database in a way that allows CLECs to incorporate that information into their own database. *Second Louisiana Order,* ¶ 249. According to the FCC, "to comply with this requirement BellSouth must provide a requesting carrier with all the subscriber listings in its operator services and directory assistance databases except listings for unlisted numbers." *Second Louisiana Order,* ¶ 249. BellSouth has addressed this concern. All information contained in BellSouth's listing database for its own end users, CLECs' end users, and independent LECs' end users is available to competitive carriers in the same manner as it is available to BellSouth itself. *See* LPSC Docket No. U-22252-E, Milner Affidavit, ¶ 155; Coutee Affidavit, ¶ 11.

In conclusion, BellSouth is fully compliant with checklist item 7. BellSouth has remedied the concerns of the FCC from the *Second Louisiana Order*, and continues to provide CLECs with nondiscriminatory access to 911/E911.

H. CHECKLIST ITEM 8: White Pages Directory Listings

The Louisiana Commission previously concluded that BellSouth is satisfying its obligation in Section 271(c)(2)(B)(viii) to provide "[w]hite pages directory listings for customers of the other carrier's telephone exchange service." The FCC also concluded that BellSouth is meeting this checklist item. *Second Louisiana Order,* at ¶ 252. BellSouth's actions and performance at this time are consistent with the showing previously made to this Commission and the FCC upon which both regulatory agencies made the determination that the statutory requirements for the checklist item were met. *Second Louisiana Order*, n. 151; *see* LPSC Docket No. U-22252-E, Milner Affidavit, ¶ 175.

AT&T argued below that there are inadequate performance measures in this area. *See* LPSC Docket No. U-22252-E, *Bursch Affidavit*, ¶12. This Commission has already adopted what it views to be appropriate performance measures in its May 14, 2001 General Order. However, we invite AT&T to make this requested revision in the 6 month review of the measures.

KMC and Xspedius cited several instances where BellSouth has made mistakes in listings. *See* LPSC Docket No. U-22252-E, Goodly Affidavit, pp. 4-5; *KMC Comments*, p. 8. BellSouth witness Hudson responds. *See* LPSC Docket No. U-22252-E, Hudson Affidavit, ¶¶7-14. The LPSC is aware that mistakes are made on BellSouth's retail side in this area, and does not believe that the isolated events indicate a systemic failure that would overturn our previous finding. We find BellSouth in compliance with checklist item no. 8.

I. CHECKLIST ITEM 9: Numbering Administration

This Commission concluded that BellSouth met this competitive checklist requirement, and the FCC agreed with that conclusion. *Second Louisiana Order,* ¶ 260-262. Since that time,

NeuStar has assumed all the responsibilities of the North American Numbering Plan Administrator (NANPA). *See* LPSC Docket No. u-22252-E, Milner Affidavit, ¶ 176. BellSouth no longer has any responsibility for the assignment of central office codes (NXXs) or for NPA relief planning. *Id.* Although it is no longer a CO code administrator, and no longer performs any functions with regard to number administration or assignment, BellSouth continues to adhere to all relevant industry guidelines and FCC rules, including those provisions requiring accurate reporting of data to the Code Administrator. *Id.*, ¶ 182. For these reasons, the Louisiana Commission again concludes that BellSouth complies with this checklist item. No party contends otherwise.

J. CHECKLIST ITEM 10: Databases and associated signaling

Section 271(c)(2)(B)(x) of the 1996 Act requires a BOC to provide "nondiscriminatory access to databases and associated signaling necessary for call routing and completion." In the Second Louisiana Order, the FCC required BellSouth to demonstrate that it provided requesting carriers with nondiscriminatory access to: (1) signaling networks, including signaling links and signaling transfer points; (2) certain call-related databases necessary for call routing and completion, or in the alternative, a means of physical access to the signaling transfer points linked to the unbundled database; and (3) Service Management Systems (SMS). *See* Second BellSouth Louisiana Order, 267. The FCC also required BellSouth to design, create, test and deploy Advanced Intelligent Network (AIN) based services at the SMS through a Service Creation Environment (SCE). *Id.* at 272.

In the Local Competition First Report and Order, the FCC defined call-related databases as databases, other than operations support systems, that are used in signaling networks for billing and collection or the transmission, routing, or other provision of telecommunications