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Public Service Commission

January 18, 2002

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VIA AIRBORNE EXPRESS

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 Twelfth Street, SW - TW-A325
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Re: CC Docket No. 01-318/Performance Measurements and Standards for Unbundled Network Elements and Interconnection
CC Docket No. 98-56, Performance Measurements and Reporting Requirements for Operations Support Systems, Interconnection, and Operator Services and Directory Assistance
CC Docket No. 98-147, Deployment of Wireline Services Offering Advanced Telecommunications Capability
CC Docket Nos. 98-147, 96-98, 98-141, Petition of Association for Local Telecommunications Services for Declaratory Ruling

Dear Ms. Salas:

Enclosed are an original and 15 copies of the comments of the Florida Public Service Commission in response to the Notice of Proposed Rulemaking (NPRM) regarding national performance measurements and standards for unbundled network elements and interconnection in the above dockets.

Please date stamp and return one copy in the enclosed envelope.

Sincerely,

Cynthia B. Miller, Esquire
Office of Federal and Legislative Liaison

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Florida Public Service Commission
CC Docket No. 01-318 et al
January 18, 2002

SUMMARY OF FLORIDA PUBLIC SERVICE COMMISSION COMMENTS

In summary, while we do not recommend a highly prescriptive national approach for wholesale measurements and standards, we acknowledge that some degree of harmonization might be useful in order to have some basic level of consistency across the states. A set of broad minimum federal requirements, which states may augment and fine-tune to meet their particular needs, would be workable in our view. Such an approach would ensure that any national standards do not supplant the exacting efforts of the FPSC and other state commissions. In addition, any national standards should merely serve as one factor in determining compliance with the Telecommunications Act of 1996, and enforcement of any national standards should be performed by the FCC.

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In the Matter of)	
)	
Performance Measurements and Standards for Unbundled Network Elements and Interconnection)	CC Docket No. 01-318
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Performance Measurements and Reporting Requirements for Operations Support Systems, Interconnection, and Operator Services and Directory Assistance)	CC Docket No. 98-56
)	
Deployment of Wireline Services Offering Advanced Telecommunications Capability)	CC Docket No. 98-147
)	
Petition of Association for Local Telecommunications Services for Declaratory Ruling)	CC Docket Nos. 98-147, 96-98, 98-141

COMMENTS OF THE FLORIDA PUBLIC SERVICE COMMISSION

The Florida Public Service Commission (FPSC) would like to address specific aspects of the Notice of Proposed Rulemaking (NPRM) in the above referenced dockets, which was released on November 19, 2001. In particular, we will offer our recommendations with respect to the issue of harmonizing state and national measurements and standards. Also, the FPSC has conducted an extensive proceeding on wholesale service quality measurements and standards, which addressed the majority of the issues raised in the NPRM. We are enclosing a copy of our order from this proceeding and attaching copies of information sheets (which are similar in format to the template provided in the Appendix to the NPRM) on specific measurements and standards that have been ordered by the FPSC.¹

¹ Docket No. 000121-TP, Order No. PSC-01-1819-FOF-TP, Issued September 10, 2001
(<http://www.psc.state.fl.us/psc/dockets/index.cfm?event=TransferFile&thisFileSize=890534&thisFileName=01%2D1819%2Dord%2Ewpd&thisFile=01%5C11248%2D01%5C01%2D1819%2Eord>)

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Notwithstanding these caveats, we believe that a set of minimum federal requirements, which states may augment and fine-tune to address ILEC specific issues, would be workable and would assist in setting a floor for wholesale service quality in the local market. This concept of a wholesale service quality floor may well assist competitive local exchange companies (CLECs) in their business planning, by reducing one element of uncertainty. In addition, a set of minimum federal requirements may be helpful to states that are early in the process and could provide a point of departure for such state level proceedings. Also, some states could even elect to use the federal minimums as a default, thereby avoiding the time and expense of a proceeding.

On the issue of “whether national measurements and standards should establish compliance with the Act’s requirements standing alone or should be merely one factor in our review” (¶ 19), we believe that wholesale measurements and standards should be just one factor in determining compliance. In concept, we believe that measurements and standards can only address how well functions are being performed. Measurements and standards cannot address whether the required wholesale offerings are being made available, or whether the applicable prices and conditions of service are compliant with governing law.

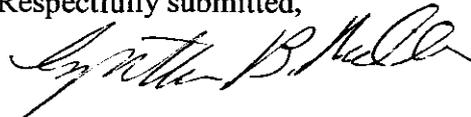
The possibility of a joint federal-state task force is discussed in ¶ 19 of the NPRM. Assuming the FCC proposes to move forward with national standards, we believe that a joint federal-state task force could be useful, if conducted at a broad, conceptual level. States which have implemented performance plans can provide guidance on underlying issues associated with the process.

In ¶ 21 of the NPRM, the FCC seeks comment as to whether the Commission should use its available enforcement mechanisms to enforce any national measurements and standards it might adopt. To the extent that the FCC adopts national measurements and standards, then national

In addition, the FPSC has approved approximately 60 other metrics. The complete list of approved Florida metrics is provided in the enclosed FPSC order on Attachment 2, page 25, and is offered to the FCC for consideration. The FPSC's efforts have included development of metrics in such areas as Operator Services and Directory Assistance, Database Update, E911, Trunk Group Performance, Collocation, and Change Management. While the FPSC understands the need for the FCC to limit the number of metrics it seeks to establish, the FPSC believes the consideration of these additional 60 metrics has merit.

In summary, while we do not recommend a highly prescriptive national approach for wholesale measurements and standards, we acknowledge that some degree of harmonization might be useful in order to have some basic level of consistency across the states. A set of broad minimum federal requirements, which states may augment and fine-tune to meet their particular needs, would be workable in our view. Such an approach would ensure that any national standards do not supplant the exacting efforts of the FPSC and other state commissions. In addition, any national standards should merely serve as one factor in determining compliance with the Telecommunications Act of 1996, and enforcement of any national standards should be performed by the FCC.

Respectfully submitted,



Cynthia B. Miller, Esquire
Office of Federal and Legislative Liaison

FLORIDA PUBLIC SERVICE COMMISSION
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DATED: January 18, 2002

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

JAN 28 2002

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In re: Investigation into the establishment of operations support systems permanent performance measures for incumbent local exchange telecommunications companies.

DOCKET NO. 000121-TP
ORDER NO. PSC-01-1819-FOF-TP
ISSUED: September 10, 2001

The following Commissioners participated in the disposition of this matter:

E. LEON JACOBS, JR., Chairman
J. TERRY DEASON
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BRAULIO L. BAEZ
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DOCUMENT NUMBER-DATE

11248 SEP 10 02

FPSC-COMMISSION CLERK

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ECTA: Electronic Communications Trouble Administration
EEL: Extended Enhanced Loop
FOC: Firm Order Confirmation
FPSC: Florida Public Service Commission
HDSL: High Speed Digital Subscriber Loop/Line
ILEC: Incumbant Local Exchange Company
IS: Interconnection Services
KPMG: KPMG Consulting Inc.
LCSC: Local Carrier Service Center
LERG: Local Exchange Routing Guide
LIDB: Line Information Database
LNP: Local Number Portability
LON: Local Order Numbering
LRN: Location Routing Number
LSR: Local Service Request
NXX: Prefix portion of a telephone number
OSDA: Operator Services Directory Assistance
OSS: Operations Support Systems
PAP: Performance Assessment Plan
PF: Pending Facilities
PMAP: Performance Measurement Analysis Platform
PSC: Public Service Commission

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ii.

LIST OF ACRONYMS

Act:	The Federal Communications Commission Telecommunications Act of 1996
ALEC:	Alternative Local Exchange Company
ARMIS:	Automated Reporting Management Information System
ASR:	Access Service Request
BFR:	Bona Fide Request
BOC:	Bell Operating Company
BRC:	Business Repair Center
BST:	BellSouth Telecommunications Company, Inc.
CSOTS:	CLEC Service Order Tracking System
DSL:	Digital Subscriber Line
DUF:	Daily Usage File

determine and resolve any policy and legal issues in this matter. Phase II will involve establishing permanent metrics for BellSouth Telecommunications, Inc. (BellSouth), including a specific monitoring and enforcement program. The procedural requirements and dates set forth in the Order Establishing Procedure pertain to Phases I and II. The performance assessment plan resulting from Phases I and II will apply to BellSouth only. An administrative hearing for Phases I and II was held on April 25-27, 2001. At the completion of Phase II, we will begin Phase III of this docket, which will entail the establishment of performance metrics and a performance monitoring and evaluation program for the other Florida ILECs.

By Order No. PSC-01-1097-PCO-TP, issued May 8, 2001, all parties were granted a two-week extension to file post hearing briefs. The ALEC Coalition filed a post-hearing brief on behalf of AT&T Communications of the Southern States, Inc. (AT&T); MCI Metro Access Transmission Services, LLC; MCI WorldCom Communications, Inc., (WorldCom); DIECA Communications Company d/b/a Covad Communications Company (Covad); Mpower Communications Corp. (Mpower); e.spire Communications, Inc. (e.spire); and ITC^DeltaCom Communications, Inc. (ITC^DeltaCom). The Florida Cable Telecommunications Association (FCTA) also filed a post-hearing brief but did not take a position on any issue. We have considered the FCTA argument and basic position in its brief. We note that KMC Telecom Inc. (KMC), Time Warner Telecom of Florida, L.P. (Time Warner), and IDS Telecom LLC (IDS) did not file post-hearing briefs. Therefore, pursuant to the terms of the Prehearing Order, those parties have waived all issues.

COMMISSION JURISDICTION

We are vested with jurisdiction over this matter pursuant to Sections 364.01(3) and (4)(g), Florida Statutes. Pursuant to Section 364.01 (3), Florida Statutes, the Florida Legislature has found that regulatory oversight is necessary for the development of fair and effective competition in the telecommunications industry. To that end, Section 364.01 (4) (g), Florida Statutes, provides, in part, that this Commission shall exercise its exclusive jurisdiction in order to ensure that all providers of telecommunication service are treated fairly by preventing anticompetitive behavior. Furthermore, it is noted that the FCC has encouraged the states to implement performance metrics and

ORDER NO. PSC-01-1819-FOF-TP
DOCKET NO. 000121-TP
PAGE 7

PSIMS: Product/Service Order Inventory Management System
RNS: Regional Negotiation System
ROS: Regional Ordering System
SQM: Service Quality Measures
SEEM: Self-Effectuating Enforcement Mechanism
SOCS: Service Order Control System
SWBT: Southwestern Bell Telephone
TAFI: Trouble Analysis Facilitation Interface
TSOCT: Total Service Order Cycle Time
UCL: Unbundled Copper Link
UNE: Unbundled Network Element
VSEEM: Voluntary Self-Effectuating Enforcement Mechanism

I. BACKGROUND

We opened this docket to develop permanent performance metrics for the ongoing evaluation of operations support systems (OSS) provided for alternative local exchange carriers' (ALECs) use by incumbent local exchange carriers (ILECs). Associated with the performance metrics is a monitoring and enforcement program that is to ensure that ALECs receive nondiscriminatory access to the ILEC's OSS. Performance monitoring is necessary to ensure that ILECs are meeting their obligation to provide unbundled access, interconnection and resale to ALECs in a nondiscriminatory manner. Additionally, it establishes a standard against which ALECs and this Commission can measure performance over time to detect and correct any degradation of service provided to ALECs.

This docket consists of three phases. Phase I began with workshops conducted by our staff with members of the ALEC and ILEC communities. These workshops were held on March 30, 2000, August 8, 2000, and December 13, 2000. The purpose of Phase I was to

BellSouth in Florida that include the SQMs proposed by BellSouth. BellSouth believes "[t]he SQMs are more than adequate to allow the Florida Public Service Commission and the ALECs to monitor BellSouth's performance and to determine that nondiscriminatory access to BellSouth's Operations Support Systems (OSSs) is being provided to ALECs in Florida."

BellSouth's witness Coon states that the BellSouth SQM document is a comprehensive and detailed description of BellSouth Service Quality Measurements. Witness Coon explains the SQMs are divided into eleven sections, each one representing a different group of measurements relating to a specific portion of BellSouth's Operations Support Systems. "The end result is eleven sections totaling 71 measurement categories."

ALEC witness Kinard believes that a performance measurement plan needs to be comprehensive because significant gaps in coverage can make it extraordinarily difficult and time-consuming to detect and deter below parity performance. Witness Kinard states that when an area of BellSouth's performance is not covered by a metric, the primary tool available to an ALEC to remedy poor performance is an action to enforce the party's interconnection agreement. Witness Kinard continues that enforcement actions based upon disparate treatment can be uphill battles because the ALEC must prove that BellSouth is providing better service to itself, its customers or its affiliates than to the ALEC. To make the case, the ALEC must somehow obtain accurate interval BellSouth information concerning the services it provides to itself, its customers or its affiliates. Even if this can be done, witness Kinard says an enforcement case can take far too long for an ALEC attempting to solve an immediate problem affecting its business. According to witness Kinard, "[c]omprehensive performance metrics therefore go hand-in-hand with the potential for broad scale entry into the local market."

ALEC witness Kinard states that measurements should cover all problems that can and have arisen through real market experience with:

- (A) Service delivery methods such as resale and individual unbundled network elements (such as loops or transport), UNE combinations (such as

monitoring for purposes of evaluating the status of competition under the Telecommunications Act of 1996.

II. USE OF KPMG'S REVIEW OF BELL SOUTH PERFORMANCE MEASURES AND SUGGESTED NEEDS

This Section addresses how KPMG's review of BellSouth's Performance Measures and suggested modifications will be incorporated into the Performance Assessment Plan.

We find it appropriate to approve the following stipulation which was agreed to by BellSouth, AT&T, e.spire, FCTA, WorldCom, KMC, Covad, Mpower, Z-tel, Time Warner and IDS:

Any appropriate modifications shall be addressed as part of the next performance assessment plan review cycle. This review shall occur approximately six months after completion of this proceeding.

III. SERVICE QUALITY MEASURES TO BE REPORTED

The service quality measures monitor nondiscrimination in Operation Support Systems provided to ALECs. Therefore, it is important that the metrics capture all key aspects of ILEC service while avoiding redundant and unimportant metrics. The terms measure and metric are synonymous have been used interchangeably throughout this Order. The major measurement categories are preordering, ordering, provisioning, maintenance and repair, and billing. In addition, the following categories are also included: operator service and directory assistance, database information, E911, trunk group performance, collocation, and change management.

Arguments

BellSouth's Service Quality Measurements (SQMs) are designed to evaluate the quality of service delivered to BellSouth's wholesale and retail customers. BellSouth witness Coon states that the appropriate service quality measures to be reported by BellSouth are attached to his testimony in DAC-1. Witness Coon states that BellSouth measurements are the result of more than two years of work with direction provided by several state commissions and the FCC and input provided by various ALECs. Witness Coon also states that more than 87 ALECs currently have agreements with

Provisioning

3. Percent Successful xDSL Loops Cooperatively Tested
4. Percent Completion/Attempts without a Notice or with less than 24 Hours Notice
5. Percent of Orders Canceled or Supplemented at the Request of the ILEC
6. Percent Customers Restored to ILEC
7. Mean Time to Restore Customer to the ILEC
8. Percent Completion of Timely Loop Modification
9. Percent of Hot Cuts Not Working as Initially Provisioned
10. Percent On Time Hot Cut Performance

Maintenance & Repair

11. Mean Jeopardy Interval for Maintenance & Trouble Handling

Billing

12. Percent Billing Errors Corrected in X Days
13. Percent on Time Mechanized Invoice Delivery

Trunk Group Performance

14. Timeliness of Response for BST to ALEC Trunks
15. Percent Response to Requests for BST to ALEC Trunks Provided within 7 Days
16. Percent Negative Responses to Requests for BST to ALEC Trunks

Bona Fide Request (BFR) Process

17. Percentage of Requests Processed within 30 Business Days
18. Percentage of Quotes Provided for Authorized BFRs/Special Requests within X (30, 60, 90) Days

Change Management

19. ILEC vs CLEC Changes Made

Software Issues

20. Percent Software Certification Failures
21. Software Problem Resolution Timeliness

- enhanced extended loop and platform), and facilities interconnection.
- (B) Products and processes such as coordinated conversions, various flavors of xDSL and line sharing and line splitting services, local number portability, loop acceptance testing and loop conditioning.
 - (C) Retail-wholesale relationships management such as operational support systems speed and connectivity, help desk responsiveness, database update accuracy and timeliness, and change management processes, and software error correction timeliness.
 - (D) Provisioning status notices such as acknowledgments, confirmations, rejections, completion notices, jeopardy notices and loss notices.
 - (E) Maintenance responsiveness and capability in resolving customer trouble reports.
 - (F) Billing accuracy and completeness for the end user customer and the ALECs.

DECISION

In order to more clearly ascertain where the proposed differences are in relation to the various proposed SQMs, we have prepared Attachment 1. This attachment identifies the number of metrics by category proposed by BellSouth compared to the metrics proposed by the joint ALEC Coalition. BellSouth has proposed 71 measures, and the joint ALEC Coalition proposal contains 94 measures.

The following is a list of the 23 metrics, listed by category, that the ALEC Coalition is requesting in addition to those that BellSouth has proposed in this proceeding.

Ordering

1. Call Abandonment Rate (Ordering and Maintenance)
2. Percent Order Accuracy

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FINAL ORDER REQUIRING PERFORMANCE ASSESSMENT PLAN

BY THE COMMISSION:

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While we agree with the FCC's statement of authority (§ 14), we respectfully request the FCC to consider the work the FPSC and other states have done, before exercising that authority. We believe that any national standards designed to encompass all incumbent local exchange companies (ILECs) might only represent the lowest common denominator of available standards. Consequently, as will be explained below, any national standards should not supplant the exacting efforts of the FPSC and the other state commissions.

On the desirability of harmonizing state and national measurements and standards (§ 15-20), we do not recommend a highly prescriptive approach, although we acknowledge that some degree of harmonization might be useful in order to have a basic consistency across the various states. From a practical perspective, we question the feasibility of having one national system. Even within the state of Florida, we are not attempting to establish one system for all ILECs. There is variability in the operations support systems and processes used by the various ILECs, which means that, at a minimum, the business rules may need to vary between ILECs. While we believe that the wholesale service quality measurements and standards for the Florida ILECs should be similar, we do not envision that they should be identical across ILECs since there are differences between companies in how functionally similar systems measure processes.

As we continue to transition towards a more competitive environment, we believe it would be a mistake to establish a set of measurements and standards which have the effect of requiring system uniformity across ILECs for purposes of performing the pre-ordering, ordering, provisioning, maintenance and repair, and billing functions. This view is consistent with the FCC's goals "to rationalize the multiple regulatory requirements, and thereby not increase incumbent carriers' regulatory burdens." § 16

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enforcement of those measurements and standards is vitally important. The FPSC believes that the FCC should use all available enforcement mechanisms to enforce any national measurements and standards.

The FPSC has ordered metrics that are conceptually similar to ten of the twelve metrics proposed by the FCC, as shown below.

FCC Proposed Metrics	FPSC Ordered Comparable Metrics
OSS Pre-Order Interface Response Timeliness	Average Response Time & Response Interval
Order Notifier Timeliness	Firm Order Confirmation Timeliness, Reject Interval
Order Completion Notifier Timeliness	Average Completion Notice Interval
Percent of Jeopardies	Average Jeopardy Notice Interval & Percentage of Orders Given Jeopardy Notices
Percent On Time Performance	None
Average Delay Days on Missed Installation Appointments	None
Installation Quality	Percent Provisioning Troubles within 30 days
Percent Missed Appointments	Percent Missed Installation Appointments
Open Orders in Hold Status	Mean Held Order Interval & Distribution Intervals
Trouble Report Rate	Customer Trouble Report Rate
Repeat Trouble Rate	Percent Repeat Troubles within 30 Days
Time to Restore	Maintenance Average Duration

The attached information sheets (which are similar in format to the template provided in the Appendix to the NPRM) detail the above-noted metrics, exclusions, business rules, levels of disaggregation, and standards ordered by the FPSC.

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