

ORIGINAL

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April 3, 2002

RECEIVED

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

EX PARTE

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Mr. William Caton
Secretary
Federal Communications Commission
The Portals
445 12th S.W., Room TWB-204
Washington, D.C. 20554

Re: CC Docket No. 01-318 ✓
CC Docket No. 98-147
CC Docket No. 98-56
CC Docket No. 96-98
CC Docket No. 98-141

Dear Mr. Caton:

On April 2, 2002, Phil Carver, Al Varner, Dave Coon, and I, representing BellSouth Corporation, met with the following Commission staff: Renee Crittenden; Behzad Ghaffari; Jonathan Kraushaar; Uzoma Onyeije; Daniel Shiman; John Stanley; Jerry Stanshine; Mark Stone; and Cathy Zima. The purpose of the meeting was to discuss issues raised in the Commission's *Notice of Proposed Rulemaking* in Performance Measurements and Standards for Unbundled Network Elements and Interconnection, CC Docket No. 01-318. The attached document formed the basis for BellSouth's presentation.

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In compliance with the Commission's rules, I am filing two copies of this notice and ask that you associate this notification with the proceedings identified above. Please call me if you have any questions about this filing.

Sincerely,

A handwritten signature in black ink that reads "Kathleen B. Levitz". The signature is written in a cursive style with a large initial 'K' and a stylized 'L'.

Kathleen B. Levitz

Attachment

cc: Renee Crittenden
Behzad Ghaffari
Jonathan Kraushaar
Uzoma Onyeije
Daniel Shiman
John Stanley
Jerry Stanshine
Mark Stone
Cathy Zima

CC Docket 01-318
BellSouth Ex Parte with FCC Staff

April 2, 2002

Policy / Specifics

- Comments of parties fall into 3 different groups
 - CLECs: Retain state plans and add a national overlay plan.
 - State Commissions: Retain state plans. Do not overturn work done in the states.
 - ILECs: Develop exclusive national plan.
- Determine policy first; then determine specifics

Policy options

1. Retain state plans. Create mandatory national overlay plan. (CLECs' proposal)
2. Retain state plans. Create a model plan that states can accept or reject. (State Commission proposal)
3. Replace state plans with exclusive national plan. (ILEC proposal)

Principles of Notice

- Goal
 - Select group of measurements and standards, that apply to key aspects of processes and are critically important to CLECs (§ 1)
- Guidelines
 - Streamline (§ 17,18,19, 32,107)
 - Harmonize State plans (§ 17,18,19,107)
 - Balance objectives: service & burden (§ 7)
 - Focus on .. facilities fundamental to facility-based competition. (§ 5)

Summary of options vs. guidelines of Notice

	Retain State Plans. Add mandatory national overlay	Retain state plans. Opt-in model	Replace state plans with exclusive national plan
Select group; key aspects; critical importance	Adds another layer of measurements in each state.	Does not address.	Provides opportunity for select, key measurements of critical processes.
Balance service and burden	Increases burden and confusion. Potential for conflicting measurements	Does not address – or may increase burden with no impact on service	Can balance requirement for high quality of service with burden.
Harmonize	Retains myriad of state plans; adds another layer of measurements in each state.	Initially, does not address. May have some long term benefit.	Will provide harmony
Streamline	Adds another layer of measurements in each state.	Does not address.	Provides opportunity to streamline.

Proposed by :

CLECs

State Commissions

ILECs

Why is an exclusive national plan necessary?

- Wide variation in state plans is inconsistent with national policy and the Act.
 - Some states have no measurements and enforcement
 - Others have taken an extremely expansive approach to measurement plan: In excess of 10,000 measurements and nearly 1000 enforcement metrics
 - Other states are between these two extremes
- Burden
- Lack of certainty for the CLECs

Why should national plan be exclusive?

- State Commissions are unlikely to migrate to a national plan.
- Remove unjustified disparate outcomes
- Create consistent criteria for measurements
- Provide opportunity for States to diverge based on detailed, clear criteria for divergence.

Benefits of exclusive national plan

- Streamline / Harmony
- Allow focus on key outcome oriented measures
- Consistent performance standards
- Consistent measurement definition facilitates comparison
- Plan designed to monitor performance with appropriate penalties (not excessive)

These existing state measurement plans create a very significant burden

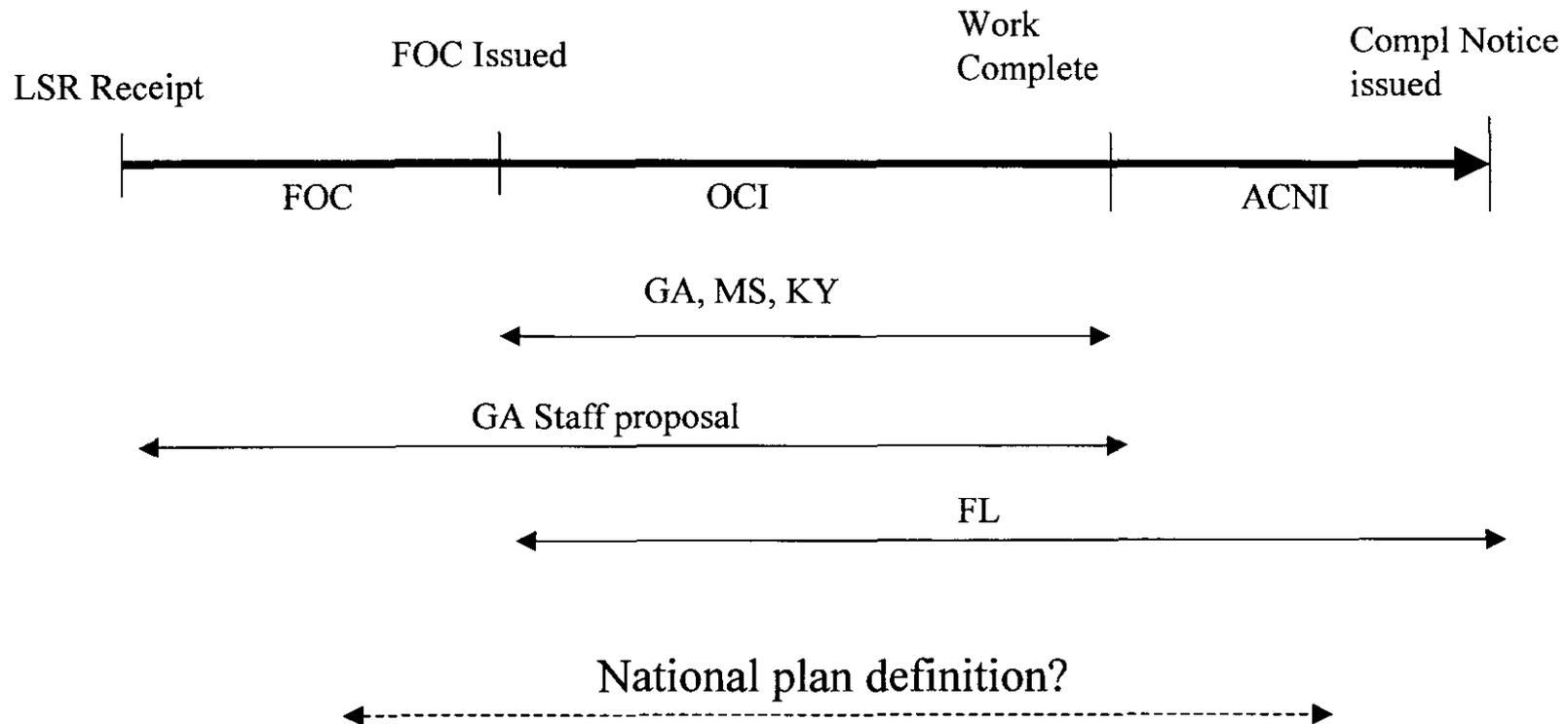
- Staff of 388 currently dedicated to measurements and enforcement – for 6 states.
- Approximately \$40 million per year excluding software and hardware expense
- Number of data points for aggregate and individual CLECs exceed 2 million
- Difficult to make changes due to size
- 86 million records are processed each month
- 40% of measurements have no reported activity

Why not simply overlay?

- Exacerbates the current mixture of measurements, standards, business rules and possibly penalties in state plans.
- Increases burden but probably does not enhance the level of service
- Guarantees inappropriate double penalty
- Creates opportunity for conflict between the state measurement and the national plan.

Why not simply overlay?

- Differences in definition OCI (Would apply to Percent Completed on time, Delay Days, and other provisioning interval measurements)



Why not simply overlay?

- Differences in disaggregation. EELs – OCI
 - FL: separate product group. Retail analog is DS1/DS3
 - GA, KY, MS, LA: currently part of UNE Combo other. Retail analog is Residence, Business, Design.
 - GA PSC Staff proposal: Separate product group with benchmark and different definition
- National plan cannot be consistent with all of these

Why not advisory?

- Does little to harmonize state plans, streamline reporting reduce the disparate number of measurements or reduce burden on the ILEC.
- Does provide direction for states that have not ordered measurement / enforcement plan. For those states that already have plan in place, may encourage convergence, over the long term.

Exclusive national plan

Consistent with principles of the Notice

- Select group of measurements that could apply to key aspects critical functions. Allows a focus on measurements appropriate for facility based competition.
- Allows a balance of measurements and enforcement insuring high quality of service with the burden required to develop and administer the plan.
- Will harmonize and streamline.
- Reflects national policy

Policy / Specifics

1. The comments of the parties suggests that the Commission first determine direction
2. Have partial roadmaps to three different destinations. Need to establish destination.
3. Then determine the details of the plan such as measurements, business rules, exclusions, enforcement, and other issues.