



Metropolitan Telecommunications

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April 8, 2002

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**VIA ELECTRONIC FILING AND POUCH**

Mr William F. Canton  
Acting Secretary  
Office of the Secretary  
Federal Communications Commission  
Room TW-B-204  
445 Twelfth Street, S.W.  
Washington, D.C. 20544

02-671

**Re:** Application by Verizon New Jersey Inc., Bell Atlantic Communications, Inc. (d/b/a Verizon Long Distance NYNEX Long Distance Company d/b/a Verizon Enterprise Solutions, Verizon Global Networks Inc., and VerizonSelect Services Inc., for Authorization To Provide In-Region, InterLATA Services in New Jersey

Dear Mr. Canton,

Enclosed please find for filing 5 copies of a stand-alone document entitled "Supplemental Brief of Metropolitan Telecommunications ("MetTel")", in the above referenced matter. The Supplemental Brief contains no confidential information. We are also submitting 5 CD-ROM containing Confidential Information that supports the Supplemental Brief.

Under separate cover, we are submitting copies of the MetTel documents to Ms. Janice Miles, Policy and Program Planning Division, Wireline competition Bureau, Federal Communications Division, Room 5-C-327, 445 12<sup>th</sup> Street, SW Washington, DC 20554; the Department of Justice, the New Jersey Department of Public Utilities and to Qualex.

Thank you for your assistance in this matter. If you have any questions regarding this filing or require further information, please contact me at (212) 607-2120.

Sincerely,

Jonathan Bertram

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Before the  
Federal Communications Commission  
Washington, D.C. 20554

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In the Matter of )  
  
Application by Verizon New Jersey Inc., )  
Bell Atlantic Communications, Inc. (d/b/a Verizon )  
Long Distance) NYNEX Long Distance )  
Company (d/b/a Verizon Enterprise Solutions), )  
Verizon Global Networks Inc., and Verizon )  
Select Services Inc., for Authorization To Provide )  
In-Region, InterLATA Services in New Jersey )  
)

WC Docket No. 02-67

**METROPOLITAN TELECOMMUNICATIONS SUPPLEMENTAL BRIEF**

Jonathan Bertram, Esq.  
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Dated: New York, NY  
April 8, 2002

**METROPOLITAN TELECOMMUNICATIONS SUPPLEMENTAL BRIEF**

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## **SUPPLEMENTAL BRIEF OF METROPOLITAN TELECOMMUNICATIONS**

Metropolitan Telecommunications (“MetTel”), through undersigned counsel and pursuant to the schedule set by the Federal Communications Commission (“FCC”), in the above-captioned proceeding, hereby submits its comments on Verizon New Jersey Inc.’s (“Verizon NJ” or “Verizon”) application for FCC authorization to provide in-region, interLATA service in New Jersey.

### **I. INTRODUCTION**

MetTel is a New York based Competitive Local Exchange Carrier licensed in New Jersey; and has been providing service to New Jersey customers since July 2001. MetTel delivers its telecommunications service to customers predominantly over the unbundled network element (“UNE”) combination known as the UNE Platform (“UNE-P”). MetTel also delivers telecommunication service to customers in the states of New York, Pennsylvania, Massachusetts and Florida. In addition, MetTel has constructed its own ATM Broadband network, servicing customers from mid to lower Manhattan.

MetTel has experienced various critical problems with Verizon wholesale operations, which have significantly impaired MetTel’s ability to successfully enter and penetrate the New Jersey market. MetTel struggles on a daily basis with Verizon-provided information and its systems. It is MetTel’s position that, at present, service provided by Verizon to CLECs is highly inadequate and creates an atmosphere which is antithetical to successful competition. These comments will focus on the accuracy and timeliness of Verizon’s OSS functioning.

Based on our experience in this area in New York and Pennsylvania, it is MetTel's position that providing Verizon with 271 approval in New Jersey will guarantee that our problems will not be addressed in the future as they continue to exist in other states.

## **II. STATEMENT OF THE FACTS**

The facts are fully set forth in the Declaration of Elliot Goldberg, sworn to on the 8<sup>th</sup> day of April, 2002, together with the exhibits annexed thereto. Further, the facts and statistics set forth in the Declaration of Elliot Goldberg are incomplete due to Verizon's failure to provide "Flat Files" (despite repeated assurances by Verizon that they would) which would allow for a more complete review of Verizon's claims.

## **III. PERFORMANCE OF VERIZON'S OSS**

Section 271 requires ILECs to offer nondiscriminatory access to OSS functions. Specifically, Section 271(c)(2)(B)(ii) ("Checklist Item 2") of the 271 Competitive Checklist requires Verizon to provide "nondiscriminatory OSS access to network elements in accordance with the requirements of sections 251(c)(3) and 252((d)(1)).<sup>1</sup> Previously MetTel demonstrated that Verizon New Jersey's performance with respect to OSS functionality is deeply flawed. Verizon's response to MetTel's concerns has been typically dismissive, attempting to marginalize the significance of MetTel's observations. Instead of factually addressing the concerns raised by MetTel's data, Verizon seeks to convince the FCC that this data is inaccurate or irrelevant simply because it has been raised by MetTel and not by other carriers. Apparently, Verizon has taken the position that the accuracy of an argument is determined by how many parties are making that

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<sup>1</sup> See *Application by Bell Atlantic New York for Authorization Under Section 271 of the Communications Act to Provide In-Region, InterLATA Service in the State of New York*, Memorandum Opinion and Order, 15 FCC Rcd 3953, ¶ 84 (rel. Dec. 22, 1999) ("*Bell Atlantic New York Order*").

argument and not the truth of its content. Verizon's reliance on this type of fallacious reasoning shows that it cannot address the arguments head to head and is seeking to avoid them. Similarly, the FCC should also view Verizon's failure to provide the "Flat Files" as an indication of the accuracy of MetTel's analyses.

**A. Verizon Fails to Provide Timely Confirmation and Rejection Notifiers**

Verizon's claimed 98% performance level in providing timely Reject Notices and 99% performance level for providing timely Confirmation Notices for November and December 2001 is not properly supported. Mettels' attempts to recreate this data from the redacted data showed that it did not include 16% of the MetTel New Jersey PONs. It is impossible for MetTel to confirm the accuracy of Verizon's claims without the accurate data. Additionally, MetTel was unable to analyze all of the June 2001- February 2002 period because Verizon has failed to provide MetTel with the "Flat Files" data despite repeated assurances that it would be provided.

**B. Verizon Fails to Provide Timely Completion Notifiers**

Despite its argument that it provides timely completion Verizon has presented data in Attachment 5 of the Supplemental Declaration indicating that they failed this metric (the standard being 95%) for November and December 2001, and January 2002. As set forth in the Declaration of Elliot Goldberg the percentage of timely completion notifiers is actually much lower than set forth by Verizon.

**C. Verizon reports transactions as completed when they are not completed**

A review of the data reveals that Verizon either intentionally or mistakenly reports transactions as completed when in fact they are not completed. MetTel looked to see if Migrations had usage during the first three days after Verizon reported that the migration

was completed. Between November 2001, and February 2002, 15.69% of MetTel's Migrations did not have usage for the first three days after the Provisioning Completion Date and 12.4% showed no usage through March 27, 2002. This is a total of 28.09% of MetTel New Jersey Migrations which have received BCN but where the work was delayed or was incomplete. Verizon raises the point that "It is entirely possible that some lines do not have usage to record". While this is certainly possible, it is implausible to presume that this explains 28.09% of MetTel New Jersey Migrations. Additionally, many of the speculative reasons set forth by Verizon to explain MetTel's findings were specifically excluded from MetTel's own calculations and thus irrelevant.

Between November 2001, and February 2002, 30.58% of MetTel's alleged disconnected Customers showed usage after the date that Verizon sent a Completion Notice for disconnect. This most glaring example of reporting completed transactions that in fact are not complete is that supposedly disconnected lines still show usage. Verizon's failure to explain why 30% of lines it claimed to have disconnected continued to have usage clearly shows that Verizon's explanations are merely speculative and without statistical support.

#### **IV. CONCLUSION**

The local exchange market in New Jersey is only beginning to experience fledgling competition. In order for competition to have any opportunity to develop, Verizon's OSS must be functioning properly, as resale and UNE-P modes of entry are critical for creating the competitive environment. The OSS is a crucial system and its level of functionality (timeliness of delivery of information and the accuracy of that

information) will mean the difference between the success of the nascent competition in New Jersey or its failure.

It is MetTel's position that at the present time, Verizon has not met the requirements in the service it provides to CLECs to justify its petition to provide interLATA service in New Jersey being approved. Therefore, MetTel urges the FCC to deny Verizon's petition. Furthermore, MetTel specifically requests that Verizon be directed to turn over the "Flat Files" so that an independent verification of the accuracy of the statistics upon which Verizon bases its petition can be conducted.

Respectfully Submitted

/s/ Jonathan Bertram

Jonathan Bertram

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**Before the  
Federal Communications Commission  
Washington, D.C. 20554**



In the Matter of )  
Application by Verizon New Jersey Inc., )  
Bell Atlantic Communications, Inc. (d/b/a Verizon )  
Long Distance) NYNEX Long Distance )  
Company (d/b/a Verizon Enterprise Solutions), )  
Verizon Global Networks Inc., and Verizon )  
Select Services Inc., for Authorization To Provide )  
In-Region, InterLATA Services in New Jersey )  
)

WC Docket No. 02-67

**DECLARATION OF ELLIOT M. GOLDBERG**

1. My name is Elliot M. Goldberg. My business address is 44 Wall Street, New York, New York 10005. Currently, I am the Director of Operations Support Systems and Project Management at Metropolitan Telecommunications (MetTel).
  
2. I have been involved with Production Control and Project Management issues for 30 years as a Officer in the USAF, an employee of major financial institutions such as Citibank, Chemical Bank, Chase Manhattan Bank and Blue Cross Blue Shield of Greater NY, an independent businessman and as a consultant to various companies including Pfizer and Fleet Bank.
  
3. The purpose of my Declaration is to address various operational issues that adversely reflect on the viability of a competitive wholesale marketplace in New Jersey. In

addressing these issues, I will use, to the greatest extent, the non-redacted data supplied by Verizon within the attachments accompanying their statements in this docket.<sup>1</sup>

4. We note that Verizon has extensively criticized MetTel for not providing data and metric analyses at the same level of detail that Verizon does in replicating the metrics. The reason for this is that Verizon has not provided the CLEC specific “Flat Files” in New Jersey. Absent this data being provided to the CLEC, there can be no independent audit and review of Verizon’s performance. Certain facets (for example, flow through eligible, flow through achieved, facilities check) of information are unobtainable without the CLEC specific (PON level) data contained in the “Flat Files”. Therefore, the requirement to produce and distribute the “Flat Files” should be intrinsic to an application for 271 approval. Verizon’s unwillingness to forward the “Flat Files” should be viewed as an indicator of discrepancies.
  
5. Also, Verizon describes working with MetTel to achieve operational results. Although we have worked with Verizon in the spirit of cooperation, and in an effort to resolve our operational issues, there is no derivative work product. It appears that Verizon merely seeks information and provides little information about root causes. In some cases, the dialog is a monolog where it takes a month or more to receive a simple answer and certain transactions are listed as resolved because a delayed event happened and that triggered a closeout rather than any work being done to resolve the problem.

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<sup>1</sup> The issue of the late arrival of this information has been the subject of two requests for extension.

6. Verizon does not provide MetTel with timely Confirmations or Rejects at the commencement of the provisioning process. In Attachment 1 of the McLean/Wierzbicki/Webster/Canny Supplemental Declaration (hereafter known as the Supplemental Declaration), Verizon indicates that they achieved 98% performance in providing timely Reject Notices for November and December 2001 and that they achieved 99% performance for providing timely Confirmation Notices. In fact, when MetTel compared the PONs listed in Attachment 2 of the Supplemental Declaration, to the PONs sent to them, we determined that 16% of the MetTel New Jersey PONs were not included<sup>2</sup>. Using the encryption date/time stamp placed on the transmitted notifier by the Verizon encryption program as the send time<sup>3</sup>, MetTel examined the listed PONs and determined that Verizon failed the following New Jersey metrics for the November-December 2001 period:

- A. OR-1-04 UNE On time LSRC for November 2001: Actual Performance Achieved 90.26%
- B. OR-2-04 UNE On Time Rejects for November 2001: Actual Performance Achieved 93.31%
- C. OR-1-02 Resale On Time LSRC Flowthrough for November 2001: Actual Performance Achieved 83.33%
- D. OR-1-04 Resale On time LSRC for November 2001: Actual Performance Achieved 81.25%

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<sup>2</sup> The list of these PONs is contained in Attachment 1 of this declaration, which has been redacted.

<sup>3</sup> Encryption is actually the processing step immediately preceding transmission, but the records having been encrypted cannot be modified.

- E. OR-2-02 Resale On Time Reject Flowthrough for November 2001: Actual Performance Achieved 84.62%
- F. OR-1-04 UNE On time LSRC for December 2001: Actual Performance Achieved 77.65%
- G. OR-2-04 UNE On Time Rejects for December 2001: Actual Performance Achieved 93.31%
- H. OR-1-04 Resale On time LSRC for December 2001: Actual Performance Achieved 82.61%
- I. OR-2-04 Resale On Time Rejects for December 2001: Actual Performance Achieved 87.84%

It is most interesting to note the substantial discrepancy between the Verizon reported 98-99% and the lower actuals that do not achieve the 95% standard<sup>4</sup>. MetTel would enjoy being able to provide the same level of analysis for some, if not all, of the eight-month period (June 2001-February 2002), however, due to the non-receipt of the "Flat Files" which provide backup to the monthly Carrier to Carrier Reports<sup>5</sup> it is impossible to identify and verify crucial pieces of information. Absent the "Flat Files" MetTel has computed an average performance level for the return of Confirmations (called either Local Service Order Confirmations (LSRCs) or Firm Order Confirmations (FOCs)) and Rejects<sup>6</sup>. The baseline time period against which the response was measured was the Verizon file submitted to the FCC on February

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<sup>4</sup> Page 5 of the Supplemental Declaration provides information on the NJ metrics

<sup>5</sup> Which MetTel has been requesting for some months dating back to the commencement of the NJ 271 process. MetTel had, finally, been specifically promised the February reports, but these were due on March 25 and have not been received to date

<sup>6</sup> For the period comprising June, July August, October (through 10/26), November and December 2001. September was excluded due to 9/11 related issues.

25, 2002 titled Feb 25 MetTel Part 2 Attachment A – WeightedAvg – MetTel-LSRC+Rej.xls. From this Verizon data, the weighted average response time for the unique MetTel work mixture (allowing for the mixture between 2 hr, 24hr, 48 hr and 72 hr products) is 18 hours and 3 minutes. Verizon achieved a 73.66% on time response in that period<sup>7</sup>.

Continued examination of Verizon’s filing documents or the eventual arrival of the delayed “Flat Files” may enable more analysis and comment.

7. Verizon does not produce Completion Notices in a timely manner:
  - A. The Provisioning sequence of events is based on two critical indicators: the Provisioning Completion Notice and the Billing Completion Notice. The Provisioning Completion Notice means that the requested work has been completed and the Billing Completion Notice means that all Provisioning and Billing steps and procedures have been completed, all post completion discrepancies have been resolved and usage accrual has commenced effective the date of the provisioning completion.
  - B. The timely provision of Billing Completion Notices is a metric in New Jersey. Accordingly, MetTel has measured the Verizon performance against Metric OR-4-09. Verizon has presented data in Attachment 5 of the Supplemental Declaration stating that they failed this metric (the standard being 95%) for November and December 2001 and January 2002:
    - i. November 2001: 88.26%
    - ii. December 2001: 92.97%

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<sup>7</sup> PON listing in Attachment 3 FOC-Reject June-Dec 01 Except Sept.

iii. January 2002: 90.09%

MetTel has calculated these results and agrees that Verizon failed the metric but by significantly greater margins<sup>8</sup> with the following scores:

iv. November 2001: 72.41%

v. December 2001: 79.85%

vi. January 2002: 79.63%

Would that Verizon was as good as they state they are.

MetTel also notes that Verizon states they passed this metric in Pennsylvania for the three months in question. In fact, they failed for November (94.24%) and December (92.82).

8. Verizon reports transactions as completed when they are, in fact, not completed
  - A. Verizon notes in Attachment 6 of the Supplemental Declaration that 19% of MetTel migrations did not have usage within 3 days and explains the reasons for the remainder. For the record, the reasons Verizon presents represent PONs that MetTel does not count in our comparable analyses.
  - B. For the November 2001 through February 2002 period, 15.69% of MetTel's Migrations did not have usage for the first three days after the Provisioning Completion Date and 12.4% showed 0 usage through March 27, 2002 for a total of 28.09% of MetTel New Jersey Migrations.<sup>9</sup> Which have received BCN but where the work was delayed or was incomplete.
  - C. For the November 2001 through February 2002 period, 30.58%% of MetTel's Suspension for Non-Payments did not cease usage after the SNP and prior to the

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<sup>8</sup> Attachment 4 – OR-4-09 Analysis SOP to BCN

<sup>9</sup> Attachment 6 NJ Migration Performance Analysis PONs

restoration of service. In fact, 6.8% (specifically excluding Loss of Line accounts) never showed a cessation of service despite never being restored to service for a total of 37.38% of MetTel's SNPs which received Completion Notices<sup>10</sup>.

- D. For the November 2001 through February 2002 period, 18.07% of MetTel's Restorals did not have usage for the first three days after the Provisioning Completion Date and 4.82% (specifically excluding Loss of Line accounts) showed 0 usage through March 27, 2002 for a total of 22.89% of MetTel New Jersey Restorals<sup>11</sup> which have received BCN but where the work was delayed or was incomplete.
- E. MetTel has not completed a similar period analysis of long distance PIC Changes, but the analysis completed for December 2001 indicates that 9.66% of PIC changes did not result in the first call after the completion date being routed to the newly selected carrier and completed (via BCN) carrier. It should be noted that the method MetTel uses to select these discrepancies is the one specified by Verizon staff and it specifically excluded all the categories they object to (i.e. casual dialing, toll free numbers, numbers where NXX+4 does not equal 0, where the NXX is not 950 and includes only dialing method 1 where OrigTerm =1 and where the record type = 110101).
- F. MetTel would like to note that Verizon has raised some issues concerning the use of Usage as a test of an expected result. MetTel determines the expected result based on the presence or absence of usage on an expected date of occurrence as

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<sup>10</sup> Attachment 7 NJ SNP Performance Analysis PONs

<sup>11</sup> Attachment 8 NJ Restoral Performance Analysis PONs

compared to the provisioning completion date. The daily Usage file contains a “Date of Record” for each entry. This is neither the date the file is produced, nor the date the file is transmitted. It is the date the dial tone occurred.

9. Verizon devotes considerable file size in Attachment 7 of the Supplemental Declaration to MetTel’s No Usage Trouble Ticket issue. Unfortunately, they addressed New York issues. While MetTel will be happy to address Verizon’s poor performance in New York in a later filing, we will use this space to address New Jersey No Usage Trouble Ticket performance that Verizon addressed in Attachment 9 as an apparent attempt to address MetTel’s issue of usage after Migration. Where Verizon analyzed 991 Trouble Tickets, MetTel examined the 1021 PONs that were placed on No Usage Trouble Tickets from December 2001 through February 2002. To date, only 50.54% of these PONs have been resolved (either by the receipt of a Loss of Line Report or delayed usage as of 172 days from the BCN point; MetTel has never received an explanation for the cause of the delay)<sup>12</sup>.
  
10. While there is no metric in the New Jersey Carrier to Carrier Guidelines regarding the resolution of Missing Notifier Trouble Tickets, MetTel has grave concerns about the level so service provided in this area. There is an FCC Consent Decree<sup>13</sup> where Verizon agreed to “clear” missing notifier Trouble Tickets within three business days. This “Clearing” was specifically defined as “The ticket is considered cleared when Bell Atlantic has either requested the CLEC to resubmit the PON or communicated

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<sup>12</sup> Attachment 9 NJ No Usage Trouble Ticket PONs

<sup>13</sup> FCC 00-92

the current status of the PON and provided the delayed status notifier to the CLEC". While the FCC has released Verizon from the reporting obligation, the performance benchmark remains as a reasonable operating standard that is consistently breached by Verizon. For the June through December 2001 period<sup>14</sup>, Verizon met the criteria 67.89%<sup>15</sup> of the time. In fact, it required 43 days to resolve 95% of the missing notifier Trouble Ticket PONs.<sup>1617</sup> MetTel is gratified to note that Verizon admits to only resolving 57.46% of the PONs in three days (Attachment 12 of the Supplemental Declaration), but feels their use of the average time to resolve the residual 42.53% is inappropriate given the 95% standard. Moreover, the Verizon contention that a Trouble Ticket may be resolved by forwarding the precursor notifier to the missing notifier only highlights the semantic gamesmanship that won them their earlier 271 approvals. The percentage of Trouble Tickets that are responded to by providing the precursor notifier only demonstrates the extent to which Verizon will abuse their strained interpretation. Finally, in paragraph 43 of the Supplemental Declaration, Verizon attempts to defend against this claim by suggesting that tickets remain open while a majority of PONs have been addressed.

11. On the operational issues involving the timely closeout of Trouble Tickets and provision of information which is critical for customer service:

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<sup>14</sup> Again excluding September (due to 9/11 effects and October 27 through 31

<sup>15</sup> MetTel tracks this at the PON level, not the Trouble Ticket level.

<sup>16</sup> Verizon repeatedly provided the last notifier they sent which was information that MetTel already possessed. In fact, 98.72% of the Trouble Tickets had been fully processed prior to the Trouble Ticket initiation and almost a calendar week prior to Verizon's provision of the incorrect information.

<sup>17</sup> Attachment 10 NJ Missing Notifier TT PONs. Note this list was generated on April 5 and the presented statistics were accurate as of March 7. A revision will be presented in MetTel's Reply comments

- A. MetTel, by request of Verizon's Help Desk management, issues a separate Trouble Ticket for each missing type of notifier. Multiple PONs with the same problem are placed on a single ticket at Verizon's request to reduce the accounting level issues at the Wholesale Customer Care Center (WCCC).<sup>18</sup> MetTel believes this policy, while it entails additional work on our part provides an opportunity for proactive Customer Service. MetTel is due various notifiers by Verizon's Business Rules, these notifiers are due at specific times and they contain unique and specific information. If these notifiers are delayed, MetTel has no way of determining the status of the Customer's order or updating its database with the provided information. Further, if the notifiers are not processed subsequent customer service is precluded.
- B. MetTel expects that Verizon should conform to FCC Consent Decree 00-92 of March 8, 2000 on the subject of Trouble Tickets (even though Verizon has been relieved of the reporting requirement by the FCC after demonstrating conformance to this standard). In that decree, Verizon committed that they would clear 95% of Trouble Tickets in 3 Business Days by providing:
- i. the current status of the PON and
  - ii. the delayed status notifier
- MetTel has initiated 99.15% of its Trouble Tickets after the Confirmed Due Date (the best information available until the Completion Notice is received) and

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<sup>18</sup> Since MetTel has conformed to this request, Verizon cannot use this argument as an excuse for poor performance. Using MetTel's conformance with this request as a defense illustrates the extent of Verizon's gamesmanship. No matter how the situation is examined, there are unresolved PONs. To the extent that Verizon believes that MetTel unreasonably delayed the closing of a Trouble Ticket, they should set forth the details.

98.72% of all PONs have been completed prior to the initiation of a Trouble Ticket (and therefore 98.72% of the PONs should have received a Completion Notice and the rest a jeopardy) yet 49.7% of the requested BCN were incorrectly answered with a lower status and 61.54% of the PCN were answered with a lower status level (an additional 16.92% of the PCN were answered with the status that the work was completed through Billing which indicates that the PCN should certainly have been provided since without the PCN the correct Provisioning Date is unavailable).

- C. The status information that Verizon provides in response to missing notifier Trouble Tickets is, by their admission, the last notifier sent and not the status of the work in progress. To provide timely, commercially viable information to MetTel's customers, it is necessary to know the status of the work in progress. MetTel proposed such a system two years ago and it took Verizon Change Control approximately 8 months to place it on the project list. As yet, requirements definition is not complete.

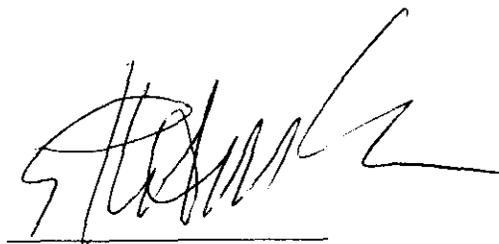
12. On page 8 of the Supplemental Declaration, Verizon states, "When the gateway system has been notified that all service orders associated with an LSR have completed, the gateway system creates the completion notifier." Further, on page 23, Verizon refers to some migrations where MetTel received Retail bills after the migration occurred. They further state that "These are isolated errors and there is no systemic problem with Verizon's systems or processes." On the contrary, investigation shows that in these cases the Billing Completion Notifier was generated

and sent without the service order representing the second half of Verizon's two-step migration process being completed. Thus there is a fundamental systemic flaw in Verizon's provisioning systems: either through a system deficiency or through a manual override capability the system can (and does) generate Billing Completion Notifiers without all the underlying Service Orders being completed. Verizon calls this a billing issue; but it is nothing of the kind. It is a provisioning system fundamental failure and the number of identified errors matters less than the basic existence of the flaw considering the level of effort Verizon has put into denying its existence.

13. Verizon has addressed a great deal of additional operational issues in the Supplemental Declaration and these will be addressed in MetTel's reply comments.
  
14. The issues addressed above, when examined as a total picture of the Verizon process indicate that there is counter competitive bias in the in the Verizon operating environment. Given this bias, it cannot be said that local markets have been fully opened to competition. When Verizon does competitively open the local marketplace, then and not before then will a 271 approval be appropriate.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct according to the books and records of MetTel and the best of my knowledge.

Executed on April 8, 2002

A handwritten signature in black ink, appearing to read "E. Goldberg", written over a horizontal line.

Elliot M. Goldberg