

**BELLSOUTH’S OSS AND DATA ACCURACY REMAIN  
SERIOUSLY DEFICIENT AND DISCRIMINATORY**

This *ex parte* submission responds to BellSouth’s eleventh hour flurry of *ex partes* that purport to justify the deficiencies in its operations support systems (“OSS”). “The Commission consistently has found that nondiscriminatory access to OSS is a prerequisite to the development of meaningful local competition,” *New York 271 Order* ¶ 83, and that discriminatory OSS “represent a significant potential barrier to entry.” *Local Competition Order* ¶ 516. Without nondiscriminatory access to a BOC’s OSS, competing carriers are “severely disadvantaged.” *New York 271 Order* ¶ 83.

BellSouth’s OSS remain discriminatory in many competitively significant respects, including incomplete integration, deficient service order accuracy, unreliable access to due dates, poor change control procedures, and low data accuracy. *See DOJ Eval.* at 13-30. These are not minor deficiencies, but serious barriers to entry. As the DOJ explained, “the combined effects of contending with these [OSS] problems . . . may raise costs for CLECs operating in Georgia and Louisiana, degrade the quality of service CLECs offer to their customers, erode CLEC reputations and customer relationships, and constrain CLECs from aggressively marketing their services.” *DOJ Eval.* at 14. Numerous CLECs likewise have filed detailed showings that BellSouth’s OSS deficiencies have significant competitive consequences. *See, e.g.*, Appendix A, attached.

Although these well-documented OSS failures require rejection of BellSouth’s pending section 271 application, BellSouth remains the master of its own fate. If, as BellSouth insists, solutions are at hand and will shortly be implemented, then BellSouth will be well positioned to submit a new application in the very near future. But BellSouth is unlikely ever to address these OSS barriers to entry unless the Commission insists, as the Act and its prior section 271 decisions require, that BellSouth do so *before* it receives in-region interLATA authority. The harm caused by granting BellSouth’s pending application, notwithstanding these myriad OSS deficiencies, would not stop with harm to competition and consumers in Georgia and Louisiana. Premature approval of this application would undermine competition in *all* BellSouth states, as BellSouth would insist in future applications that the bar had been set and that no improvement in its allegedly “regional” OSS could be required. *See DOJ Eval.* at 3 (“Requiring BellSouth to provide nondiscriminatory access to its OSS before this application is granted is important particularly because its first successful filing may well serve as the benchmark for evaluation of its OSS in states regionwide”).

BellSouth has in the last few days attempted to paper over the fatal defects in its OSS through a torrent of *ex parte* meetings and submissions. BellSouth insists that its integration, service order accuracy, due date, change control and data accuracy problems: (1) have been solved with post-Application “fixes,” (2) are competitively insignificant, or (3) are beyond the Commission’s authority to address given past 271 decisions involving other BOCs. As demonstrated below, these claims are, without exception, false.

## I. INTEGRATION OF PRE-ORDERING AND ORDERING.

To demonstrate that it is providing nondiscriminatory access to its OSS, BellSouth must show that it “has developed sufficient electronic (for functions that the BOC accesses electronically) and manual interfaces to allow competing carriers equivalent access to all of the necessary OSS functions.” *Pennsylvania 271 Order*, App. C., ¶ 30. “Integration” of pre-ordering and ordering systems is an especially critical component of nondiscriminatory OSS, because, without that capability, CLEC customers will experience the delays and provisioning errors that are inevitable when fields must be manually imported from one system to another. BellSouth indisputably denies CLECs the ability fully to integrate pre-ordering and ordering systems. Most importantly, BellSouth’s OSS do not provide CLECs with the necessary functionality to “parse” customer service records (“CSRs”) and thereby autopopulate local service orders with CSR data.<sup>1</sup> *See, e.g., Texas 271 Order* ¶ 153 (“[s]uccessful parsing is . . . a necessary component of successful integration”). As a result of this limitation, CLECs must manually re-enter information onto the local service request (“LSR”) – with the delays, errors and additional costs inherent in such manual processing. By contrast, BellSouth’s retail operations have full parsing capability that provides automatic electronic population of such data into BellSouth’s retail orders. *See AT&T* at 19-20; *Mpower* at 7-8; *WorldCom* at 22-26. The Commission identified this deficiency two years ago in its second Louisiana decision; CLECs have been seeking the parsing functionality for two years through the change control process; yet, BellSouth still refuses to provide it.

Despite clear direction from the Commission and CLECs’ relentless pressing of the issue, BellSouth now claims that no CLEC has “demonstrated” that BellSouth fails to provide integration.<sup>2</sup> That claim is absurd. The record in this proceeding is replete with evidence that BellSouth does not provide parsing or other critical integration functionalities. *See, e.g., AT&T* at 19-21; *see also* Appendix A, attached (citing a sample of the myriad deficiencies in BellSouth’s OSS identified by CLECs in this proceeding). BellSouth has not provided the documentation containing the business rules and specifications that a CLEC would require before it could even *attempt* to design software that would provide parsing of BellSouth’s CSR.<sup>3</sup> And the Georgia Public Service Commission (“GPSC”) has expressly *ordered* BellSouth to provide CLECs with parsing and certain other integration functionalities by early next year. Although it remains to be seen whether BellSouth will meet the GPSC deadline with nondiscriminatory parsing capabilities, the existence of the GPSC order surely dispels any suggestion that BellSouth *already* provides full integration capability. *See GPSC Reply Comments* at 10.

---

<sup>1</sup> “Parsed” pre-ordering information is electronic data that are divided into fields, that can be electronically transferred into other fields used in the pre-ordering and ordering process.

<sup>2</sup> It is BellSouth, not CLECs, that bears the burden of proof in this proceeding with respect to integration and the other necessary aspects of nondiscriminatory OSS.

<sup>3</sup> BellSouth has stated that the necessary information will become available today, December 17, 2001. There plainly will be no way for the parties or the Commission during the statutory Application period to determine whether the documentation BS does provide (assuming it meets its commitment to do so) will, in fact, facilitate CSR parsing.

In its most recent *ex partes*, BellSouth nonetheless purports to supply direct evidence that it provides full integration capabilities. That “evidence” consists of CLEC letters (most submitted only days ago) that BellSouth asserts make a “prima facie showing that it has enabled CLECs to integrate and transfer preordering information onto an order form.” *BellSouth Dec. 10 Ex Parte* at 2. Even the most cursory examination of the letters, however, confirms that BellSouth fails to provide CLECs – even those that it has convinced to write letters on its behalf – with integration capabilities.

*DeltaCom.* BellSouth claims that DeltaCom “stated unequivocally in sworn testimony . . . that it has integrated.” *BellSouth Dec. 10 Ex Parte* at 2. In fact, DeltaCom recently advised the Commission in its letter that it “has integrated pre-ordering and ordering functions for *one platform . . . on a limited basis*” and confirmed that it “does not enjoy the same level of functionality through its proprietary, ‘makeshift’ interface, as that enjoyed by a BellSouth retail representative.” *DeltaCom Letter* at 1 (emphasis added). DeltaCom was able to achieve even that limited integration only after hiring an “employee who had retired from a thirty year career with BellSouth Telecommunications, Inc. [and who used] her knowledge and experience with the BellSouth systems to develop proprietary [parsing software].” *Id.* And even with an experienced BellSouth insider, DeltaCom was unable to “adapt [its] . . . software to be of use for facilities or complex products (*i.e.*, Centrex) orders,” including products and services upon which CLECs necessarily rely in establishing a viable entry plan. *DeltaCom Letter* at 2.

*Momentum.* According to BellSouth, Momentum states that its has “integrated using vendor software.” *BellSouth Dec. 10 Ex Parte* at 2. In reality, Momentum claims only that it has obtained “limited” integration and goes on to complain that its attempts at integration have resulted in an “error rate which [Momentum] consider[s] *unacceptable*.” *Momentum Letter* at 1 (emphasis added). If anything, the Momentum letter thus undermines, rather than supports, BellSouth’s claim that it is providing the required full integration necessary for nondiscriminatory access to OSS.

*GoComm.* BellSouth contends that GoComm has likewise stated that it has “integrated using vendor software.” *BellSouth Dec. 10 Ex Parte* at 2. But GoComm, too, claims much less. *GoComm Letter* at 1 (claiming, without further explanation, integration of “TAG pre-ordering and a *limited* segment of TAG ordering interfaces”) (emphasis added). GoComm also concedes that it is unable to integrate “complex business orders.” *Id.* The GoComm letter provides no information about how many (if any) orders GoComm successfully placed, the error rate in those orders, or even how long GoComm has had this purported capability. In all events, the GoComm letter can hardly be taken at face value, given that GoComm’s affiliate is the vendor of the software that GoComm claims enables integration. *Id.*<sup>4</sup>

*Access Integrated.* BellSouth asserts that Access Integrated has successfully parsed and integrated all CSR information. *BellSouth Dec. 10 Ex Parte* at 2. Access Integrated does *claim* to have “integrated,” but only with some undefined “low” rejection rate. *Access Integrated Letter* at 1. And Access Integrated provides no supporting data or other evidence to support its claims, which are based on only *nine days*, at most, of commercial experience.

---

<sup>4</sup> One other aspect of the GoComm and Momentum letters is worth noting – the two letters use remarkably similar phrasing, as if they were penned by the same hand.

*Access Integrated Letter* at 1 (letter dated Dec. 6, 2001 claiming that Access has been integrating since Nov. 27, 2001). Incredibly, BellSouth argues that the week of “experience” claimed by Access Integrated (and supported by no actual evidence) is “more definitive than any evidence discussed in the Texas Order.” In fact, the Texas Order makes clear that at least one of the CLECs upon which the Commission relied with respect to integration claimed *ten months* of operations. *See Texas 271 Order* ¶ 155 & n.417.

BellSouth further misrepresents the record when it states that AT&T and WorldCom have “admitted” that they have obtained integration of *address* information. *BellSouth Dec. Ex Parte* at 1. Neither AT&T nor WorldCom has ever admitted that they have obtained the CSR parsing necessary for full pre-order/order integration; such parsing is not possible today, as the GPSC has recognized in ordering BellSouth to provide that capability in the future. Merely establishing that CLECs can obtain *some* address information electronically from databases other than CSRs simply cannot solve the competitive problem at issue here – the discriminatory delays, errors, and added processing costs that will exist until parsing is available and all relevant CSR information can be auto-populated to service orders. *See AT&T Comments* at 13-30; *AT&T Reply Comments* at 1-23; *WorldCom Comments* at 21-27; *WorldCom Reply Comments* at 11-12.<sup>5</sup>

Lacking any probative actual commercial operational evidence of the required integration capabilities, BellSouth contends that those capabilities have been confirmed by third-party testing conducted by KPMG. *See BellSouth Dec. 10 Ex Parte* at 2-3. KPMG has done no such thing. The KPMG report makes clear that, at most, KPMG sought only to determine whether integration would be possible *if* CLECs could obtain the necessary parsed data, which they cannot. KPMG’s test “*manually copied*” the pre-order information into the order system. *See BellSouth Nov. 30 Ex Parte*, Tab 14 at 1. Thus, KPMG did not even test, much less validate, CLECs’ ability to parse, a necessary predicate to full integration capability. *See also WorldCom Dec. 14 Ex Parte* at 2-3. BellSouth’s attempt to draw a parallel between the KPMG testing here and Telcordia’s integration testing in Texas fails for the same reason. The Telcordia test, despite all of its other shortcomings, at least used an automated simulation that parsed and populated fields electronically. *Texas 271 Order* ¶ 158.

BellSouth next contends that its failure to provide CSR parsing can be ignored because it has implemented Telephone number (“TN”) migration, which it claims “serves the same purpose as integration.” *BellSouth Dec. 10 Ex Parte* at 3. That is not true even in theory, which is why the GPSC ordered BellSouth to provide *both* TN migration *and* CSR parsing. *See GPSC Comments* at 10; *see also WorldCom Dec. 14 Ex Parte* at 4-5. In any event, BellSouth’s TN migration “work-around” simply does not work. *See id.* at 4-5. For example, at least as currently implemented, BellSouth offers TN migration only for some UNE-P orders. The TN work-around is not available at all for “migration as specified” orders that are required when, for example, a customer orders a different service or feature set than it purchased from BellSouth. The ability efficiently to process “as specified” orders is critical to CLECs’ ability to

---

<sup>5</sup> BellSouth only confirms the weakness of its showing when it feels the need to cite its own witness’ wholly unsupported statement that “it *appears* that CLECs have successfully integrated.” *BellSouth Dec. 10 Ex Parte* at 1 (emphasis added).

differentiate their products; indeed, *most* AT&T orders are as-specified orders.<sup>6</sup> See *BellSouth Nov. 30 Ex Parte* at 8.

In short, there is no possible basis for a finding on this record that BellSouth offers integration that would satisfy its obligation to provide nondiscriminatory access to OSS.

Recognizing as much, BellSouth argues that the Commission must simply ignore BellSouth's CSR parsing deficiencies, because, BellSouth claims, the Commission did so in the *Texas 271 Order*. The Commission need not, and plainly should not, adopt BellSouth's formalistic approach. As an initial matter, the evidence the Commission relied upon in the *Texas 271 Order* was quite different than the record in this proceeding. The *Texas 271 Order* relied on testimony by multiple CLECs, that they had integrated pre-ordering information with EDI ordering, and at least one of those CLECs purported to have had done so for at least 10 months. *Texas 271 Order* ¶¶ 155-156. BellSouth relies here upon equivocal CLEC statements that they have achieved some limited integration capabilities (and with "unacceptable" error rates) only in the last couple of weeks.<sup>7</sup> The *Texas 271 Order* relied on Telcordia's test of integration which "used documentation and other information obtained from SWBT to develop a program that automatically parsed and transferred information . . . directly onto an LSR." *Texas 271 Order* ¶ 158. As demonstrated above, no such electronic testing was even attempted here by KPMG. Finally, the only field that the Commission found could not be automatically populated in Texas was the address field. But the Commission determined that "[b]ecause service address information is not required for orders that migrate customers from *SWBT* retail to resale service, this level of integration" does not prevent competitors from obtaining nondiscriminatory access to SWBT's OSS. *Texas 271 Order* ¶ 155. No such claim could possibly be made here. As detailed above, the record is replete with evidence that the unavailability of CSR parsing imposes delay, provisioning errors and additional costs on CLECs and their customers, and, thus, that no finding that BellSouth has satisfied its obligation to provide nondiscriminatory access to OSS is possible.<sup>8</sup>

---

<sup>6</sup> Even if true, BellSouth's claim that, notwithstanding its integration deficiencies, its reject rates are better than those approved in prior approved applications ignores the additional costs and delays associated even with orders that are not rejected – not to mention the fact that the absence of CSR parsing deters entry altogether. See, e.g., Birch Comments at 2, 17-19 (noting that because of BellSouth's OSS deficiencies, "Birch markets only the simplest business and residential products and services in Georgia." By contrast, "in Texas and other SBC states where [the same OSS deficiencies do not exist] Birch markets an assortment of complex products and services").

<sup>7</sup> BellSouth's claims in its Dec. 12 Ex Parte that the Texas evidence came in only "days before" the Texas order are false. In reality, that evidence was submitted *before* Texas filed its application. Compare *Texas 271 Order* ¶ 155 n. 416 (Noting that the Sage and Navigator letters are dated March 29 and March 30 respectively) to *BellSouth Dec. 12 Ex Parte* at 1 (claiming that those letters were submitted on June 30 and June 14 respectively).

<sup>8</sup> The *Texas 271 Order* also relied upon the fact "that SWBT has engaged GE Global Exchange Services (GXS) as a third party expert to provide high-level consulting advice to competing carriers that seek to integrate pre-ordering and ordering functions." See *Texas 271 Order* ¶ 154.

In all events, a BOC cannot evade Commission consideration of a particular OSS deficiency and satisfy its Section 271 OSS burden simply by showing that with respect to that issue, another BOC, with systems and ordering requirements that well may be different from those of other CLECs, had likewise provided little evidence at the time its application was approved. Allowing such a pick-and-choose approach would result in a “race-to-the-bottom” as all future Section 271 applicants would scramble to identify the minimum set of individual OSS metrics pieced together from all prior Section 271-approved states and then do no more to improve their systems. Under BellSouth’s proposed approach, Section 271 approval in a state would effectively constitute a Commission ruling of adequacy with respect to the record support for *every single one* of hundreds of OSS issues, metrics and submetrics. That, in turn, would greatly expand the complexity of section 271 proceedings – and the burdens on the Commission and the parties – by effectively forcing the parties to litigate fiercely every single issue and subissue or risk having that BOC’s performance and record showing on each issue become the ceiling for all future applications. That is why the Commission has consistently rejected such strategies in the past, emphasizing that “[t]he determination of whether a BOC’s performance meets the statutory requirements necessarily is a contextual decision based on the totality of the circumstances and information before us.” *Texas 271 Order* ¶ 57. And by any legitimate standard, BellSouth has not met its burden of demonstrating that it provides the integration that is a pre-condition to the nondiscriminatory provision of OSS.

## **II. SERVICE ORDER ACCURACY.**

In its Application, BellSouth voluntarily submitted and relied upon commercial performance data and metrics for service order accuracy. BellSouth is now running as fast as it can away from its own commercial performance data, and with good reason. BellSouth’s performance under those metrics is abysmal. BellSouth’s Systems require a significant number of orders to be manually entered, either because of problems with electronically submitted orders or because the order was initially placed manually, thus creating the possibility of errors in re-entering orders. And BellSouth’s own reported performance data show that errors by its service representatives are frequent. *See* AT&T at 23-24. These errors, in turn, can – and do – cause errors in provisioning. Recent testing by KPMG in Florida has shown that *almost 50 percent* of LSRs are inaccurately provisioned. *See id.* The KPMG Georgia test likewise found BellSouth’s service order accuracy and provisioning accuracy “Not Satisfied” with BellSouth’s provisioning accuracy at the conclusion of that test, and stated that these failures could potentially have a material adverse impact on a CLEC’s ability to compete effectively. *See id.* That conclusion was certainly correct, albeit understated: these problems not only inflict substantial costs on CLECs, but deny them the efficiencies that they expected to realize as a result of their substantial investments in electronic systems. *See id.*

BellSouth contends that its abysmal reported performance is misleading because an order is counted as a “miss” whenever any field on that order is a miss. But that is entirely appropriate. Customer dissatisfaction – and hence competitive significance – plainly can be triggered by a single missing field. As AT&T and others demonstrated, for example, if a service or feature requested by the customer is omitted from a single field, the customer will not receive that requested service or feature. Likewise, if a directory listing is omitted or incorrectly listed, third parties will be prevented from reaching that customer. And a missing field that prevents a customer’s request for 900 number or directory assistance blocking may cause the customer to

incur hundreds of dollars in unwanted charges. These and other single field mistakes unquestionably cause significant customer dissatisfaction, which, as BellSouth is fully aware causes CLEC customers not only to terminate service, but, perhaps even more importantly, to disparage the CLEC's service to other potential customers. That is why prior Commission orders have scrutinized upon service order accuracy data calculated in the same manner as the data relied upon by BellSouth in its application. *See, e.g., New York 271 Order* ¶ 172 (noting that individual fields are checked for accuracy); *Michigan 271 Order* ¶ 212. By contrast, the "aggregate service order accuracy" – measured by dividing the total number of correct fields on all orders by the total number of required fields on those orders – is meaningless. As explained above, a single error on any order can be competitively disastrous for a CLEC. The relevant metrics are the number of orders that have errors, not simply the percentage of all fields that contain errors.<sup>9</sup>

BellSouth next contends that if the metrics it endorsed are to be considered, only those in which the sample size was greater than 100 should be used. But BellSouth failed (based on a 95% pass benchmark) to meet benchmark performance standards for two of even the four metrics which BellSouth claims had sample sizes larger than 100 (the BellSouth inquiry that produced these four metrics was apparently limited to Louisiana and only the month of October). In any event, BellSouth provides no statistical support for its suggested minimum sample size; in fact, much smaller samples are routinely used to generate statistically significant results. Moreover, it is BellSouth that submitted the data, and thus presumably BellSouth that determined the sample sizes. And to the extent that BellSouth is correct that the service order accuracy data it submitted is not statistically significant, that is a fatal deficiency given that the Georgia third party testing evidence is not remotely adequate to bridge the gap.

### **III. ACCESS TO DUE DATES.**

As explained above, the ability to provide a customer with prompt service parity with BellSouth is critical to customer satisfaction and to a new entrant's ability to compete. Customers expect a CLEC not only to provide service promptly, but also to be able to tell them, when they are still on the line, the date when the service will be installed. The CLEC must also, at that stage, be able to request the due date with reasonable assurance that the date will not change during the interval between the submission of the order and BellSouth's return of the Firm Order Confirmation ("FOC").

In the *Second Louisiana Order* (¶¶ 104-106), the Commission found that BellSouth failed to provide nondiscriminatory access to due dates because (1) BellSouth's systems prevented CLECs from telling their customers with certainty, while they are on the line, the date on which their service would be installed and (2) BellSouth did not provide CLECs with an automatic due date calculation capability equivalent to that used by BellSouth's retail

---

<sup>9</sup> An extreme example illustrates this point. Assuming that there was only one order with 100 fields, and that the order contained one error that omits the customer's name from directory assistance, BellSouth's proposed metrics would result in a 99% (99 correct fields/100 total fields) service order accuracy metric, even though, in reality, the service order was inaccurate, *i.e.*, 0% accuracy.

operations. The record in this proceeding demonstrates that BellSouth has still not fixed those problems. *See, e.g.*, AT&T at 20-21; Mpower at 4-5.

In its eleventh hour *ex parte*, BellSouth now claims that these problems are only a “glitch” that “has now been addressed.” That is false. As AT&T demonstrated, 40% of its orders (generally requesting same or next-day installation dates) submitted in early October – after fixes had purportedly been implemented – received improper lengthy due dates. Furthermore, AT&T submitted change request CR0520 in October 2001 seeking to have this problem addressed. On December 5, 2001 BellSouth finally provided a fix date of April 2002. BellSouth has promised to address the problem, but its purported solution is not even scheduled to be tested until early next year.

BellSouth contends that the problem is not competitively significant because BellSouth has established “work-arounds.” The first, manual work-around is no more than a promise by BellSouth to provide new due dates when a CLEC notifies it of a wrong due date in a Firm Order Confirmation. That is no solution at all given that CLECs seek, and are entitled to, same day due dates. The second, electronic solution is a purported “automated” system that checks 4 time a day for seemingly improper due dates. This workaround too is inadequate. This work-around apparently does not address all “migration as specified” orders, the majority of AT&T orders. *See AT&T Comments, Bradbury Decl.* ¶¶ 20-29. The third work around is supposed to address orders that fall-out in BellSouth’s systems, due to BellSouth systems design. BellSouth representatives are to manually adjust the due dates when they address the reason for fall-out. The second and third workarounds are inadequate, even with respect to orders for which they are designed: AT&T tested 550 orders between December 7 and 12 and found that even with the supposed work-arounds, more than 7% of orders received wrong due dates.

#### **IV. CHANGE CONTROL.**

Without a valid change management process in place, “a BOC can impose substantial costs on competing carriers simply by making changes to its systems and interfaces without providing adequate testing opportunities and accurate and timely notice and documentation of the changes.” *New York 271 Order* ¶ 103; *Texas 271 Order* ¶ 106. And even if an otherwise adequate change management process is in place, a BOC can still impose substantial costs and hardship on competing CLECs simply by failing to adhere to that process. *See AT&T Comments, Bradbury Decl.* ¶ 170.

BellSouth has not established, or complied with, an adequate change control process (“CCP”). DOJ correctly notes that the current CCP in BellSouth’s region “does not appear to prompt efficient implementation of system fixes for known defects in BellSouth’s OSS, as well as system enhancements desired by CLECs.” *DOJ Eval.* at 29. And the comments confirm that BellSouth’s CCP denies CLECs meaningful input into the process, and gives BellSouth the sole power to decide what changes will be implemented and the priority in which those changes will be implemented. BellSouth’s CCP is also inadequate in scope, because it excludes such critical areas as BellSouth’s order editing and legacy systems, any replacements to BellSouth’s OSS, and billing systems – where many CLEC-affecting changes are made. And BellSouth has compounded the problems created by the inadequacies of the CCP by repeatedly disregarding the CCP. *See id.*; *AT&T Comments* at 26-28; *Birch Comments* at 32-36; *Cbeyond*

*Comments* at 18-19; *CompTel Comments* at 4-8; *Covad Comments* at 30-34; *WorldCom Comments* at 33-43. Most recently, BellSouth violated the CCP by implementing “migration by telephone number” functionality with only *one day’s notice* to CLECs – and then did not even provide CLECs with the business rules for the new functionality until 5 days *after* such implementation. *AT&T Reply, Bradbury Decl.* ¶ 16.

BellSouth responds to all of these criticisms with misleading figures. It contends there have been roughly the same number of change requests implemented for CLECs (32) and BellSouth (33). As an initial matter, BellSouth arrived at the 32 CLEC requests figure by looking as far back as June, 1999; the 33 BellSouth requests were implemented beginning in April 2000. In other words, about 3 years of implemented CLEC change requests produces roughly the same number of change requests implemented for BellSouth over about 2 years. *See Stacy Reply, OSS-7.* Moreover, the 32 *implemented* CLEC changes were out of a total of 153 CLEC change requests; the 32 BellSouth implemented changes were out of a total of only 95 BellSouth requests. And BellSouth completely ignores the fact that, when it does implement a CLEC change request, it takes significantly longer, on average, to implement that change request (164 days) than it does to implement a BellSouth change request (60 days).<sup>10</sup>

With regard to funding for the change request process, BellSouth’s “commitment” to maintain the same percentage level that it currently spends<sup>11</sup> is irrelevant without a corresponding showing that the current level of spending is sufficient to ensure nondiscriminatory processes. BellSouth’s “commitment” to prioritize 5 of the top 15 CCP feature requests for the first half of 2002 is likewise hollow. BellSouth has been *ordered* by the GPSC to implement two of those features. *See GPSC Reply* at 10. That means that BellSouth is *voluntarily* prioritizing only 3 out of 15 (or 1/5<sup>th</sup>) of the top 15 feature requests for the first half of 2002.

Finally, BellSouth’s assertion that CLECs have not brought change control issue complaints to the GPSC or other state commissions is simply false. AT&T, for one, has raised the deficiencies in the change control process before the GPSC in arbitration, as well as before state commissions in several other BellSouth states. But even if (counterfactually) AT&T had not challenged BellSouth’s change control procedures in the past, that obviously would not preclude AT&T, or any other CLEC, from pointing out that BellSouth has failed to meet its burden of proving that those procedures are discriminatory in this Section 271 proceeding.

---

<sup>10</sup> BellSouth claims that the difference is that the BellSouth figures do not include time to prepare requests, but the same is true of the CLEC figures. In any event, that could hardly explain a 104 day difference in implementation.

<sup>11</sup> CLECs would likely dispute BellSouth’s undefined category of “CLEC-drive regulatory mandates.” *See* KPMG Florida Amended Exception 88, at 4 (KPMG consulting is “concerned” that BellSouth’s proposal “will not be sufficient to correct defects and conduct maintenance of BellSouth production systems”); *id.* (KPMG cannot respond to this portion of the proposal without an adequate understanding of the BellSouth definition for “CLEC-driven mandate”).

## V. DATA ACCURACY

There is no sound basis upon which the Commission could conclude that BellSouth's performance data are accurate, stable and reliable, a fundamental showing in all prior approved applications. *See, e.g. Kansas/Oklahoma 271 Order* ¶ 278 (“[a]s we held in prior Section 271 orders, the reliability of reported data is critical: the performance measures must generate results that are meaningful, accurate and reproducible”). BellSouth's actual performance in many areas remains a mystery. The measures on which BellSouth relies are inherently unreliable and have not been properly implemented. BellSouth's data collection and performance reporting processes are error-ridden.<sup>12</sup> And, as DOJ correctly observed, the frequency and magnitude of BellSouth's revisions to its performance data preclude any presumption that its reported results are reliable. *DOJ Eval.* at 34.

The myriad “[p]roblems with BellSouth's performance data have been identified by CLECs, KPMG, the Department, and BellSouth itself.” *DOJ Eval.* at 32. The serious discrepancies, errors, and omissions in BellSouth's data that render its results wholly unreliable include, *inter alia*: (1) BellSouth's exclusion of LSRs submitted in one month, but rejected or confirmed in another; (2) the unilateral exclusion of directory listing orders from ordering and provisioning results; (3) the exclusion of LSRs that BellSouth classifies as projects; (4) the exclusion of LSRs that are completed in one month, but for which the completion order is issued in another; (5) the exclusion of non-business hours when calculating FOC and rejection notice timeliness for partially-mechanized orders; (6) the exclusion of additional installation misses after the initial missed appointment; (7) the use of incorrect timestamps when measuring intervals; (8) missing acknowledgements, completion notices, rejection notices, FOCs, and jeopardy notices; (9) erroneous rejection notices; (10) and inaccurate flow-through data. These deficiencies in BellSouth's performance are well documented in the comments filed in this proceeding.

Unfortunately, AT&T has found even more deficiencies in BellSouth's data since its last round of comments. Thus, for example, in December AT&T notified BellSouth that 1,412 of AT&T's completion notices are missing from BellSouth's performance data.<sup>13</sup> Further, AT&T recently notified BellSouth that there are significant discrepancies in its data on acknowledgments, FOCs, and reject notice timeliness. *Id.*

In its most recent *ex partes*, BellSouth attempts to deflect attention from these fatal flaws in its performance data.<sup>14</sup> Shrouding itself in the KPMG audits, BellSouth asserts that

---

<sup>12</sup> *See, e.g., WorldCom Comments* at 8, 18; *Birch Comments* at 10-12; *Covad Comments* at 35-39; *DOJ Eval.* at 2, 35; *Bursh/Norris Reply Decl.* at 2-28; *NuVox Comments* at 4, 9-10; *Sprint Comments* at 19.

<sup>13</sup> Electronic messages from KC Timmons to Jan Flint (BellSouth) dated December 5, 6, 2001.

<sup>14</sup> In its December 10 *ex parte*, BellSouth asserts that, since October 2, it has reposted its data for only *one* measure (flow-through). *BellSouth Dec. 10 Ex Parte*, Att. at 8. Thus, BellSouth attempts to leave the clear impression that its repeated corrections to its performance results are ancient history, and that its errors in performance reporting are now confined to a single measure. However, the corrections that BellSouth made to its performance data on flow-through presumably *should have* resulted in corrections to other metrics. In this regard, BellSouth's

those audits have somehow validated the “vast majority of BellSouth’s measures.” *BellSouth December 14 Ex Parte*, Att. at 11. In an effort to bolster this misguided assertion, BellSouth attempts to diminish the significance of the considerable work that remains to be done to complete metrics testing in Georgia and to divert attention from the substantial problems with its data that have been uncovered to date.

In order to place these issues in context, it is important to understand the audits that have been conducted and are currently being conducted in Georgia. The audits in Georgia consist of three phases. KPMG conducted its Phase I audit or Supplemental Test Plan (STP) evaluation using the *September 1999* Service Quality Measurements (“SQM”) which did *not* include a number of key metrics, including metrics on LNP and hot cut performance. The Phase I audit focused on BellSouth’s *October 1999* data (unless retests were required). *See* STP Final Report VIII-E-1. As DOJ correctly observed, BellSouth *cannot* properly rely on this Phase I audit because that test “was limited in scope.” *DOJ Eval.* at 5. DOJ also observed that KPMG determined that certain “performance” related criteria were deemed satisfied” even when BellSouth did not meet established Georgia PSC standards.” *DOJ Eval.* at 5 n.14. However, even the flawed Phase I audit resulted in a number of exceptions relating to BellSouth’s performance data, including five exceptions that remain open in Georgia (Exceptions 86, 89, 122, 136 and 137).

During the Phase II audit, KPMG is attempting to recalculate the performance results that BellSouth provided as trend charts for its Section 271 filing based upon BellSouth’s raw data that KPMG accepts at face value. However, KPMG’s unsuccessful attempts to replicate BellSouth’s reported data have resulted in the issuance of Exception 129 during this phase. In addition, KPMG is continuing to evaluate BellSouth’s trend charts and has reported that issues relating to the replication of BellSouth’s trend charts remain unresolved.

In its *December 14 Ex Parte*, BellSouth contends that the Phase I and II audits have validated the vast majority of its measures and suggests that any testing that remains to be completed in Phase III is of no probative value. *See BellSouth December 14 Ex Parte*, Att. at 11. BellSouth’s position is patently absurd. The GPSC, recognizing that extensive changes were made to the SQM that was the focus of the Phase I audit (including new metrics and changes in disaggregation, analogs, benchmarks, and business rules) ordered KPMG to reaudit all of the systems and processes supporting measurement creation, as well as any new or changed metrics. As a result, during Phase III, KPMG is reauditing 60 of the 74 measures identified in the SQM. Critically, as the Department of Justice explains, this audit “will include the *first* audit of a significant number of new product disaggregations and newly implemented measures.” *DOJ Eval.* at 32, n.109. Thus, although BellSouth suggests that any testing that is currently being conducted in Phase III is of no probative value, the reality is that the Phase III audit is critical to any assessment regarding the stability and reliability of BellSouth’s data.

---

multiple restatements of its flow-through data that were posted in October 2001 reflected significant revisions to the number of issued service orders and the number of LSRs that purportedly fell out for manual processing due to CLEC error. *Bradbury Reply Decl.* ¶¶ 44-46 n.17. These corrections to BellSouth’s flow-through data theoretically should have affected and resulted in changes to its data on FOCs and rejections. However, BellSouth has made no such corrections.

On December 7, 2001, KPMG filed a status report with the GPSC regarding the Phase III audit. Letter from Steven Strickland (KPMG) to Leon Bowles (GPSC) dated December 7, 2001. KPMG reported that its replication testing is only 47% complete, and that the data integrity portion of its test is only 25% complete. Unlike the replication test that accepts BellSouth's data at face value, the data integrity test assesses whether BellSouth has properly captured all of the transactions in its raw data that are used to calculate performance results. The data integrity test that has just commenced is extremely important, particularly since AT&T and other commenters have found that BellSouth improperly excludes transactions from its reported results. Significantly, KPMG has reported that it has uncovered issues in its tests on Standards and Definitions, Change Management, Data Integrity, and Replication. *Id.* KPMG has also reported that it has uncovered problems with BellSouth's performance data that mirror those that have been unearthed in the Florida audit. *Id.* Notably, according to BellSouth's own *December 14 Ex Parte*, three additional third party test exceptions that were issued in Florida will be added to the Georgia metrics audit. *See BellSouth December 14 Ex Parte*, Georgia Metrics Audit Open Issues at 14. Additionally, during a conference call on December 12, 2001, KPMG reported that it has developed three other new exceptions<sup>15</sup> to be filed with the GPSC, and that there are additional draft exceptions that are pending BellSouth's response. KPMG CLEC Status Meeting Minutes at 3.

In an attempt to downplay the significance of these problems, BellSouth claims that any performance data problems identified thus far in Phase III are inconsequential. Thus, for example, BellSouth characterizes KPMG's inability to replicate BellSouth's performance results on rejection notices as a "documentation issue" having no impact on performance results. *BellSouth December 14 Ex Parte*, Att at 4. In fact, the reason why KPMG cannot replicate BellSouth's performance results on rejection notices is because BellSouth improperly *excludes* from its results LSRs received in one month, but rejected in another.

Similarly, BellSouth claims that KPMG's inability to replicate June data for certain metrics has had no impact on subsequent months. *BellSouth December 14 Ex Parte*, Att. at 6. This claim is also baseless. As BellSouth concedes, KPMG has not even completed its testing of BellSouth's June data. *Id.* As a consequence it is premature for BellSouth to make any representations regarding the impact of these replication problems on its data for June or any subsequent month. The values for these metrics reported in the post-June time period simply have not been tested due to replication problems found in June.

BellSouth's *ex parte* submissions are otherwise littered with self-serving pronouncements regarding the purported *de minimis* impact of any performance metrics problems and highly partisan analyses of KPMG's interim findings. Conceding that KPMG could not replicate BellSouth's Order Completion Interval 271 charts from April through June 2001, BellSouth dismisses this finding, stating that it (BellSouth) has conducted its own analysis and has successfully replicated these values. *BellSouth December 14 Ex Parte* Att. at 4. Similarly, BellSouth discounts KPMG's inability to replicate the values in its 271 charts by proclaiming that this problem is nothing more than an "anomaly." *Id.* at 7, 10. Without any supporting evidence, BellSouth claims that other problems identified in the Phase III audit have

---

<sup>15</sup> KPMG reported that it has prepared three new exceptions in Georgia. (Exceptions 138, 139 and 140). However, only one of these exceptions (Exception 139) is identified in *BellSouth's December 14 Ex Parte*.

“no MSS impact” – even though KPMG has been unsuccessful in replicating BellSouth’s values and is currently retesting BellSouth’s reported results. *Id.* at 3-4, 6-7, 9, 12.

In a final effort to gloss over the significant defects in its data uncovered thus far and dismiss the importance of the ongoing metrics audit in Georgia, BellSouth claims that the Commission in its *Texas 271 Order* established that audited data are not required for Section 271 approval. *BellSouth December 11 Ex Parte*, Att. at 8. However, the facts in this case are clearly distinguishable from those in the Texas 271 proceeding. In the *Texas 271 Order*, “the accuracy of the specific performance data relied upon by SWBT [was] not contested.” *Texas 271 Order* ¶51. Here, in contrast, CLECs and DOJ plainly *have* challenged the accuracy of the performance data on which BellSouth relies to support its application. Furthermore, KPMG has issued exceptions during the metrics audit in Georgia that remain open; KPMG plans to import several exceptions from Florida to the Georgia audit; KPMG has issued draft exceptions to BellSouth that await BellSouth’s response; additional problems have been uncovered during the ongoing Phase III audit; and the metrics audit will not be completed until March 2002. Indeed, by BellSouth’s own count, there are 48 open issues in the still incomplete Phase III audit. *BellSouth December 14 Ex Parte* at 19. And, remarkably, BellSouth’s own application is replete with admissions regarding errors in its data collection and reporting processes. Bursh/Norris Decl. ¶ 101. Against this backdrop, there is no possible basis for concluding that BellSouth’s performance data are “accurate and reproducible” and provide probative evidence that it has satisfied its Section 271 obligations. *Kansas/Oklahoma 271 Order* ¶ 278.

### **CONCLUSION**

BellSouth cannot paper over the myriad deficiencies in its OSS with last minute *ex parte* meetings and submissions. Put simply, this application is premature. BellSouth can remedy the deficiencies in its OSS, and it must be required to do so before it is granted interLATA authority.

## APPENDIX A

### CLECs' HAVE DEMONSTRATED THAT BELL SOUTH'S OSS IS DISCRIMINATORY

NuVox and Broadslate Comments, at 6-7 (filed Oct. 22, 2001):

“Broadslate has been unable to order BellSouth's Unbundled Copper Loops-Nondesignated (“UCL-ND”) either electronically or manually. BellSouth's web-based Local Exchange Navigation System (“LENS”) rejected orders for such loops, despite confirmation from BellSouth personnel that Broadslate placed the orders correctly”

“In July 2001, Broadslate placed approximately 86 UCL-ND orders with BellSouth. BellSouth missed one quarter of the original FOC dates for such orders and nearly half of the revised FOC dates. As a result, some customers lost service, and others had to be converted to more expensive BellSouth loop products. . . . BellSouth is not providing nondiscriminatory access to unbundled network elements and to loops.”

CompTel Comments, at 9 (filed Oct. 22, 2001):

“[R]epeated outages, as well as the CLECs' inability to rely on OSS interfaces, have an adverse impact on the quality of the services that a CLEC can provide to its customers in Georgia. Each LENS outage interferes with a CLEC's ability to serve new or potential customers. During these outages, CLECs are unable to order resold services, verify customer information, obtain customer service records, or make feature changes. Similarly, EDI outages also interfere with a CLEC's ability to conduct its business, as CLECs rely on EDI to order UNEs.”

CBeyond Comments, at 17-19 (filed Oct. 22, 2001):

"Cbeyond has made repeated requests to BellSouth requesting the ability to order EELs via a mechanized process. Despite Cbeyond's repeated requests, BellSouth's statements to the Georgia Commission and the Georgia Commission's requirement that BellSouth accept electronic orders for EELs, BellSouth has failed to provide a mechanized process or even notify Cbeyond when EEL mechanization will become commercially available. Incredibly, on October 10, 2001, BellSouth informed Cbeyond, as well as other CLECs who participate in the change control process, that BellSouth does indeed have an established process for accepting EEL orders via the ASR process. Contrary to BellSouth's repeated statements . . . BellSouth now states that the electronic ASR process is ‘currently being used by MCI for EEL orders.’ BellSouth further states ‘methods and procedures exist for handling CLEC requests for EELs under this alternative method.’ This is an astounding admission in light of BellSouth's previous statements. This also flies in the face of BellSouth's statements to the Georgia commission in its 271 Reply Comments, where BellSouth states that electronic ordering of DS1 UNE combinations ‘are being developed under the auspices of the CCP and should be implemented later this year.’”

Madison River, Network Plus and MPower, at ii & 2-7 (filed Oct. 22, 2001):

“In the pre-ordering stage, CLECs often find the LENS and EDI interfaces down, and have endured slow response times with the TAG interface. CLECs are also faced with the application of BellSouth business rules that impose discriminatory requirements on CLECs and make the migration of a customer from BellSouth to a CLEC both more arduous and expensive. CLECs are also still waiting . . . for access to parsed CSRs at parity with BellSouth's retail division.

“In the ordering stage, poor flow-through with BellSouth’s OSS still continues, and this poor flow-through leads to more errors in the processing of the order and delays in obtaining FOCs and reject notices. When a CLEC does finally receive the FOC, the FOC date is often unreliable.”

“With BellSouth's OSS . . . a CLEC has trouble even accessing information much less getting information at parity. The OSS interfaces are often down, as a result of which the CLEC cannot access the information needed to make a determination on ordering and place the order. . . . During the April-June 2001 period, there were 42 LENS outages ranging from 24 minutes to over 24 hours. . . . During this period there were 28 EDI outages, which ranged from 16 minutes to as long as 2 days . . . CLECS use these interfaces to perform pre-ordering and ordering functions. . . . The consequences of these outages is that CLECs simply cannot place orders for existing or prospective customers. Thus, these outages fundamentally undercut CLECs' ability to compete.”

“CLECS have also experienced problems with BellSouth's TAG pre-ordering system. Mpower uses the TAG system to order loops. The TAG system is providing due dates outside of the normal interval. Mpower has notified BellSouth, but Bellsouth has yet to fix the problem. . . . This is most certainly not provisioning at parity.”

“BellSouth’s OSS . . . does not provide “parsed” CSRs to CLECs in the same manner that BellSouth's retail operations enjoy. Unfortunately, despite the fact that the CLECs have requested parsed CSRs since 1998, CLECs will not have access to parsed CSRs until early 2002. . . . The lack of parsed CSRs leads to excessive CLEC order rejections. In addition, CLECs have had to expend valuable time and resources to get the information in a format that the BellSouth OSS will accept.”

Birch Reply Comments, at 2 (filed Nov. 13, 2001):

“The impact of BellSouth's low flow-through rate and service order errors goes further than simply requiring Birch to needlessly devote resources to correct BellSouth's mistakes. As a result of BellSouth's poor performance. . . . Birch markets only the simplest business and residential products and services in Georgia. Birch does not have confidence that BellSouth’s systems will allow it to successfully market more complex products and services. By contrast, in Texas and other SBC states where flow through and service order accuracy are not as significant a problem, Birch markets an assortment of complex products and services including integrated voice/data access over a T-1 line and Birch’s own DSL product. The importance of this effect cannot be overlooked. BellSouth’s poor performance has reduced competition by discouraging entry into certain segments of the market and by weakening CLECs by reducing their market

opportunities and ultimately their profitability. The ultimate losers are Georgia consumers who are denied the benefits of competitive advanced services.”

XO, NuVox and Broadslate Reply Comments, at 6-10 (filed Nov. 13, 2001):

“BellSouth's LENS and EDI are often partially or totally out of service. . . . LENS outages interfere with a CLEC's ability to service new customers or customer prospects. The ability to order resold services, verify customer information, pull customer service records and make feature changes is suspended. EDI outages make it impossible to even order UNEs to serve new customers. Delays attributable to EDI outages can cause a CLEC to miss a committed installation date for a new customer.”

PacWest and US LEC Reply Comments, at 20 (filed Nov. 13, 2001):

“It is uncontroverted that BellSouth's retail division starts out with a tremendous advantage at the pre-ordering stage due to parsed CSRs. Due to the lack of parsing, CLECs have to ‘manually re-enter information from a CSR into the local service order-a process that is more time-consuming, costly and susceptible to error than would be the case if the CLECs could parse the information and populate it electronically into the local service order.’ BellSouth's retail division has full parsing capability in place thereby mitigating the risk of delay and error. CLECs instead have to type all the information into an order.”