

not subject to reciprocal compensation, whether Verizon pays such compensation is “irrelevant to checklist item 13.” *See Pennsylvania Order* ¶ 119.

84. Another CLEC – Cablevision – claims that “Verizon does not permit requesting carriers to implement their legal right to receive the tandem reciprocal rate.” Cablevision at 12. Cablevision has mischaracterized Verizon’s position. As Cablevision acknowledged in its comments, “[a] CLEC’s eligibility to receive the tandem rate depends only on whether the CLEC can demonstrate that its switch ‘serves a geographic area comparable to that served by the incumbent LEC’s tandem switch.’” Cablevision at 12-13. During the parties’ negotiations, Verizon asked Cablevision to demonstrate that its switch in fact served a geographic area comparable to the area served by Verizon’s tandem switch and Cablevision declined to make such a demonstration. The parties therefore submitted the issue to arbitration and it has now been resolved with a determination that Cablevision qualifies for the tandem reciprocal compensation rate. *See Petition of Cablevision CLI – NJ, Inc. for Arbitration Pursuant to Section 252(b) of the Telecommunications Act of 1996 to Establish an Interconnection Agreement with Verizon New Jersey Inc.*, Docket No. TO01080498, Transcript of Board Meeting (NJ BPU Jan. 9, 2002).

85. Cablevision also suggests that Verizon plans to charge Cablevision for the transport of Verizon-originated traffic over Verizon’s network to any single interconnection point. Cablevision at 11. This is exactly the same argument Cablevision raised with respect to interconnection at a single point in a LATA. As we explained above, the allocation of financial responsibility for interconnection facilities is an open

issue in the Commission's Intercarrier Compensation NPRM. In any event, this dispute between Verizon and Cablevision was resolved in the arbitration. *Id.*

h. Resale.

86. In our declaration, we demonstrated that Verizon is satisfying all checklist obligations to make telecommunications services available for resale and that its resale performance is excellent. During November and December 2001, Verizon's resale performance continued to be excellent.

87. Verizon is providing resale services when CLECs want them. During August, September and October 2001, Verizon's missed appointment rate on resale orders in New Jersey that did not require a dispatch was less than one third of one percent. During November and December 2001, Verizon's missed appointment rate on resale orders in New Jersey that did not require a dispatch was less than one half of one percent. *See Carrier-to-Carrier Performance Reports (Guerard/Canny/DeVito Reply Decl., Att. 1).*

88. In addition, during August, September and October 2001, Verizon's missed installation appointment rate on resale orders in New Jersey that did require a dispatch was 5.06 percent. During November 2001, Verizon's missed installation appointment rate on resale orders in New Jersey that required a dispatch was 2.97 percent. During December 2001, Verizon's missed installation appointment rate on resale orders in New Jersey that required a dispatch was 3.37 percent. *See Carrier-to-Carrier Performance Reports (Guerard/Canny/DeVito Reply Decl., Att. 1).*

89. As we explained in our declaration, the average interval completed measures from the Carrier-to-Carrier Performance Reports are flawed and do not

accurately represent Verizon's nondiscriminatory performance. Despite these flaws, Verizon's reported average interval performance for the provision of CLEC POTS resale orders in New Jersey is in parity. For example, during August, September and October 2001, Verizon's average installation interval for CLEC business resale orders that did not require a dispatch was 1.45 days, as compared to 2.57 days for the retail comparison group. Likewise, during this same period, Verizon's average installation interval for CLEC residential resale orders that did not require a dispatch was 1.45 days, as compared to 1.21 days for the retail comparison group.

90. During November 2001, Verizon's average installation interval for CLEC business resale orders that did not require a dispatch was 1.20 days, as compared to 2.62 days for the retail comparison group. Likewise, during this same period, Verizon's average installation interval for CLEC residential resale orders that did not require a dispatch was 1.18 days, as compared to 1.07 days for the retail comparison group. *See Carrier-to-Carrier Performance Reports (Guerard/Canny/DeVito Reply Decl., Att. 1).*

91. During December 2001, Verizon's average installation interval for CLEC business resale orders that did not require a dispatch was 0.99 days, as compared to 3.66 days for the retail comparison group. Likewise, during this same period, Verizon's average installation interval for CLEC residential resale orders that did not require a dispatch was 1.11 days, as compared to 1.23 days for the retail comparison group. *See Carrier-to-Carrier Performance Reports (Guerard/Canny/DeVito Reply Decl., Att. 1).*

92. Verizon is also installing resale services for CLECs with a high level of quality. During August, September and October 2001, only 6.32 percent of CLEC resale lines in New Jersey had reported troubles within 30 days of installation, as compared to

5.78 percent for the retail comparison group. During November 2001, only 5.28 percent of CLEC resale lines in New Jersey had reported troubles within 30 days of installation, as compared to 5.40 percent for the retail comparison group. During December 2001, only 4.98 percent of CLEC resale lines in New Jersey had reported troubles within 30 days of installation, as compared to 5.57 percent for the retail comparison group. *See Carrier-to-Carrier Performance Reports (Guerard/Canny/DeVito Reply Decl., Att. 1).*

93. Verizon's maintenance of resale service in New Jersey is consistently comparable to its maintenance of its own retail services. During August, September and October 2001, just 1.22 percent of resold CLEC POTS lines in New Jersey had reported troubles found in either the outside plant or the central office, as compared to 1.29 percent for the retail comparison group. During November 2001, just 0.94 percent of resold CLEC POTS lines in New Jersey had reported troubles found in either the outside plant or the central office as compared to 1.01 percent for the retail comparison group. During December 2001, just 0.93 percent of resold CLEC POTS lines in New Jersey had reported troubles found in either the outside plant or the central office as compared to 1.13 percent for the retail comparison group. *See Carrier-to-Carrier Performance Reports (Guerard/Canny/DeVito Reply Decl., Att. 1).*

94. Another measure of Verizon's maintenance performance is the missed repair appointment rate. Although the Carrier-to-Carrier Performance Reports track repair appointments separately for troubles on resold CLEC POTS lines found in the field and those found in the central office, the customer is primarily interested in whether Verizon met the repair appointment regardless of where the trouble is located. During August, September and October 2001, Verizon's average missed repair appointment rate

(Missed Repair Appointment – Loop (MR 3-01) and Missed Repair Appointment – Central Office (MR 3-02)) for resold CLEC POTS lines overall in New Jersey was 10.45 percent and for the retail comparison group was 21.34 percent. During November 2001, Verizon's average missed repair appointment rate (Missed Repair Appointment – Loop (MR 3-01) and Missed Repair Appointment – Central Office (MR 3-02)) for resold CLEC POTS lines overall in New Jersey was 9.81 percent and for the retail comparison group was 16.30 percent. During December 2001, Verizon's average missed repair appointment rate (Missed Repair Appointment – Loop (MR 3-01) and Missed Repair Appointment – Central Office (MR 3-02)) for resold CLEC POTS lines overall in New Jersey was 13.39 percent and for the retail comparison group was 20.36 percent. In other words, Verizon met its commitment for completing the repair by the committed time about 89 percent of the time for CLECs and about 80 percent of the time for the retail comparison group. *See Attachment 19.*

95. Verizon's mean time to repair performance for resold CLEC POTS lines (Mean Time to Repair – Total (MR 4-01)) is also in parity with the retail comparison group. During August, September and October 2001, Verizon's mean time to repair resold POTS lines was, on average, 22.79 hours for CLECs in New Jersey and 30.42 hours for the retail comparison group. During November 2001, Verizon's mean time to repair resold POTS lines was 16.84 hours for CLECs in New Jersey and 20.58 hours for the retail comparison group. During December 2001, Verizon's mean time to repair resold POTS lines was 19.71 hours for CLECs in New Jersey and 23.43 hours for the retail comparison group. *See Attachment 20.*

96. Finally, Verizon's percent repeat trouble report rate for resold CLEC POTS lines (% Repeat Reports within 30 Days (MR-5-01)) is excellent, when adjusted to exclude trouble reports where Verizon could not obtain access at the customer premises. During August, September and October 2001, the percent repeat trouble report rate for CLECs in New Jersey was 16.70 percent and for the retail comparison group was 18.70 percent. During November 2001, the percent repeat trouble report rate for CLECs in New Jersey was 15.76 percent and for the retail comparison group was 17.82 percent. During December 2001, the percent repeat trouble report rate for CLECs in New Jersey was 16.63 percent and for the retail comparison group was 18.88 percent. *See* Attachment 21.

i. Miscellaneous.

97. XO argues that the Commission should not grant Verizon's application while Verizon is operating under a force majeure declaration. XO at 22-23. XO mischaracterizes the implications of the notice Verizon issued regarding the force majeure event associated with the tragic events of September 11, 2001. Verizon's interconnection agreement with XO provides that neither party shall be liable for delays or breach of the interconnection agreement caused by force majeure events. *See* Interconnection Agreement between Verizon and XO Communications, Section 19.1 (App. H, Tab 9). It further provides that the party affected by the force majeure event will provide prompt notice to the other party. *Id.* at Section 19.2. That notice, however, is not a unilateral declaration that the party will stop performing under the agreement. In fact, with the exception of New York, Verizon has not requested a waiver of any

performance requirements or penalties for the events of September 11th in any of its states or before the FCC.

98. More importantly, the existence of the force majeure event has not prevented Verizon from demonstrating that its performance meets checklist requirements, nor during the state hearings on Verizon's Section 271 application, was XO able to identify a single instance or customer affected by its supposed concerns respecting Verizon's declaration of a force majeure event. As part of its application, Verizon has provided performance data from before and during the force majeure event and that data shows that Verizon's checklist performance is nondiscriminatory. The existence of the force majeure event is therefore irrelevant to this proceeding.

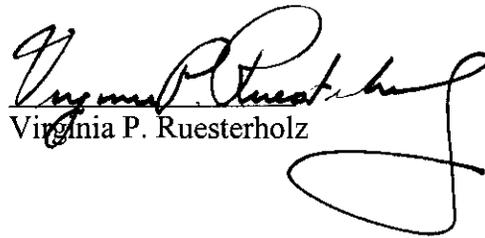
I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on January 31, 2002

  
Paul A. Lacouture

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on January 31, 2002

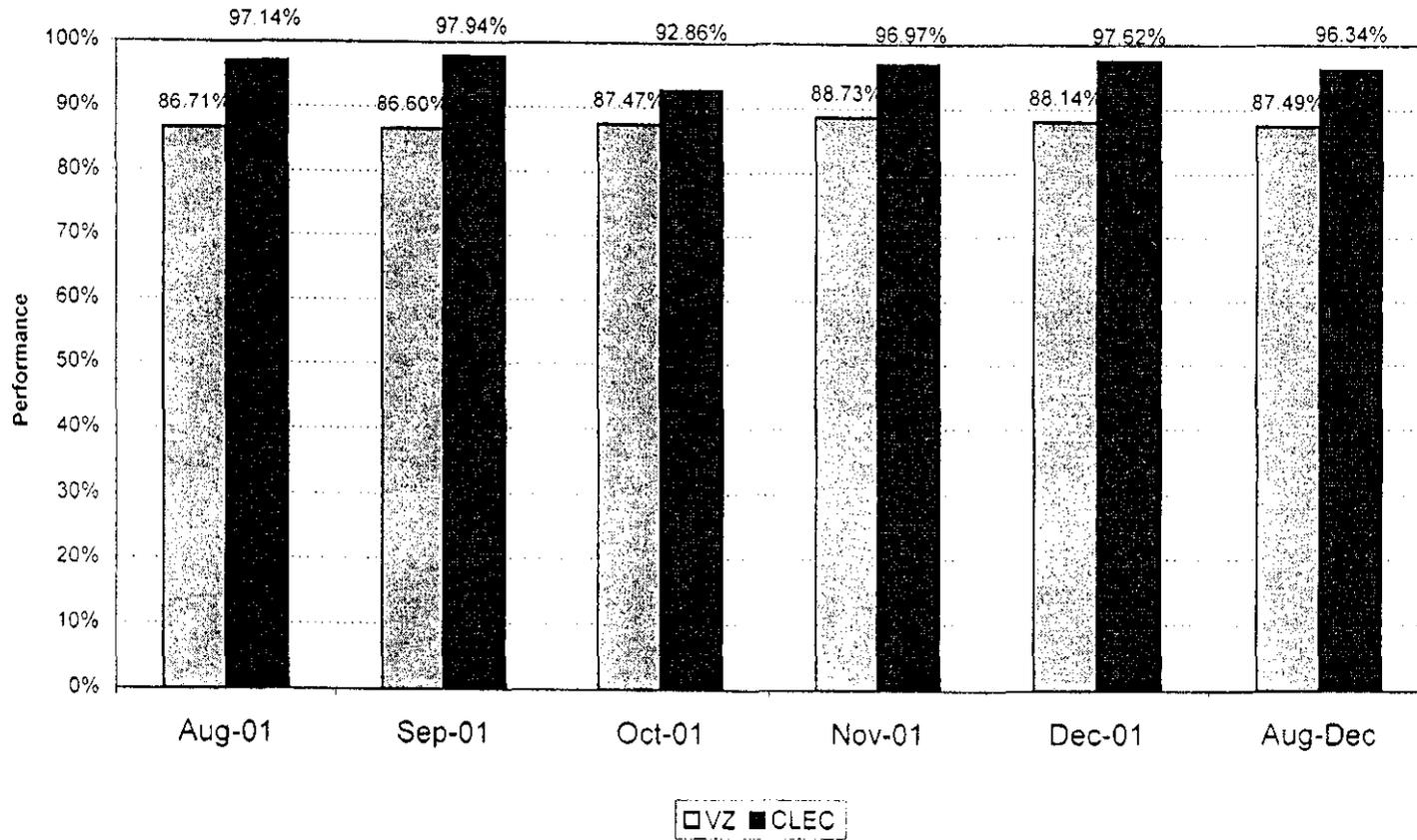
  
Virginia P. Ruesterholz



REPLY DECLARATION OF PAUL A. LACOUTURE AND  
VIRGINIA P. RUESTERHOLZ

ATTACHMENT 1

**New Jersey - UNE POTS**  
**Provisioning - % Appointments Met - Verizon - Dispatch - Loop New - (Inverse of PR-4-04)**  
**Aug - Dec 01**



New Jersey - UNE POTS  
 Provisioning - % Missed Appointments - Verizon - Dispatch - Loop New - (PR-4-04)  
 Aug - Dec 01

PR-4-04

Aug-01    Sep-01    Oct-01    Nov-01    Dec-01    Aug-Dec

VZ
Performance
Observations

13.29%	13.40%	12.53%	11.27%	11.86%	12.51%
42820	36665	45174	35150	36773	196582

CLEC
Performance
Observations

2.86%	2.06%	7.14%	3.03%	2.38%	3.66%
105	97	112	66	84	464

% Appointments Met Inverse of PR-4-04

VZ
Performance
CLEC
Performance

86.71%	86.60%	87.47%	88.73%	88.14%	87.49%
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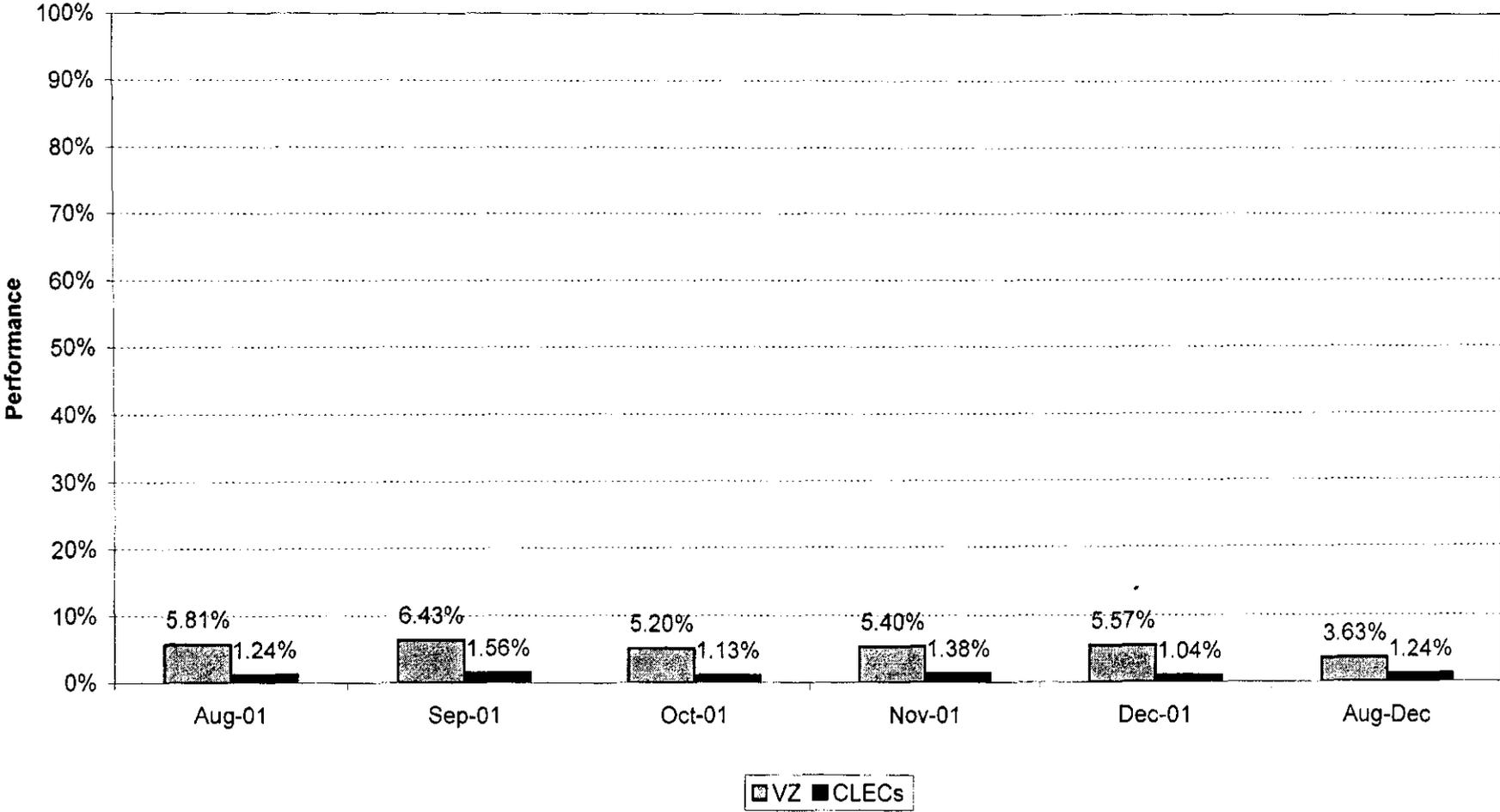
97.14%	97.94%	92.86%	96.97%	97.62%	96.34%
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REPLY DECLARATION OF PAUL A. LACOUTURE AND  
VIRGINIA P. RUESTERHOLZ

ATTACHMENT 2

**New Jersey - UNE POTS**  
**Provisioning - % Installation Troubles Reported within 30 Days - TOTAL (Loop/Platform)**  
**(PR-6-01)**  
**Aug - Dec 01**



**New Jersey - UNE POTS**  
**Provisioning - % Installation Troubles Reported within 30 Days - Total (Loop/Platform) - (PR-6-01)**  
**Aug - Dec 01**

**PR-6-01**

**% Installation Troubles Reported within 30 days - Loop**

VZ
Performance
Observations
CLEC
Performance
Observations

	<u>Aug-01</u>	<u>Sep-01</u>	<u>Oct-01</u>	<u>Nov-01</u>	<u>Dec-01</u>	<u>Aug-Dec</u>
Performance	5.81%	6.43%	5.20%	5.40%	5.57%	5.67%
Observations	241802	198750	240734	194848	207732	1083866
Performance	1.42%	1.80%	1.29%	1.97%	2.25%	1.67%
Observations	4376	3449	4177	2887	2443	17332

**PR-6-01**

**% Installation Troubles Reported within 30 days - Platform**

VZ
Performance
Observations
CLEC
Performance
Observations

	<u>Aug-01</u>	<u>Sep-01</u>	<u>Oct-01</u>	<u>Nov-01</u>	<u>Dec-01</u>	<u>Aug-Dec</u>
Performance	5.81%	6.43%	5.20%	5.40%	5.57%	5.67%
Observations	241802	198750	240734	194848	207732	1083866
Performance	1.04%	1.19%	0.99%	1.10%	0.68%	0.94%
Observations	4134	2188	4556	6177	8361	25416

**PR-6-01 - Weighted Average**

**% Installation Troubles Reported within 30 days - Total**

VZ
Performance
Observations
CLEC
Performance
Observations

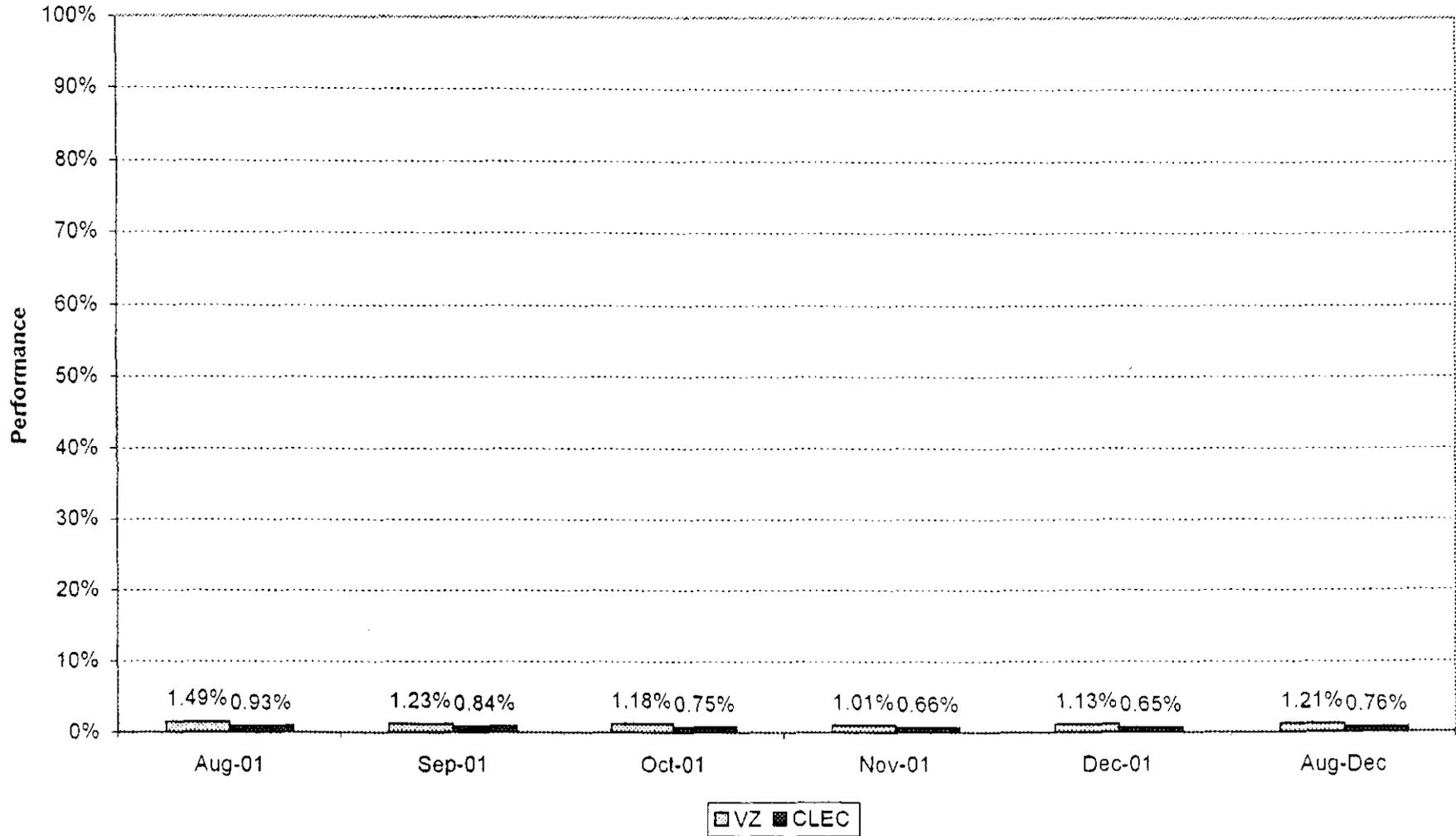
	<u>Aug-01</u>	<u>Sep-01</u>	<u>Oct-01</u>	<u>Nov-01</u>	<u>Dec-01</u>	<u>Aug-Dec</u>
Performance	5.81%	6.43%	5.20%	5.40%	5.57%	3.63%
Observations	241802	198750	240734	194848	207732	1083866
Performance	1.24%	1.56%	1.13%	1.38%	1.04%	1.24%
Observations	8510	5637	8733	9064	10804	42748



REPLY DECLARATION OF PAUL A. LACOUTURE AND  
VIRGINIA P. RUESTERHOLZ

ATTACHMENT 3

New Jersey - UNE POTS  
 Maintenance - Total Network Trouble Report Rate - (Sum of MR-2-02 and MR-2-03)  
 Aug - Dec 01



**New Jersey - UNE POTS  
Maintenance - Total Network Trouble Report Rate - Sum of MR-2-02 and MR-2-03  
Aug - Dec 01**

**MR-2-02**

**Network Trouble Report Rate - Loop**

VZ
Performance
Observations
CLEC
Performance
Observations

Aug-01   Sep-01   Oct-01   Nov-01   Dec-01   Aug-Dec

1.38%	1.13%	1.07%	0.90%	0.98%	1.09%
6250771	6246652	6221607	6198608	6170954	31088592

0.88%	0.79%	0.73%	0.63%	0.59%	0.72%
39323	40679	43148	44718	45786	213654

**MR-2-03**

**Network Trouble Report Rate - Central Office**

VZ
Performance
Observations
CLEC
Performance
Observations

0.11%	0.10%	0.11%	0.11%	0.15%	0.12%
6250771	6246652	6221607	6198608	6170954	31088592

0.05%	0.05%	0.02%	0.03%	0.06%	0.04%
39323	40679	43148	44718	45786	213654

**Total Network Trouble Report Rate [Sum of MR-2-02 and 2-03]**

VZ
Performance
CLEC
Performance

Aug-01   Sep-01   Oct-01   Nov-01   Dec-01   Aug-Dec

1.49%	1.23%	1.18%	1.01%	1.13%	1.21%
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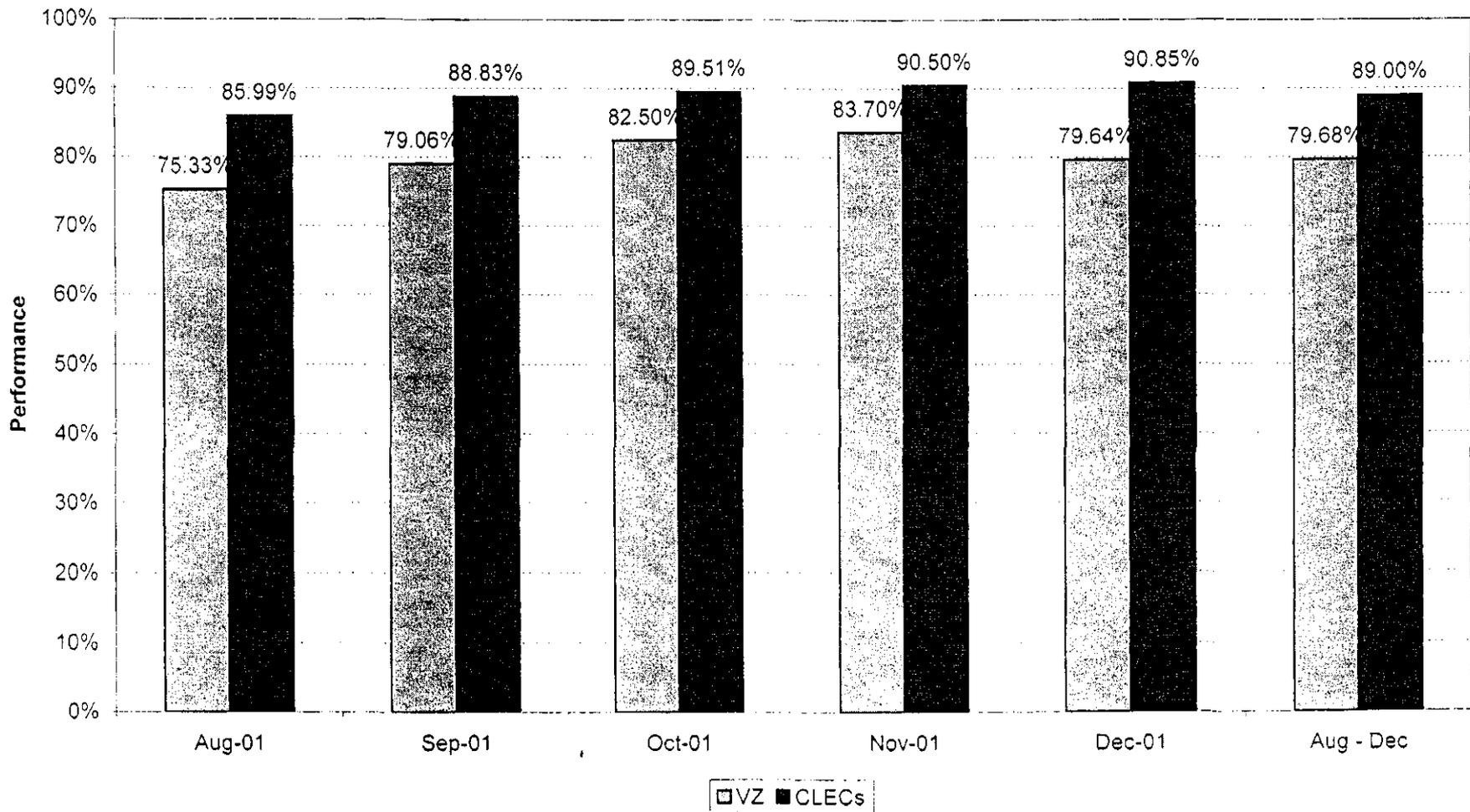
0.93%	0.84%	0.75%	0.66%	0.65%	0.76%
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REPLY DECLARATION OF PAUL A. LACOUTURE AND  
VIRGINIA P. RUESTERHOLZ

ATTACHMENT 4

**New Jersey - UNE POTS  
 Maintenance - % Repair Appointments Met - Loop/Central Office - Loop  
 (Inverse of MR-3-01, MR-3-02)  
 Aug - Dec 01**



**New Jersey - UNE POTS**  
**Maintenance - % Missed Repair Appointments - Loop/Central Office - Loop (MR-3-01, MR-3-02)**  
**Aug - Dec 01**

**MR-3-01**

**% Missed Repair Appointments - Loop - Loop**

VZ
Performance
Observations
CLEC
Performance
Observations

	Aug-01	Sep-01	Oct-01	Nov-01	Dec-01	Aug - Dec
Performance	25.88%	21.77%	17.81%	16.52%	19.89%	20.85%
Observations	86414	70576	66264	55511	60276	339041
Performance	13.29%	10.31%	9.87%	9.29%	6.69%	10.07%
Observations	346	320	314	280	269	1529

**MR-3-02**

**% Missed Repair Appointments - Central Office - Loop**

VZ
Performance
Observations
CLEC
Performance
Observations

Performance	9.17%	11.07%	14.53%	14.50%	23.47%	15.23%
Observations	6725	5970	6813	6753	9117	35378
Performance	27.78%	25.00%	30.00%	13.33%	34.62%	26.97%
Observations	18	20	10	15	26	89

**MR-3-01 and MR-3-02 Weighted Average**

**% Missed Repair Appointments - Loop/Central Office - Loop**

VZ
Performance
Observations
CLEC
Performance
Observations

Performance	24.67%	20.94%	17.50%	16.30%	20.36%	20.32%
Observations	93139	76546	73077	62264	69393	374419
Performance	14.01%	11.17%	10.49%	9.50%	9.15%	11.00%
Observations	364	340	324	295	295	1618

**Repair Appointments Met**

**Inverse of Weighted Average of MR-3-01 and MR 3-021**

VZ
Performance
CLEC
Performance

Performance	75.33%	79.06%	82.50%	83.70%	79.64%	79.68%
Performance	85.99%	88.83%	89.51%	90.50%	90.85%	89.00%



REPLY DECLARATION OF PAUL A. LACOUTURE AND  
VIRGINIA P. RUESTERHOLZ

ATTACHMENT 5

New Jersey - UNE POTS  
Maintenance - Mean Time to Repair - Total - Loop (MR-4-01)  
Aug - Dec 01

