

**d. BellSouth's Systems**

BellSouth provides nondiscriminatory access to its OSS in all five states for pre-ordering, ordering, provisioning, maintenance and repair, and billing. *See GA/LA Order* ¶¶ 101-102. As explained below, there is no doubt that BellSouth's OSS are operationally ready and that BellSouth is providing CLECs in the five states covered by this Application with nondiscriminatory access to the five OSS functions in compliance with the Act and Commission orders.

**i. Pre-Ordering Functions**

The Commission has previously found that BellSouth's OSS – which are the same in all BellSouth states – provide CLECs with nondiscriminatory access to all pre-ordering functions.<sup>42</sup> *See GA/LA Order* ¶ 117. *See also Stacy Aff.* ¶¶ 46, 174-176, 213-250. CLECs serving end users in BellSouth's region have access to their choice of electronic interfaces – TAG and LENS – to gain real-time access to the same pre-ordering databases used by BellSouth's retail representatives. *See id.* ¶¶ 12, 46, 174-176; *GA/LA Order* ¶ 117. TAG is BellSouth's industry-standard, machine-to-machine pre-ordering interface, and provides CLECs with a standard Application Programming Interface (“API”) to BellSouth's pre-ordering, ordering, and provisioning OSS. *See Stacy Aff.* ¶¶ 12, 174, 176, 191. BellSouth also provides CLECs with access to LENS, a web-based graphical user interface (“GUI”). LENS uses TAG's architecture and gateway, and thus provides CLECs with essentially the same real-time access to pre-ordering OSS as TAG does for CLECs. *See Stacy Aff.* ¶¶ 12, 175. Because BellSouth's OSS are the same

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<sup>42</sup> Pre-ordering generally includes the activities that a carrier undertakes with a customer to gather and verify the information necessary to formulate an accurate order for that customer. It includes the following functions: (1) street address validation; (2) telephone number information; (3) services and features information; (4) due-date information; and (5) CSR information. *See GA/LA Order App. D*, ¶ 33 & n.100.

across its nine-state region, CLECs serving end users in Alabama, Kentucky, Mississippi, North Carolina, and South Carolina use these same interfaces when serving end users in Georgia and Louisiana. *See id.* ¶¶ 41, 46-47.

BellSouth's performance in the five states confirms that BellSouth continues to offer CLECs nondiscriminatory access to pre-ordering functionality. *See SCPSC 271 Order* at 50-57 ("We find that BellSouth provides nondiscriminatory access to its OSS for preordering . . ."); *MPSC 271 Order* at 39-47 (same); *KPSC 271 Order* at 19-21, 30 (discussing pre-ordering and noting that BellSouth had met the requirements of Checklist Item 2). CLECs across BellSouth's region are using LENS and TAG to submit an average of more than 1.5 million pre-ordering transactions per month. *See Stacy Aff.* ¶ 13. Despite these large commercial volumes, TAG and LENS are consistently available when scheduled. Region-wide, between January and March 2002, TAG and LENS were both available more than 99.5% of the time they were scheduled to be available – meeting the applicable benchmark.<sup>43</sup> *See Varner Aff.* Exhs. PM-2 to -3 ¶ 80, PM-4 to -6 ¶ 79 & Attachs. 1-3 (D.1.1.3, D.1.1.7). Average response intervals for TAG and LENS have been solid. BellSouth met or exceeded the retail analogue for TAG in every submetric in every month between January and March 2002. *See id.* Exhs. PM-2 to -3 ¶ 83, PM-4 to -6 ¶ 82 & Attachs. 1-3 (D.1.4.1.1 - D.1.4.9.2). BellSouth's average response intervals for LENS were equally strong, with BellSouth meeting 41 out of 42 submetrics during those three months.<sup>44</sup> *See id.* Exhs. PM-2 to -3 ¶ 82, PM-4 to -6 ¶ 81 & Attachs. 1-3 (D.1.3.1.1 - D.1.3.7.2).

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<sup>43</sup> Although BellSouth's performance continues to be excellent, unplanned outages do occur. *See GA/LA Order* ¶ 118. BellSouth minimizes the inconvenience to CLECs by notifying them of outages in real-time via e-mail and web postings. *See Stacy Aff.* ¶¶ 297-303.

<sup>44</sup> A two-second "time stamp" is added to BellSouth's retail analogue for LENS to account for the additional time needed for security processing required for wholesale CLEC transactions. BellSouth is now in the process of removing that time stamp from LENS. Even

Any issues concerning the ability of CLECs to integrate BellSouth's pre-ordering and ordering interfaces were conclusively laid to rest in the *GA/LA Order*. See also *Stacy Aff.* ¶¶ 177-208; *SCPSC 271 Order* at 51-52. As this Commission found, "BellSouth's TAG pre-ordering interface can be successfully integrated with BellSouth's EDI ordering or TAG ordering functions in compliance with the standards previously established by the Commission in the *SWBT Texas Order*." *GA/LA Order* ¶ 121 (citing *Texas Order* ¶¶ 152-161). Moreover, the Commission noted that BellSouth now offers CLECs a fully parsed CSR. *Id.* ¶¶ 121, 126-130. To date, eight CLECs have used the parsed CSR functionality to request 6,700 parsed CSRs. See *Stacy Aff.* ¶ 204. BellSouth will also continue to work with CLECs through the CCP to improve its parsed CSR functionality. For example, BellSouth added parsed hunting information in a release on March 23, 2002, and has agreed to translate and parse other fields selected by CLECs. See *id.* ¶¶ 206-208.

CLECs may also seek to raise issues concerning BellSouth's provision of access to due dates. But as this Commission recently concluded in the *GA/LA Order*, "BellSouth offers nondiscriminatory access to due dates," and "provides reliable due dates to competitors, and in a manner equivalent to what BellSouth provides its retail services." *GA/LA Order* ¶¶ 131-132. See *Stacy Aff.* ¶¶ 225-228. Because the pre-ordering systems that provide CLECs with nondiscriminatory access to due dates in Georgia and Louisiana are the same as those used in the five states, see *id.* ¶ 224, that finding holds true for this Application as well. Moreover, the Commission noted that, although there were a few minor problems with BellSouth's due-date

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without the additional two seconds, however, BellSouth's performance in responding to pre-order inquiries is nondiscriminatory. Between January and March 2002, 88% (37 out of 42) of the submetrics for LENS were either in parity or within approximately one second of the retail analogue. See *Varner Aff.* Exhs. PM-2 to -3 ¶ 82, PM-4 to -6 ¶ 81 (D.1.3).

functionality – all of which had a very small impact on CLECs – all of those problems have been addressed. *See GA/LA Order* ¶¶ 132-134. Finally, BellSouth will continue to monitor its due-date performance and immediately address any problems should they arise.<sup>45</sup> *See Stacy Aff.* ¶¶ 229-233.

## ii. Ordering and Provisioning Functions

BellSouth provides CLECs serving end users in all five states with the same three electronic ordering interfaces – EDI, TAG, and LENS – that it provides in Georgia and Louisiana. *See Stacy Aff.* ¶¶ 12, 41, 248-252. This Commission has already found that “[BellSouth] provides nondiscriminatory access to its ordering systems.” *GA/LA Order* ¶ 135. Moreover, based on the criteria in the Commission’s previous orders, BellSouth’s recent performance in the five states covered by this Application confirms that BellSouth continues to meet the ordering requirements of this checklist item. *See also SCPSC 271 Order* at 50, 57-64 (“We find that BellSouth provides nondiscriminatory access to its OSS for . . . ordering . . . .”); *MPSC 271 Order* at 39-40, 47-57 (“We find that BellSouth provides nondiscriminatory access to its OSS for . . . ordering . . . .”); *KPSC 271 Order* at 21-25, 30 (discussing ordering and noting that BellSouth has met the requirements of Checklist Item 2). Actual commercial usage of BellSouth’s ordering OSS has been extensive. As of March 2002, 25 CLECs were using EDI; 20

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<sup>45</sup> BellSouth recently investigated a CLEC due-date calculator issue, which revealed no problems with BellSouth’s due-date calculator, but rather a small flow-through problem for orders where the dedicated inside plant is designated as “integrated.” *See Stacy Aff.* ¶¶ 229-232. This designation was only recently added, so there was no code or error message available to handle it, which caused the order to fall out. *See id.* ¶ 230. Although this error affected less than 1% of electronically submitted orders in March 2002, BellSouth acted quickly to implement a fix. *See id.* ¶¶ 231-232. In addition, on May 7, 2002, BellSouth opened a change request regarding a separate error whereby the TAG due-date calculator added an extra day to the due date for feature exceptions. This change request was implemented in Release 10.5 on June 1-2, 2002. *See id.* ¶ 233.

CLECs were using TAG; and 240 CLECs were using LENS to submit LSRs. *See Stacy Aff.* ¶ 15. During 2001, CLECs region-wide submitted more than 4.6 million electronic LSRs. *See id.* ¶ 14. And during the first three months of 2002, CLECs have submitted more than 1.3 million electronic LSRs. *See id.* Moreover, the use of BellSouth's electronic ordering interfaces continues to increase. In 2001, 89% of all requests were submitted electronically, whereas in January through March 2002, approximately 93% of all LSRs were submitted electronically. *See id.*

Even at these large and increasing volumes, the performance of BellSouth's ordering systems has been excellent. Between January and March 2002, BellSouth's EDI, LENS, and TAG interfaces were available more than 99.5% of the time they were scheduled to be available. *See Varner Aff.* Exhs. PM-2 to -3 ¶ 80, PM-4 to -6 ¶ 79 & Attachs. 1-3 (D.1.1.1, D.1.1.3, D.1.1.7). In fact, since December 2000, BellSouth has regularly met the measure of 99.50% for TAG, EDI, and LENS in all five states. *See Stacy Aff.* ¶ 299. *See also GA/LA Order* ¶ 118 (rejecting CLEC arguments that BellSouth's interfaces prevented them from competing effectively).

In granting BellSouth's application for long-distance authority in Georgia and Louisiana, the Commission examined BellSouth's performance in five areas: "order confirmation notices; rejection notices; flow-through; completion notices; and jeopardy information." *GA/LA Order* ¶ 135. BellSouth's performance in these areas confirms that BellSouth continues to provide nondiscriminatory access to its OSS for ordering.<sup>46</sup>

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<sup>46</sup> As this Commission has explained, "the 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 the Commission." *GA/LA Order App. D*, ¶ 8. Thus, for example, "[w]here there are multiple performance measures associated with a

Firm Order Confirmations. BellSouth continues to demonstrate that it is “providing timely order confirmation notices to competitive LECs.” *GA/LA Order* ¶ 136. *See also Varner Aff.* Exhs. PM-2 to -6 ¶¶ 45-48 & Attachs. 1-3 (B.1.9, B.1.12, B.1.13). Indeed, BellSouth’s recent performance in returning FOCs has been excellent and provides CLECs a meaningful opportunity to compete. In all five states, BellSouth met the applicable benchmark for mechanized (95% within three hours), partially mechanized (85% within 10 hours), and manually submitted (85% within 36 hours) orders for loop and port combinations for every submetric during the months of January, February, and March 2002. *See id.* Moreover, in each state during this three-month period, BellSouth’s average timely FOC return rate was 98% or higher, which clearly demonstrates that CLECs are receiving timely FOCs for their orders. *See id.* Exhs. PM-2 to -6 ¶ 45.

Reject Notices. This Commission has concluded that BellSouth “provides competing carriers with order reject notices in a timely and nondiscriminatory manner.” *GA/LA Order* ¶ 140. BellSouth’s recent performance confirms that BellSouth’s return of timely reject notices continues to provide CLECs with a meaningful opportunity to compete.

With respect to partially mechanized orders, BellSouth met the benchmark in all five states for almost every submetric with significant CLEC activity. *See Varner Aff.* Exhs. PM-2 to -6 ¶ 43 (B.1.7.1 - B.1.7.17). For example, between January and March 2002, BellSouth met the benchmark for loop and port combinations in the five states in each month, providing at least 85% of reject notices within 10 hours. *See id.* (B.1.7.3). For manually submitted orders, BellSouth’s performance was also excellent. Between January and March 2002, BellSouth

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particular checklist item, the Commission would consider the performance demonstrated by all the measurements as a whole[, and a]ccordingly, a disparity in performance for one measure, by itself, may not provide a basis for finding noncompliance with the checklist.” *Id.* App. D, ¶ 9.

exceeded the relevant benchmark in all five states – providing more than 85% of rejects within 24 hours – for almost every submetric that had CLEC activity. *See id.* Exhs. PM-2 to -6 ¶ 44 (B.1.8.1 - B.1.8.17).

BellSouth's performance in returning reject notices for fully mechanized orders is also nondiscriminatory. *See GA/LA Order* ¶ 140. The benchmark in the five states for orders submitted electronically is the return of a reject notice within one hour for 97% of orders. *See Varner Aff.* Exhs. PM-2 to -6 ¶ 40 (B.1.4). Although BellSouth missed this benchmark between January and March 2002 for mechanized orders for loop and port combinations, the margins were generally small. During the three-month period between January and March 2002, in Kentucky, Mississippi, South Carolina, North Carolina, and Alabama, BellSouth returned timely rejects for 95%, 94%, 93%, 92%, and 89%, respectively, of mechanized orders of loop and port combinations. *See id.* As this Commission has found, such performance does not warrant a finding of checklist noncompliance. *See GA/LA Order* ¶ 140 n.494 (finding that returning 91.14% of reject orders for mechanized orders for loop and port combinations within one hour in Georgia is nondiscriminatory performance).<sup>47</sup>

Flow-Through. BellSouth's performance data demonstrate "that BellSouth's OSS are capable of flowing through UNE orders in a manner that affords competing carriers a meaningful opportunity to compete." *GA/LA Order* ¶ 143; *see id.* (concluding that BellSouth is "capable of

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<sup>47</sup> BellSouth has found a problem with the time-stamps where multiple issues of the same version of an LSR are in the system. *See Varner Aff.* Exhs. PM-2 to -6 ¶ 41. BellSouth has identified a fix for this issue and will be adding a "transaction identification" to each version of the LSR that will allow PMAP to properly identify the beginning time stamp. The issues relating to EDI were corrected with the February 2002 data while the update for TAG is scheduled for the April 2002 data production. *See id.* BellSouth has also identified a LESOG application defect that affects the Reject Interval measure. The fix for this defect is scheduled for implementation with June 2002 data. *See id.* ¶ 42.

flowing through resale orders in substantially the same time and manner as it does for its own retail customer orders”). BellSouth’s recent performance confirms that its OSS – which are the same across BellSouth’s region – continue to provide parity flow-through to CLECs. Particularly, in areas where LSR volumes have increased significantly, BellSouth’s percent flow-through performance has remained constant or has improved. *See Stacy Aff.* ¶ 283. A review of the flow-through performance for business resale reveals that flow-through improved from 68.5% in September 2001 to 73.5% in March 2002. *See id.* For UNE orders, flow-through rates improved from 79.3% in September 2001 to 83.9% in March 2002. *See id.* And in January 2002, BellSouth met the UNE benchmark with a flow-through result of 85.5% for UNEs. *See id.* *See also id.* Exh. WNS-47 (highlighting BellSouth’s consistent flow-through performance for the past 12 months).

Moreover, it continues to be the case that “BellSouth’s ability to flow-through orders at high rates is dependent, in part, on the ability of competing carriers.” *GA/LA Order* ¶ 145; *Stacy Aff.* ¶ 284. For example, an analysis of the March 2002 Percent Flow-Through Service Requests (Aggregate Detail) report reveals that 246 users experienced a flow-through rate in excess of 90%. *See Stacy Aff.* ¶ 285. Notably, 39 of these users electronically submitted in excess of 1,000 LSRs and 80 users submitted between 100 and 999 LSRs.<sup>48</sup> *See id.* The fact that such a large number of CLECs are experiencing high flow-through rates demonstrates that BellSouth is providing CLECs with electronic interfaces capable of flowing through eligible requests. *See GA/LA Order* ¶ 145 (“We find it particularly informative that several competing carriers are achieving much higher flow-through rates than other carriers.”).

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<sup>48</sup> Of these 119 users, 64 experienced “achieved flow-through rates” of 85% or higher. *See Stacy Aff.* ¶ 285.

Additionally, BellSouth's strong performance in this area is further demonstrated by BellSouth's decreasing reject rates. For example, reject rates for all mechanized UNE loop and port combinations, by far the largest category of UNE orders, have been consistently trending down, from 19.4% in September 2001 to only 11.8% in March 2002. *See Stacy Aff.* ¶ 212. Thus, rejects have been reduced by approximately 40% over that period.

Moreover, despite BellSouth's nondiscriminatory flow-through performance, BellSouth continues to work closely with CLECs to improve flow-through rates. For example, BellSouth continues to add electronic ordering of products and services, including electronic ordering of EELs and unbundled xDSL-compatible loops. *See id.* ¶¶ 275-277, 280-281. In addition, BellSouth and CLECs established the cooperative Flow-Through Task Force ("FTTF") to enhance the flow-through of electronic orders, document those enhancements, and develop a schedule for implementing the enhancements. *See id.* ¶¶ 286-287; *GA/LA Order* ¶ 146. After the FTTF meeting in April 2002, the FTTF distributed a ballot for the CLECs to prioritize the flow-through change requests that had been submitted to the FTTF over the past year. *See Stacy Aff.* ¶ 287 & Exh. WNS-49 (listing flow-through improvement features, errors, and defects that already have been implemented or are targeted for Release 10.6). Thus far, as a result of the FTTF, a total of 35 items have been identified, 31 of which have been implemented. *See id.*

In any event, even if BellSouth's performance were not as strong as it is, a relatively low flow-through rate for certain orders is not, in and of itself, an indication that CLECs are being denied access to BellSouth's ordering systems. *See, e.g., GA/LA Order* ¶ 143; *Massachusetts Order* ¶ 77. Rather, "a BOC's ability to return timely order confirmation and rejection notices, accurately process manually handled orders, and scale its systems is more relevant and probative . . . than a simple flow-through analysis." *Texas Order* ¶ 181. As discussed above, BellSouth is

providing FOCs and rejects in a timely manner, particularly in the partially mechanized and manual categories. The fact that orders, when they fall out, are handled in a timely fashion is compelling evidence of nondiscriminatory performance. *See id.*

Equally important, BellSouth has demonstrated that when orders do not flow through, “BellSouth accurately processes manual . . . orders.” *GA/LA Order* ¶ 159. BellSouth’s service order accuracy measurement addresses all LSRs regardless of whether the order was submitted electronically (TAG, EDI, or LENS) or manually (using fax or mail). The measurement (B.2.34) monitors the correctness of the service orders issued by BellSouth. Of the 20 UNE submetrics that had activity in the months of January through March 2002, BellSouth achieved the benchmark for 19 of them. *See Varner Aff.* Exhs. PM-2 to -6 ¶ 65; *Ainsworth Aff.* ¶¶ 207-219 (discussing BellSouth’s continued improvement in service order accuracy since September 2001).

BellSouth’s strong performance is directly attributable to BellSouth’s efforts at improving service order accuracy. *See Ainsworth Aff.* ¶ 208. These efforts include quality initiatives that have greatly increased the scrutiny of service orders created by the service representatives in the LCSCs, as well as the amount of feedback provided to the service representatives in areas identified for improvement. *See id.* ¶¶ 209-214. Moreover, BellSouth has engaged with several individual CLECs, including Birch, Florida Digital, and Network Telephone, to make the pre-ordering and ordering processes more efficient and less costly for both the CLECs and BellSouth, by, among other things, improving service order accuracy. *See id.* ¶ 207. Finally, to ensure that BellSouth continues to provide CLECs with accurate orders, BellSouth has placed a performance penalty on its service order accuracy measure in all five states. *See Ainsworth Aff.* ¶ 217. *See KS/OK Order* ¶ 269 (“[T]he fact that a BOC will be

subject to performance monitoring and enforcement mechanisms would constitute probative evidence that the BOC will continue to meet its section 271 obligations.”).

Order Completion Notices. “We conclude . . . that BellSouth generally provides completion notices to competitive LECs in a nondiscriminatory manner.” *GA/LA Order* ¶ 153. BellSouth’s recent performance also demonstrates that BellSouth has consistently performed well in all five states in providing timely order completion notices. *See Varner Aff.* Exhs. PM-2 to -6 ¶ 53 (B.2.21). In Alabama, Mississippi, and South Carolina, BellSouth met the retail analogue comparison for this measure for UNE loop and port combinations in all three months (January through March 2002), *see id.* Exhs. PM-2 ¶ 53, PM-4 ¶ 53, PM-6 ¶ 53, and in Kentucky BellSouth met the retail analogue comparison for this measure for UNE loop and port combinations for 15 of the 16 submetrics from January through March 2002, *see id.* Exh. PM-3 ¶ 53.<sup>49</sup>

In North Carolina, although BellSouth did not meet the retail analogue for this measure for UNE loop and port combinations in January and February 2002, BellSouth performed a root cause analysis of these measures, which revealed that the only differences between the performance for BellSouth retail and for CLECs are the mismatches found when the orders are compared with the original LSRs. *See id.* Exh. PM-5 ¶ 53. Because the completion interval begins when the technician completes the order, and ends when the completion notice is sent, any changes, such as to a name or number of items, occurring during the provisioning process, will generate inconsistencies with the original LSRs that must be resolved before a final completion notice can be sent. *See id.* Any time needed to resolve these inconsistencies with the

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<sup>49</sup> The only missed submetric, dispatched completions with greater than 10 circuits, had only two orders in March 2002. *See Varner Aff.* Exh. PM-3 ¶ 53.

original LSRs is included in the average. *See id.* Because of numerous CLEC changes and order updates, mismatches on CLEC orders exceed those for BellSouth retail orders. *See id.* Combining this with the smaller base for the CLECs' measurement raises the average, which sometimes results in a miss. *See id.* Specific service representatives within the Work Management Centers have been assigned to resolve any completion issues that are required, and providing specific training and dedicating personnel to this task should further improve performance in this area. *See id.*

Jeopardy Notifications. As the Commission recently concluded, "BellSouth provides jeopardy notices in a manner that affords competitors a meaningful opportunity to compete." *GA/LA Order* ¶ 155. BellSouth's recent performance in the five states demonstrates that BellSouth continues consistently to provide CLECs with jeopardy notifications on a nondiscriminatory basis. With respect to percentage of orders receiving jeopardy notices, in all five states BellSouth exceeded the retail analogue for loop and port combination orders in every month between January and March 2002. *See Varner Aff.* Exhs. PM-2 to -6 ¶ 55 (B.2.5.3). And for all five states in each of those three months, almost all loop and port combination orders placed in jeopardy received timely notices. *See id.* Attachs. 1-3 (B.2.8.3, B.2.10.3). Moreover, because so few jeopardies resulted in actual missed installation appointments, the jeopardy notice interval in any event has little impact on CLECs' opportunity to compete. *See id.* Exhs. PM-2 to -6 ¶¶ 56-57.<sup>50</sup> *See also GA/LA Order* ¶ 156 ("[W]e note that BellSouth is held

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<sup>50</sup> In North Carolina and South Carolina, for Two-Wire Analog Loop Design, BellSouth missed the parity benchmark in each month between January and March 2002. *See Varner Aff.* Exhs. PM-5 ¶ 136, PM-6 ¶ 131 (B.2.5.8). Because all of the orders were actually worked on time, however, and all the facilities problems causing the jeopardies in each of the three months were resolved prior to the due date, CLECs serving end users in both states were not denied a meaningful opportunity to compete. *See id.* (B.2.18.8, B.2.18.12). *See also GA/LA Order* ¶ 156;

accountable by the Missed Installation Appointments metric for instances where BellSouth-caused jeopardies result in missed due dates.”); *Texas Order* ¶ 185 (stating that the missed installation appointments measure holds SWBT accountable for SWBT-caused jeopardy situations resulting in missed due dates).<sup>51</sup>

DSL USOCs. As the Commission is aware from the Georgia/Louisiana proceeding, BellSouth’s policy is not to continue to provide its wholesale DSL product on a line where CLECs provide UNE-based voice service. That policy is wholly lawful. *See GA/LA Order* ¶ 157. Consistent with that policy, and to avoid having end users lose DSL service without their knowledge, BellSouth currently rejects UNE-P orders where there is a DSL USOC on the line. In February 2002, less than 1.6% of UNE-P orders were auto-clarified as a result of the DSL USOC. And in only 0.38% of the cases was there a problem associated with a DSL USOC where the customer did not have DSL service or was not actively involved in adding or discontinuing DSL. *See Ainsworth Aff.* ¶ 227; *GA/LA Order* ¶ 158 (finding nondiscrimination where the problem affects only 1.58% of UNE-P orders, and only 0.37% of those orders where there was no DSL on the line). Nevertheless, BellSouth has implemented a successful interim solution to remove these USOCs from the line, and is working toward a permanent response to

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*Texas Order* ¶ 185. Moreover, while BellSouth missed the benchmark for this submetric in Alabama during the same three months, an examination of the data shows that CLEC order volumes were too low to draw any valid conclusions. *See Varner Aff.* Exh. PM-2 ¶ 137; *GA/LA Order* ¶ 140 n.494 (“[T]he Commission, in prior section 271 orders, has declined to make a determination that a BOC fails to satisfy its section 271 obligations based on low volume performance measurements.”).

<sup>51</sup> KPMG found that BellSouth satisfied all test criteria for EDI and TAG electronic jeopardy notifications. *See MTP Final Report*, O&P 1-3-5, at V-A-17; *id.* O&P 1-4-5, at V-A-25; *id.* O&P 2-3-5, at V-B-17; *id.* O&P 2-4-5, at V-B-24. The MTP Final Report is an attachment to the testimony of Ronald Pate before the KPSC and can be found at App. C – KY, Tab 2.

this issue. *See Ainsworth Aff.* ¶¶ 228-230; *GA/LA Order* ¶ 158 & n.571 (commenting favorably on this interim process).

Line-Loss Reports. BellSouth provides CLECs with line-loss notifications via two different methods: a report on the web (the “web report”) and a report sent via a Network Data Mover (the “NDM Report”). *See Stacy Aff.* ¶ 293. Currently, four CLECs receive the NDM Report, with other CLECs presumably using the web report. *See id.* Although BellSouth previously did experience a discrepancy between the web report and NDM Report, this Commission recognized “that the discrepancies appear to be relatively limited in duration and scope and, based on this record, do not appear to be competitively significant.” *GA/LA Order* ¶ 163. The Commission further noted that, although “BellSouth [had] made repeated attempts to resolve these discrepancies,” only one CLEC had raised this issue. *Id.* And after BellSouth implemented a fix on May 6, 2002, BellSouth believes that it has identified and resolved all issues associated with both the NDM Report and the web report, and that these reports are providing accurate records to CLECs. *See Stacy Aff.* ¶¶ 294-295.

Provisioning. This Commission has already found that “BellSouth provisions competitive LEC customers’ orders for UNE-P services in a nondiscriminatory manner.” *GA/LA Order* ¶ 166. The systems, procedures and personnel used by BellSouth to offer nondiscriminatory access to provisioning timeliness and quality are the same in Georgia and Louisiana as in the five states. *See Heartley Aff.* ¶¶ 3-46.<sup>52</sup> Moreover, BellSouth’s provisioning

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<sup>52</sup> BellSouth also addresses the provisioning performance data related to specific UNES under the specific checklist item to which the data apply.

performance on the relevant metrics confirms that CLECs in the five states continue to receive nondiscriminatory access to provisioning functions.<sup>53</sup>

In assessing whether a BOC provisions CLEC orders for resale and UNE-P services in substantially the same time and manner as it provisions orders for its own retail customers, the Commission examines a BOC's provisioning processes, as well as its performance with respect to provisioning timeliness and quality. *See GA/LA Order App. D*, ¶ 37. For provisioning timeliness, the Commission will look to missed due dates and average installation intervals. *See id.* For provisioning quality, the Commission looks to service problems at the provisioning stage. *See id.*

As noted above with respect to jeopardy notices, BellSouth exhibits strong performance with respect to percent missed installation appointments in all five states, with BellSouth meeting the parity benchmark for most of the submetrics with CLEC activity during January, February, and March 2002. *See Varner Aff. Exhs. PM-2 to -6* ¶ 56 (BellSouth met 14 of 19 submetrics in Alabama, 14 of 17 in Kentucky, 11 of 17 in Mississippi, 13 of 19 in North Carolina, and 12 of 17 in South Carolina). And for those few submetrics where BellSouth did miss the parity benchmark, BellSouth's performance was still very strong. For example, in North Carolina, with one exception, BellSouth was always making more than 98.85% of appointments. From a practical point of view, therefore, CLECs' ability to compete has not been hindered. *See id. Exh. PM-5* ¶ 56.

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<sup>53</sup> Moreover, since November 1999, BellSouth has offered CLECs access to CSOTS, a region-wide, web-based electronic interface that allows CLECs to view service orders online, track service orders, and determine the status of their service orders. *See Stacy Aff.* ¶¶ 288-291. Four-hundred sixty-nine (469) CLECs are using CSOTS region-wide. *See id.* ¶ 288.

Moreover, BellSouth's performance in provisioning loop and port combinations was solid in all five states between January and March 2002. *See id.* Exhs. PM-2 to -6 ¶ 50 (B.2.1.3). In all five states, BellSouth met the benchmark in every submetric for provisioning UNE loop and port combinations that either require or do not require a dispatch. *Id.* Exhs. PM-2 to -6 ¶¶ 51-52 (B.2.1.3.1.1 - B.2.1.3.1.2).

Finally, BellSouth continues to provide high-quality installations for both CLECs and its retail services. In all five states, between January and March 2002, BellSouth met or exceeded the retail analogue for percent provisioning troubles within 30 days in most submetrics that had significant CLEC activity, including loop and port combinations and xDSL. *See id.* Exhs. PM-2 to -6 ¶ 58 (B.2.19). And for many of the submetrics that BellSouth did not meet, either the CLEC volumes were too low to provide a meaningful statistical comparison, or a large number of the trouble reports were closed as "no trouble found," indicating only a minor impact on the end-user customer. *See id.*

As in the past, CLECs may complain about problems resulting from supposedly mishandled or delayed UNE-P conversions, allegedly associated with BellSouth's two-order process. Responding to these same assertions in the *GA/LA Order*, the Commission concluded that the claims were "exaggerated," and held that it was "not persuaded that BellSouth fails to provision competitive LEC orders in a nondiscriminatory manner." *GA/LA Order* ¶ 167. To the extent CLECs continue to press this argument, it is no more persuasive today. Indeed, between July 2001 and April 2002, BellSouth processed 543,609 UNE-P orders regionally using the two-order process, and of those, less than 0.25% of those conversions resulted in a loss of dial tone. *See Ainsworth Aff.* ¶ 222. *See id.* *See also GA/LA Order* ¶ 167 (finding no discrimination where only 0.18% of orders lost dial tone from conversion-related problems). It is clear from

BellSouth's data that conversion-related problems are isolated issues, rather than systemic problems. In any event, as this Commission noted, BellSouth is in the process of moving to a Single C ordering process (which has already been implemented in Mississippi and which will be implemented in the other four states by August), *see Stacy Aff.* ¶¶ 254-259; *Ainsworth Aff.* ¶ 233, and in the meantime, has agreed to adopt a performance measure – with a benchmark of 1% – to report the percentage of premature disconnection of UNE-P conversions associated with the two-order conversion, *see GA/LA Order* ¶ 167. And in those states where BellSouth has implemented the Single C ordering process, BellSouth has processed 83,601 UNE-P orders through April 30, 2002 with only 0.09% resulting in lost dial tone. Thus the Single C process has improved BellSouth's conversions with no loss of dial tone from 99.76% to 99.91%. *See Ainsworth Aff.* ¶ 223.

### iii. Manual Interfaces

To process manual and partially mechanized LSRs, BellSouth has six main CLEC Centers. *See Ainsworth Aff.* ¶ 4. The LCSCs handle the pre-ordering and ordering portions of LSRs for resale, UNEs, and complex services. *See id.* ¶ 5. The Data Customer Support Center (“DCSC”) handles various ordering, provisioning, and maintenance functions for most broadband services, while the Customer Wholesale Interconnection Network Service Center handles provisioning for coordinated resale and UNE products and maintenance for all resale and UNE products. *See id.* ¶¶ 17-22. Some centers, such as the Complex Resale Support Group, the Intelligent Network Services Center, the Local Interconnection Service Center, and the DCSC, interface with a variety of centers to provide a particular type of service. *See id.* ¶¶ 22-25. As explained above, each of these centers utilizes the same methods and procedures, accesses the

same databases, and provides the same training to personnel across all nine states in BellSouth's region. *See id.* ¶¶ 5, 8.

BellSouth's LCSCs are operating at commercial volumes and are capable of handling increased volumes if necessary. As of March 31, 2002, there were 966 employees in BellSouth's LCSCs, which, between January 2001 and March 2002, processed an average of 125,185 manual and electronic fallout LSRs per month.<sup>54</sup> *See id.* ¶ 14. Moreover, the LCSCs' work force and productivity continue to increase in order to meet the growing complexity of the orders handled and the evolving tighter performance standards, and to handle forecasted demand. *See id.* As CLECs move from ordering resale products to ordering UNE products and local number portability ("LNP"), the complexity of the orders handled by the LCSC has increased significantly. The volume of LSRs requiring LCSC handling (manually submitted and electronic fallout) has remained relatively constant from year to year: 1,200,000 for 1998; 1,514,321 for 1999; 1,189,464 for 2000; 1,388,893 for 2001; and 488,885 through March 2002. *See id.* At the same time, however, the LCSC operational reports show that from December 1998 through March 2002, the LCSC increased its trained service representative headcount by 248%. *See id.* These headcount increases, including overtime factors, have allowed the LCSCs to process more complex LSRs, which cannot be submitted for electronic flow-through. *See id.* Of course, if LSR volume begins to approach the LCSCs' capacity, BellSouth is prepared to meet that demand by extending service representative hours and/or utilizing other work groups pre-trained in processing LSRs. Additionally, BellSouth has the ability to shift workloads between the three LCSCs as an immediate response to high volumes. *See id.*

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<sup>54</sup> To ensure adequate staffing at each of these centers, BellSouth utilizes forecast models to anticipate staffing needs. *See Ainsworth Aff.* ¶ 6.

Despite the increased volume and complexity of manual and electronic fallout LSRs, the performance of BellSouth's LCSCs has been excellent. Between January and March 2002, BellSouth's LCSCs answered CLEC calls in significantly less time than the retail analogue for BellSouth, exceeding the retail analogue for average answer time in all three months for the region. For the three-month period, CLECs received a 28.64 second speed-of-answer compared with the retail analogue of 186.73 seconds. *See Varner Aff.* Exhs. PM-2 ¶ 91, PM-3, ¶ 91, PM-4 ¶ 90, PM-5 ¶ 90, PM-6 ¶ 90 (F.4.1).

#### iv. Maintenance and Repair Functions

After recently reviewing BellSouth's OSS for maintenance and repair functionality, the Commission concluded:

We find that BellSouth has deployed the necessary interfaces, systems, and personnel to enable requesting carriers to access the same maintenance and repair functions that BellSouth provides itself. Moreover, competing carriers have access to these functions in substantially the same time and manner as BellSouth's retail operations, and with an equivalent level of quality.

*GA/LA Order* ¶ 169 (internal quotation marks omitted). BellSouth offers CLECs two electronic interfaces for trouble reporting: TAFI and ECTA. *See Stacy Aff.* ¶¶ 16-17, 316. These interfaces are the same ones used by CLECs throughout BellSouth's nine-state region. *See id.* ¶¶ 41, 52, 317-318. Through TAFI and ECTA, BellSouth provides electronic access to BellSouth's maintenance and repair OSS that enables a CLEC to access all the same functions that are available to BellSouth's retail representatives. *See id.* ¶¶ 16-17, 316. *See also KS/OK Order* ¶ 161.

Competing carriers are using these maintenance and repair interfaces in commercially significant volumes. Between January 2001 and March 2002, 46 CLECs used TAFI to enter more than 443,330 trouble reports region-wide. *See Stacy Aff.* ¶ 16. Four CLECs have

established ECTA interfaces. *Id.* ¶ 17. Two CLECs are actively using ECTA, and another CLEC is expected to start using ECTA soon. *See id.*

For manually submitted trouble reports, region-wide, between January and March 2002, BellSouth answered CLEC calls to the maintenance center in significantly less time than it answered BellSouth retail calls. The three-month average was 27.15 seconds for CLECs compared with 31.66 seconds for retail. *See Varner Aff.* Exhs. PM-2 to -3 ¶ 92, PM-4 to -6 ¶ 91 (F.5.1).

When a CLEC's customer experiences a problem with its service, BellSouth responds and repairs the problem in the same time that it takes to repair problems for BellSouth's own retail customers. In all five states, the maintenance average duration for dispatch and non-dispatch repair appointments was the same or better than the retail analogue for loop and port combinations in every submetric for January, February, and March 2002. *See id.* Exhs. PM-2 to -6 ¶ 62 (B.3.3.3).

Moreover, between January and March 2002, in Alabama, Kentucky, Mississippi, and South Carolina, BellSouth met the retail analogue for Missed Repair Appointments for loop and port combinations in every month. *See id.* Exhs. PM-2 to -4, PM-6 ¶ 60 (B.3.1.3). In North Carolina, BellSouth met the benchmark in five of six submetrics for loop and port combinations.<sup>55</sup> *See id.* Exh. PM-5 ¶ 60. BellSouth's performance with respect to the percent of customer troubles reported has also been solid. In all five states, BellSouth met the parity

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<sup>55</sup> In January 2002, BellSouth missed the parity benchmark for non-dispatch loop and port combinations, even though BellSouth completed 285 of 295 repair appointments as scheduled, and nine of the 10 missed appointments were closed as "no trouble found." *See Varner Aff.* Exh. PM-5 ¶ 59.

benchmark for loop and port combinations in January, February, and March 2002. *See id.* Exhs. PM-2 to -6 ¶ 61 (B.3.2.3).

Finally, when BellSouth does fix a trouble, in virtually every case, there are fewer repeat troubles on CLEC end-user lines than on BellSouth end-user lines. In Alabama, Kentucky, Mississippi, and South Carolina, BellSouth met the retail analogue for Percent Repeat Troubles within 30 days for loop and port combinations in every month between January and March 2002. *See id.* Exhs. PM-2 to -4, PM-6 ¶ 63 (B.3.4.3). And, in North Carolina, BellSouth met the benchmark in five of six submetrics for loop and port combinations.<sup>56</sup> *See id.* Exh. PM-5 ¶ 63.

#### v. Billing

The Commission has previously found that “BellSouth provides nondiscriminatory access to its billing functions.” *GA/LA Order* ¶ 173; *see generally Scollard Aff.* BellSouth provides CLECs with usage data via three means – the Optional Daily Usage File (“ODUF”); the Access Daily Usage File (“ADUF”); and the Enhanced Optional Daily Usage File (“EODUF”). *See Scollard Aff.* ¶¶ 11-12; *Stacy Aff.* ¶¶ 18, 311-314. These daily usage files were designed to provide CLECs with usage records for billable call events that are recorded by BellSouth’s central offices. *See Scollard Aff.* ¶ 11. These interfaces allow a CLEC to process call records in its billing systems in substantially the same time and manner that BellSouth processes these types of records in its own systems.<sup>57</sup> *See Stacy Aff.* ¶ 311.

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<sup>56</sup> BellSouth missed the submetric for non-dispatch loop and port combinations in January 2002. Out of the 295 CLEC trouble reports that month, however, 54 were repeat trouble reports, and 42 of those were ultimately closed as “no trouble found.” *See Varner Aff.* Exh. PM -5 ¶ 63. This indicates only a minimal impact on CLEC end users. *See id.*

<sup>57</sup> In Alabama, Kentucky, South Carolina, and North Carolina, BellSouth uses the original billing platform, BIBS, which was part of the billing OSS this Commission found satisfactory in the *GA/LA Order*. *See Scollard Aff.* ¶¶ 8, 47. In Mississippi, BellSouth has implemented an enhanced internal billing platform called Integrated Billing Solution (“IBS”).

There is a high level of commercial usage of BellSouth's billing processes by CLECs. Across its nine-state region in 2001, BellSouth produced bills each month for hundreds of different CLECs using the various billing options available to them, with 247 CLECs using ODUF, three using EODUF, and 71 using ADUF. *See id.* ¶ 18. And in 2002 thus far, 292 CLECs are using ODUF, two are using EODUF, and 292 are using ADUF. *See id.*

Performance data in all five states confirm this Commission's prior finding that BellSouth's billing systems provide CLECs with nondiscriminatory access to billing functions. *See GA/LA Order* ¶ 174 ("BellSouth's performance data demonstrate its ability to provide competing carriers with billing usage information in substantially the same time and manner that BellSouth provides such information to itself, and carrier bills in a manner that gives competing carriers a meaningful opportunity to compete."). Overall, BellSouth met 10 of the 12 submetrics with CLEC activity between January and March 2002. *See Varner Aff.* ¶ 189. For example, BellSouth's invoice accuracy for CLECs serving end users in Kentucky, North Carolina, and South Carolina met the parity benchmark in January, February, and March 2002. *See id.* Exhs. PM-3, PM-5, PM-6 Attachs. 1-3 (B.4.1). In Alabama, BellSouth missed the parity benchmark by less than 0.7% in February and March 2002. *See id.* Exh. PM-2 Attachs. 1-3 (B.4.1). In Mississippi, BellSouth missed the parity benchmark by 1.16% in February and 2.35% in March 2002, but in both months had an invoice accuracy rate of 96.50% or higher.<sup>58</sup> *See Varner Aff.* Exh. PM-4 Attachs. 1-3 (B.4.1).

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*See id.* ¶ 9. This new functionality will be installed for processing in Alabama and South Carolina in July 2002 and for Kentucky, Tennessee, and North Carolina in August 2002. *See id.*

<sup>58</sup> A few initial problems arose during the implementation of IBS for certain states. These problems caused BellSouth to miss the benchmark in February and March 2002 for Mean Time to Deliver Invoices – CRIS. *See Varner Aff.* ¶ 189 & Exhs. PM-2 to -6 Attachs. 1-3 (B.4.2). And, as a result, CLECs did experience some delay in receiving invoices for unbundled

BellSouth also provided CLECs with accurate usage data – meeting the applicable parity benchmark for these submetrics between January and March 2002, and barely missing the benchmark in February by 0.23%. *See id.* Exhs. PM-2 to -6 ¶ 66 (F.9.1). Moreover, BellSouth provides complete usage data, meeting the parity benchmark region-wide for January, February, and March 2002. *See id.* Exhs. PM-2 to -6 ¶ 67 (F.9.3). Finally, BellSouth provides CLECs region-wide with usage data in a timely fashion. BellSouth’s performance was at parity for two out of three months. *See id.* Exhs. PM-2 to -6 Attachs. 1-3 (F.9.2). Even in March, the month that was out of parity, BellSouth delivered 93.11% of usage data within six days, thus still providing CLECs a meaningful opportunity to compete. *See id.* Exhs. PM-2 to -6 Attachs. 1-3 (F.9.2). In addition, BellSouth on average provided usage data faster to CLECs than to BellSouth’s retail units in each of those three months.<sup>59</sup> *See Varner Aff.* Exhs. PM-2 to -6 ¶ 68 (F.9.4).

**vi. Support for CLECs**

This Commission has held that BellSouth demonstrates that it provides the documentation and support necessary to afford competing carriers nondiscriminatory access to its OSS. *See GA/LA Order* ¶ 191. BellSouth provides CLECs with a variety of means by which they can learn about BellSouth’s systems and processes, including written guides and manuals, training classes, web-based training, and help desks. *See Stacy Aff.* ¶¶ 20-26.

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switch ports, unbundled loops, and some subsets of the DUF records. This issue has now been virtually resolved, however, with all sites, with the exception of the Fort Lauderdale, Florida processing site, back on schedule by May 7, 2002. The Fort Lauderdale site returned to a normal bill and usage release schedule on June 2, 2002. *See Scollard Aff.* ¶ 10.

<sup>59</sup> KPMG tested BellSouth’s usage files in the Georgia Third-Party Test and found all of the ODUF and ADUF test criteria satisfied. *See MTP Final Report* at VI-B-14 to -20.

As with the other requirements of Checklist Item 2, the best proof of the effectiveness of BellSouth's training and documentation can be found in the number of CLECs using the electronic OSS. *See Stacy Aff.* ¶¶ 12-19. The significant number of CLECs using EDI and TAG, combined with the high commercial usage of the interfaces, undeniably demonstrates the adequacy of BellSouth's documentation. *See Texas Order* ¶ 120 ("As an initial matter, we agree with SWBT and the Texas Commission that the adequacy of SWBT's documentation is demonstrated by the fact that several competing carriers have constructed and are using EDI interfaces in a commercial environment."). *See also KS/OK Order* ¶ 152.

**C. Checklist Item 3: Poles, Ducts, Conduits, and Rights-of-Way**

Section 271(c)(2)(B)(iii) provides that a BOC must offer "[n]ondiscriminatory access to the poles, ducts, conduits, and rights-of-way owned or controlled by the [BOC] at just and reasonable rates in accordance with the requirements of Section 224." Section 224 outlines state and federal jurisdiction over regulation of access to poles, ducts, conduits, and rights-of-way, and describes the standard for just and reasonable rates for such access. Under 47 C.F.R. § 1.1403, a utility shall provide any carrier with nondiscriminatory access to any pole, duct, conduit, or right-of-way owned or controlled by the utility. Notwithstanding this obligation, a utility may deny any telecommunications carrier access to its poles, ducts, conduits, or rights-of-way where there is insufficient capacity or for reasons of safety, reliability, and generally applicable engineering principles.

In the *Second Louisiana Order* and again in the *GA/LA Order*, the Commission held that BellSouth's nondiscriminatory procedures for access to poles, ducts, conduits, and rights-of-way fully satisfied this checklist requirement. *GA/LA Order* ¶ 278; *Second Louisiana Order* ¶¶ 171-183. In section III of its binding SGAT in each state, and in various negotiated and arbitrated

interconnection agreements, BellSouth continues to offer nondiscriminatory access to poles, ducts, conduits, and rights-of-way within reasonable time frames in each of the five states. *See Milner Aff.* ¶ 94 & Exh. WKM-4. BellSouth's provision of this checklist item to CLECs in each of the five states is no different than in Georgia and Louisiana. *See id.*

BellSouth's satisfaction of Checklist Item 3 is borne out by the fact that CLECs are executing license agreements and requesting access to BellSouth's poles, ducts, conduits, and rights-of-way in the five states in numbers proportional to Georgia and Louisiana. As of April 12, 2002, 54 CLECs have executed license agreements for access to BellSouth's poles, ducts, conduits, and rights-of-way in Alabama; 53 in Kentucky; 54 in Mississippi; 53 in North Carolina; and 52 in South Carolina. *Id.* ¶ 95 & Exh. WKM-4 ¶ 27. As of the same date, 15 of the 54 Alabama CLECs with license agreements had made 121 applications for access to BellSouth's poles, ducts, conduits, and rights-of-way; 7 CLECs had made 55 applications for access in Kentucky; 7 CLECs had made 29 applications in Mississippi; 18 CLECs had made 604 applications in North Carolina; and 11 CLECs had made 968 applications in South Carolina. *Id.* ¶ 95 & Exh. WKM-4 ¶ 28.

In sum, BellSouth plainly satisfies the requirements of Checklist Item 3. Indeed, BellSouth's compliance is so clear that no party in any of the five states' checklist-compliance proceedings challenged that conclusion. *See Ruscilli/Cox Joint Aff.* ¶ 3 n.2. Nor did any party dispute BellSouth's compliance with this checklist item in the recent Georgia/Louisiana proceeding. *GA/LA Order* ¶ 278.

#### **D. Checklist Item 4: Unbundled Local Loops**

BellSouth offers CLECs local loop transmission from the central office to the customer's premises, unbundled from local switching or other services. As of March 31, 2002, BellSouth

had provisioned more than 16,000 loops in Alabama, more than 4,100 in Kentucky, more than 5,900 in Mississippi, more than 51,000 in North Carolina, and more than 15,000 in South Carolina. *See Milner Aff.* ¶ 100.

BellSouth fully complies with all of its obligations under this checklist item. BellSouth has a concrete and specific legal obligation in each of the five states to provide local loop facilities on an unbundled basis, the terms of which are set forth in BellSouth's Alabama, Kentucky, Mississippi, North Carolina, and South Carolina SGATs, and in interconnection agreements with multiple CLECs. *See Ruscilli/Cox Joint Aff.* ¶¶ 6-7. As in Georgia and Louisiana, BellSouth provisions high-quality loops in a timely manner throughout each of the five states, and has demonstrated its ability to satisfy all levels of reasonable customer demand. Moreover, BellSouth utilizes the same nondiscriminatory processes and procedures for the pre-ordering, ordering, and provisioning of xDSL-capable loops and related services throughout its region that the Commission examined in its Georgia/Louisiana proceeding. BellSouth has complied fully with its obligations under the *Line Sharing Order*,<sup>60</sup> the *Line Sharing Reconsideration Order*,<sup>61</sup> and the *UNE Remand Order*.

### 1. Stand-Alone Loops

In each of the five states, BellSouth offers a variety of loop types to CLECs, including SL1 voice grade loops, SL2 voice grade loops, 2-wire ISDN digital grade loops, 56 or 64 kbps

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<sup>60</sup> Third Report and Order in CC Docket No. 98-147, Fourth Report and Order in CC Docket No. 96-98, *Deployment of Wireline Services Offering Advanced Telecommunications Capability*, 14 FCC Rcd 20912 (1999) ("*Line Sharing Order*"), *vacated and remanded, United States Telecom Ass'n v. FCC*, No. 00-1012, *et al.* (D.C. Cir. May 24, 2002).

<sup>61</sup> Third Report and Order on Reconsideration in CC Docket No. 98-147, Fourth Report and Order on Reconsideration in CC Docket No. 96-98, Third Further Notice of Proposed Rulemaking in CC Docket No. 98-147, Sixth Further Notice of Proposed Rulemaking in CC Docket No. 96-98, *Deployment of Wireline Services Offering Advanced Telecommunications Capability*, 16 FCC Rcd 2101 (2001) ("*Line Sharing Reconsideration Order*").

digital grade loops, 4-wire DS1 loops, and various high-capacity and xDSL-capable loops. *See Milner Aff.* ¶ 98. In addition, BellSouth provides CLECs with unbundled loops in those instances where the customer was previously served by IDLC. *See id.* ¶ 101. CLECs can access unbundled loops at any technically feasible point, and BellSouth provides access to all the features, functions, and capabilities of the loop. *See id.* ¶ 97; *New York Order* ¶¶ 273, 275. CLECs seeking additional loop types can take advantage of BellSouth's BFR process. *See Milner Aff.* ¶ 99; *Ruscilli/Cox Joint Aff.* ¶¶ 10-11.

Comprehensive performance data demonstrate that BellSouth's processes and procedures for the ordering, provisioning, and maintenance of unbundled loop facilities offer CLECs in each of the five states a meaningful opportunity to compete in the local service market. *See GALA Order* ¶¶ 224, 228 (analyzing BellSouth's compliance with Checklist Item 4 through performance measurements covering order processing timeliness, installation timeliness, missed installation appointments, installation quality, and the timeliness and quality of maintenance and repair functions).

As in Georgia and Louisiana, BellSouth's SQM plans in each of the five states are disaggregated by loop type. The SQM plans were developed through a collaborative process with significant CLEC participation, and they have been approved by the regulatory commission in each of the five states. As demonstrated in the affidavit of Alphonso Varner and its exhibits, and as further demonstrated below, those plans provide highly disaggregated data for different loop types – including data for analog loops (designed and nondesigned, and with and without LNP), various kinds of digital loops, xDSL loops, and line-shared loops. BellSouth's performance in the pre-ordering, ordering, and provisioning of unbundled loops, as captured by these comprehensive measures, demonstrates that CLECs have nondiscriminatory access to local

loop transmission. *See generally Varner Aff.* Exhs. PM-2 ¶¶ 104-159 (Alabama), PM-3 ¶¶ 104-159 (Kentucky), PM-4 ¶¶ 103-153 (Mississippi), PM-5 ¶¶ 103-157 (North Carolina), PM-6 ¶¶ 103-153 (South Carolina).

**a. Hot Cuts**

BellSouth provides nondiscriminatory access to hot-cut loops in each of the five states in accordance with the Commission's standards, utilizing the exact same hot-cut processes and procedures that the Commission approved in its *GA/LA Order*. Specifically, BellSouth performs coordinated conversions in a timely manner, with minimal service disruption, and with few troubles following installation. *See MPSC 271 Order at 78* ("BellSouth has met, and in some cases gone beyond, the explicit [hot-cut] requirements delineated by the FCC"); *KPSC 271 Order at 32*; *SCPSC 271 Order at 83*.

BellSouth has developed three different hot-cut processes, allowing CLECs to select the particular method that best fits their business plan and their customers' needs. Two of these processes (the time-specific cutover and the non-time-specific cutover) involve order coordination between BellSouth and the requesting CLEC, while the third process (the date-specific cutover) does not involve any such coordination. *See Milner Aff.* ¶¶ 122-123. In the third method, the CLEC simply specifies a date for the desired conversion to occur. *Id.* ¶ 124.

The time-specific and non-time-specific processes are largely analogous: the difference is when the time for the cutover is determined. When a CLEC places an order for a time-specific conversion, the CLEC selects up-front the date and time for the desired conversion. *Id.* ¶ 122. For a non-time-specific conversion, the CLEC selects only the cutover *date* at the time it places the original order. *Id.* ¶ 123. Then, within 24 to 48 hours of that cutover date, BellSouth and the CLEC jointly select a mutually acceptable time for the coordinated conversion to occur. *Id.*

The Commission has noted that “[t]he ability of a BOC to provision working, trouble-free loops through hot cuts is critically important in light of the substantial risk that a defective hot cut will result in competing carrier customers experiencing service outages for more than a brief period.” *Texas Order* ¶ 256. As in Georgia and Louisiana, BellSouth’s performance data for the five states demonstrate that it is doing exceptionally well in performing this “critically important” task.

Alabama. Between January and March 2002, BellSouth met or exceeded every benchmark in Alabama for each of the hot-cut submetrics. *See Varner Aff.* Exh. PM-2 ¶ 152. BellSouth provisioned 100% of scheduled conversions on time, and in fewer than 15 minutes, during the three-month period of January, February, and March 2002. *Id.* Exh. PM-2 ¶ 153. BellSouth also performed these cutovers without causing a single outage. *Id.* Exh. PM-2 ¶ 157. In addition, CLECs reported trouble on only one of 236 (0.4%) converted circuits (B.2.17), well within the benchmark established by BellSouth’s SQM and in line with this Commission’s standards. *See id.* Exh. PM-2 ¶ 158.

North Carolina. BellSouth’s North Carolina performance is also excellent. From January through March 2002, BellSouth completed 2,744 of the 2,754 (99.6%) scheduled conversions within the 15-minute benchmark. *See id.* Exh. PM-5 ¶ 151. BellSouth performed more than 99.4% of coordinated conversions without causing an outage, again far superior to the applicable standard. *See id.* Exh. PM-5 ¶ 155. During that time period, CLECs reported trouble on only 19 of 2,752 (0.69%) provisioned circuits, again well within the Commission’s standard. *See id.* Exh. PM-5 ¶ 156.

South Carolina. BellSouth’s South Carolina performance has been almost perfect. Between January and March 2002, BellSouth completed all 454 scheduled conversions on time,

and without a single outage on conversion. *See id.* Exh. PM-6 ¶¶ 147, 151. During that time period, CLECs reported trouble on only eight of 554 (1.44%) provisioned circuits, easily satisfying the Commission's standard. *See id.* Exh. PM-6 ¶ 152.

Kentucky and Mississippi. Hot-cut volumes have been comparatively small in both Kentucky and Mississippi, as BellSouth performed hot cuts on only four circuits in Kentucky and 21 circuits in Mississippi between January and March 2002. BellSouth's performance was perfect: BellSouth completed all hot-cut conversions on a timely basis in both Kentucky and Mississippi; BellSouth did not cause a single outage on conversion; and there were no reported troubles on any of the provisioned facilities within seven days of conversion. *See id.* Exhs. PM-3 ¶¶ 152-158, PM-4 ¶¶ 147-153. Because BellSouth utilizes the exact same hot-cut processes and procedures throughout its region, the Commission can look to other BellSouth states with larger hot-cut volumes (such as Georgia and North Carolina) for evidence that BellSouth's performance continues to be excellent when faced with substantially greater volumes of orders. *See KS/OK Order* ¶ 180 ("We also look to SWBT's performance in Texas (where SWBT has been handling commercial volumes to a greater degree and for a longer period of time) as evidence relevant to this checklist item because volumes in Kansas and Oklahoma are low."). In Georgia, BellSouth continues to meet all applicable Commission hot-cut standards. *See Varner Aff.* Exhs. PM-11 to -13.

In light of this evidence, there can be no serious dispute that BellSouth satisfies this Commission's standards for hot cuts throughout the five states. *See GA/LA Order* ¶¶ 220-221 (BellSouth demonstrates compliance by providing hot cuts in a timely manner, at an acceptable level of quality, with minimal service disruptions, and with a minimum number of troubles following installation).

**b. Stand-Alone Loop Performance**

In reviewing a BOC's performance for stand-alone loop provisioning, the Commission focuses upon the following categories: (i) installation timeliness; (ii) installation quality; and (iii) the quality of maintenance and repair functions. *GA/LA Order* ¶ 224. Throughout the five states, and across loop types, BellSouth's performance has been excellent.

In each of the five states, BellSouth provisions high-quality, unbundled voice-grade loops in a timely manner, affording CLECs a meaningful opportunity to compete. Reported performance data for analog loops demonstrate that BellSouth has consistently met or exceeded the parity standard for both OCIs (B.2.1.8, B.2.1.9) and the percentage of kept installation appointments (B.2.18.8, B.2.18.9) throughout the five states. *Varner Aff.* Exhs. PM-2 ¶¶ 135, 138 (Alabama), PM-3 ¶¶ 135, 138 (Kentucky), PM-4 ¶¶ 129, 132 (Mississippi), PM-5 ¶¶ 134, 137 (North Carolina), PM-6 ¶¶ 129, 132 (South Carolina).

The quality of BellSouth's loop provisioning, as well as the timeliness and quality of its maintenance and repair services, have also been solid in each of the five states. In the few instances in which BellSouth missed an installation quality submetric (B.2.19.8, B.2.19.9), the small volume of CLEC orders is predominantly responsible for the disparity. In North Carolina, for example, BellSouth missed the parity standard for three submetrics in February 2002 (B.2.19.8.2.1, B.2.19.9.1.4, B.2.19.9.2.1) because CLECs reported trouble on a total of five analog loops. *See id.* Exh. PM-5 ¶ 138 & Attach. 1. For those I-30 (troubles within 30 days of installation) submetrics where there are sufficient volumes to offer a statistically significant portrait of BellSouth's performance, by contrast, BellSouth has consistently met the parity standard. *See* B.2.19.8.1.1 (2-wire analog loop design/<10 circuits/dispatch). Between January and March 2002, BellSouth additionally met a greater percentage of maintenance and repair

appointments for CLEC customers than it did for its own retail customers in each of the five states (B.3.1.8, B.3.1.9), and completed maintenance and repair work in substantially less time for CLEC loops than for BellSouth's own retail customers (B.3.3.8, B.3.3.9). *See id.* Exhs. PM-2 ¶¶ 142-145 (Alabama), PM-3 ¶¶ 142-145 (Kentucky), PM-4 ¶¶ 136-139 (Mississippi), PM-5 ¶¶ 141-143 (North Carolina), PM-6 ¶¶ 136-139 (South Carolina).

Finally, BellSouth provides high-quality maintenance and repair services, such that CLEC customers generally suffered a lower percentage of repeat troubles than did BellSouth retail customers (B.3.4.8, B.3.4.9). *See id.* Exhs. PM-2 ¶ 145 (Alabama), PM-3 ¶ 145 (Kentucky), PM-4 ¶ 139 (Mississippi), PM-5 ¶ 143 (North Carolina), PM-6 ¶ 139 (South Carolina).

**c. High-Speed Digital Loops**

BellSouth has additionally provisioned high-quality DS1 loops to CLECs throughout the five states, and BellSouth continues to offer, although CLECs have yet to order, unbundled loops of greater transmission capacity. Between January and March 2002, BellSouth missed a smaller percentage of installation appointments for CLECs in provisioning DS1 loops than it did for its own retail customers (B.2.18.19). In North Carolina, where BellSouth had the largest volume of DS1 loop orders among the five states, BellSouth missed only two out of 403 installation appointments for DS1 loops. *See id.* Exh. PM-5 Attach. 1. In South Carolina, BellSouth missed only one out of 349 installation appointments during that same time period. *See id.* Exh. PM-6 Attach. 1. The average OCI for DS1 loops has also been substantially shorter for CLECs than it has been for BellSouth retail customers (B.2.1.19). While CLECs have, at times, reported trouble within 30 days of provisioning for a greater percentage of DS1 loops than have BellSouth retail customers, the CLECs themselves are responsible for a large percentage of the disparity.

As was true in Georgia, nearly half of all CLEC trouble reports for DS1 loops result in a finding of “no trouble.” *See GA/LA Order* ¶ 233; *Varner Aff.* Exh. PM-6 ¶ 144 (South Carolina), PM-4 ¶ 144 (Mississippi), PM-2 ¶ 150 (Alabama). BellSouth’s performance substantially improves when these improperly filed reports are factored out. *See GA/LA Order* ¶ 233.

## **2. Access to Subloop Elements**

In addition to the unbundled loops themselves, BellSouth offers CLECs the same nondiscriminatory access to subloop elements throughout the five states that it offers in Georgia and Louisiana. *See Milner Aff.* ¶ 109. The subloop UNE has been defined as a portion of the local loop that can be accessed at accessible points on the loop. *Id.* This includes any technically feasible point near the customer’s premises, such as the pole or pedestal, the network interface device, or minimum point of entry to the customer’s premises, the feeder distribution interface, the Main Distributing Frame, remote terminals, and various other terminals. *See id.* BellSouth offers the following subloop elements: loop concentration/multiplexing; loop feeder; loop distribution; intrabuilding network cable; and network terminating wire. *See id.* Moreover, CLECs can request additional subloop elements via the BFR process. *See id.* As of March 31, 2002, BellSouth has provided CLECs 568 unbundled loop distribution subloop elements region-wide. *See id.* ¶ 110.

## **3. Access to xDSL-capable Loops**

BellSouth utilizes the same nondiscriminatory processes and procedures for the pre-ordering, ordering, and provisioning of xDSL-capable loops and related services in the five states as it does in Georgia and Louisiana, offering CLECs a meaningful opportunity to compete in the advanced services market. As BellSouth explained in its Georgia/Louisiana Application, because the various flavors of xDSL have different technical prerequisites and disparate tolerance for disturbing devices, CLECs requested that BellSouth create xDSL loop offerings

with distinct parameters. In response to these requests, BellSouth developed a variety of unbundled loop types for CLECs to choose from. Because BellSouth signed interconnection agreements obligating it to continue provisioning these different loop types, however, multiple product offerings have been and remain available over time. The historical evolution of BellSouth's specific xDSL loop offerings – which currently include the ADSL-capable loop; HDSL-capable loop; ISDN loop; Universal Digital Channel (“UDC”); Unbundled Copper Loop (“UCL”), Short and Long; and UCL-Nondesign (“UCL-ND”) – is recounted in Exhibit WKM-5 to the affidavit of W. Keith Milner.<sup>62</sup>

As in Georgia and Louisiana, for the pre-ordering of xDSL-capable loops, BellSouth offers CLECs in the five states nondiscriminatory access to the actual loop makeup information (“LMU”) contained in its records and databases. *See generally Stacy Aff.* ¶¶ 241-250. In full compliance with the obligations set forth in the *UNE Remand Order*, BellSouth provides CLECs access to the exact same LMU available to and used by its retail personnel, and in the same manner. *See id.*; *GA/LA Order* ¶ 112 (“Based on the evidence in the record, we find . . . that

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<sup>62</sup> As of March 31, 2002, BellSouth had provisioned the following volumes of xDSL-capable loops in each of the five states:

Alabama: 1,200 2-wire ADSL loops; 63 2-wire HDSL loops; 316 UCL (Long and Short) loops; and 666 UDC loops.

Kentucky: 387 2-wire ADSL loops; 1 2-wire HDSL loop; 10 UCL-ND loops; and 404 UDC loops.

Mississippi: 807 2-wire ADSL loops; 42 2-wire HDSL loops; 53 UCL (Long and Short) loops; 108 UCL-ND loops; and 480 UDC loops.

North Carolina: 1,827 2-wire ADSL loops; 22 2-wire and 7 4-wire HDSL loops; 121 UCL (Long and Short) loops; 49 UCL-ND loops; and 2,454 UDC loops.

South Carolina: 419 2-wire ADSL loops; 6 2-wire HDSL loops; 121 UCL (Long and Short) loops; 24 UCL-ND loops; and 778 UDC loops.

*See Milner Aff.* ¶ 98.

BellSouth provides competitive LECs with access to loop qualification information in a manner consistent with the requirements of the *UNE Remand Order*.”).

LMU consists of the detailed information about the loop facilities serving a particular end-user address needed to determine the feasibility of providing a desired xDSL service over a loop. BellSouth’s LENS and TAG interfaces allow CLECs to obtain real-time electronic access to the LMU contained in BellSouth’s Loop Facilities Assignment & Control System (“LFACS”). *Stacy Aff.* ¶¶ 242-244. BellSouth also has implemented an enhancement such that when LFACS does not contain the requested LMU, LFACS automatically will send an electronic query to BellSouth’s Corporate Facilities Database – a digitized version of the plats available in Georgia, North Carolina, South Carolina, Florida, and 13 Alabama wire centers. *Id.* ¶ 245. In the remaining in-region states, where outside plant information is stored on paper records, CLECs can request that BellSouth’s outside plant engineers perform a manual lookup should LFACS lack the desired LMU. *Id.* ¶¶ 246-247; *Milner Aff.* Exh. WKM-5 ¶¶ 23-24. With LMU in hand, CLECs can make their own determination as to the suitability of particular loops for the desired xDSL service.<sup>63</sup>

BellSouth also performs loop conditioning as requested, irrespective of whether BellSouth offers advanced services to the end-user customer on that loop. CLECs may select the precise conditioning (*i.e.*, loop modification) they desire on their loop and will only pay for the level of conditioning selected. *See Milner Aff.* ¶ 106 & Exh. WKM-5 ¶ 24. Through BellSouth’s Unbundled Loop Modification (“ULM”) process, a CLEC can request that BellSouth modify any

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<sup>63</sup> BellSouth additionally offers CLECs access to its Loop Qualification System (“LQS”), a database designed for Network Service Providers (“NSPs”) to enable them to inquire as to whether plain old telephone service (“POTS”) lines will support BellSouth’s wholesale ADSL service. CLECs have electronic access to the exact same LQS database, and in the same time and manner, as NSPs. *See Stacy Aff.* ¶¶ 249-250.

existing loop to be compatible with the CLEC's particular hardware requirements. *See id.* Exh. WKM-5 ¶ 24.

Under the direction of its in-region state commissions, BellSouth has also developed comprehensive, disaggregated performance metrics that capture its performance in the pre-ordering, ordering, and provisioning of xDSL-capable loops and related services. In each of the five states, BellSouth's performance has been nondiscriminatory across each of the categories upon which this Commission has focused its attention: (i) order processing timeliness; (ii) installation timeliness; (iii) missed installation appointments; (iv) installation quality; and (v) quality and timeliness of maintenance and repair. *See GA/LA Order* ¶ 228. BellSouth's comprehensive performance data clearly support the conclusion that BellSouth provides nondiscriminatory access to xDSL-capable loops and related services in compliance with Checklist Item 4.

Across the five states, across all five of the relevant categories, and across each of its xDSL-related metrics, BellSouth's performance has been excellent. BellSouth returns LMU to CLECs in substantially the same time and manner as it is available to BellSouth's personnel. *See Stacy Aff.* ¶ 241. Between January and March 2002, BellSouth returned electronic LMU within five minutes for more than 99% of such requests in each of Alabama, Kentucky, Mississippi, and South Carolina. *See Varner Aff.* Exhs. PM-2 ¶ 77 (Alabama), PM-3 ¶ 77 (Kentucky), PM-4 ¶ 76 (Mississippi), PM-6 ¶ 76 (South Carolina). In North Carolina, BellSouth returned electronic LMU within five minutes for more than 97.5% of such requests, well above the applicable 95% benchmark. *See id.* Exh. PM-5 ¶ 76.

BellSouth additionally installs high-quality xDSL-capable loops in a timely manner in each of the five states. BellSouth provisions xDSL-capable loops well within the seven-day

benchmark established in its state-approved performance plans, *see id.* Exhs. PM-2 ¶ 108 (Alabama), PM-3 ¶ 108 (Kentucky), PM-4 ¶ 107 (Mississippi), PM-5 ¶ 107 (North Carolina), PM-6 ¶ 107 (South Carolina) (B.2.2), and BellSouth has met or exceeded the applicable parity standard for missed installation appointments in January through March 2002, *id.* Exhs. PM-2 ¶ 112, PM-3 ¶ 112, PM-4 ¶ 110, PM-5 ¶ 111, PM-6 ¶ 110 (B.2.18.5).

Once provisioned, CLEC-ordered xDSL-capable loops experience few technical problems. Between January and March 2002, BellSouth met or exceeded the parity standard for trouble reports within 30 days of installation in each of the five states. *Id.* Exhs. PM-2 ¶ 113, PM-3 ¶ 113, PM-4 ¶ 111, PM-5 ¶ 112, PM-6 ¶ 111.

When CLECs did experience trouble on xDSL-capable loops, BellSouth handled the troubles in substantially less time than it handled the troubles for its retail units (B.3.3.5). BellSouth consistently made a greater percentage of repair appointments for CLECs than for its own retail customers (B.3.1.5), and provided superior quality repair service, as CLECs suffered fewer repeat troubles (B.3.4.5). *See id.* Exhs. PM-2 ¶ 121, PM-3 ¶ 121, PM-4 ¶ 116, PM-5 ¶ 120, PM-6 ¶ 116.

#### **4. ISDN-BRI Loop Provisioning**

BellSouth's performance in provisioning ISDN-BRI loops has also been excellent across each of the categories to which this Commission has directed its attention. In each of the five states, BellSouth has met or exceeded the parity standard for ISDN-BRI loops for average OCI (B.2.1.6.3) and for meeting installation appointments during each month from January through March. *See Varner Aff.* Exhs. PM-2 ¶¶ 125, 127 (Alabama), PM-3 ¶¶ 125, 127 (Kentucky), PM-4 ¶¶ 119, 121 (Mississippi), PM-5 ¶¶ 124, 126 (North Carolina), PM-6 ¶¶ 119, 121 (South Carolina). CLEC ISDN loops experience few technical problems within 30 days of installation, and more than 95% of CLEC ISDN-BRI loops are consistently trouble free throughout the five

states (B.3.2.6). And when CLECs do experience troubles, BellSouth has provided timely and high-quality maintenance and repair services. In each of the five states, BellSouth routinely meets or exceeds the parity standard for missed repair appointments (B.3.1.6), average maintenance duration (B.3.3.6), and percent repeat reports within 30 days (B.3.4.6). In the rare instances where BellSouth has fallen just short of parity, the small number of CLEC ISDN-BRI loops experiencing trouble skews the picture of BellSouth's performance. *See id.* Exh. PM-4 ¶ 126. None of these minor deviations is competitively significant to CLECs. *See GA/LA Order* ¶ 230.

## 5. Line Sharing

BellSouth has implemented line sharing in each of the five states in full compliance with the terms of the *Line Sharing Order* and the *Line Sharing Reconsideration Order*, allowing CLECs to offer high-speed data service to BellSouth voice customers. Specifically, line sharing is available to a single requesting carrier, on loops that carry BellSouth's POTS, so long as the xDSL technology deployed by the requesting carrier does not interfere with the analog voice-band transmissions. *See Milner Aff.* Exh. WKM-6. BellSouth allows line-sharing CLECs to deploy any version of xDSL that is presumed acceptable for shared-line deployment in accordance with Commission rules, and will not significantly degrade analog voice service. At the request of the data CLECs, BellSouth voluntarily provides line splitters in 96-line unit, 24-line unit, and 8-line unit compliments. *Id.* ¶ 17. BellSouth utilizes the exact same processes and procedures for the pre-ordering, ordering, and provisioning of line-shared loops in the five states as it does in Georgia and Louisiana. *Id.* ¶ 19. Accordingly, the Commission's conclusion that "BellSouth offers line sharing in Georgia and Louisiana . . . in accordance with the requirements of the *Line Sharing Order* and the *Line Sharing Reconsideration Order*," *GA/LA Order* ¶ 238, applies with equal force here.

BellSouth developed its line-sharing product in a collaborative effort with CLECs and is continuing to work cooperatively with CLECs on an ongoing basis to resolve issues as they arise. *See Milner Aff.* Exh. WKM-6 ¶¶ 6-15. BellSouth invited all interested CLECs to collaborative meetings beginning in January 2000, and at least 11 CLECs participated in these meetings. The participants agreed to form several working collaborative teams to develop processes and procedures for central-office-based line sharing, which were then implemented, tested, and improved. As a result of these efforts, BellSouth was able to implement commercial line sharing by this Commission's June 6, 2000 deadline. As of April 2002, BellSouth had provisioned 702 line-sharing arrangements in Alabama, 518 line-sharing arrangements in Kentucky, 585 line-sharing arrangements in North Carolina, and 7,900 such arrangements region-wide. *See Milner Aff.* ¶ 114.

The pre-ordering, ordering, provisioning, and maintenance and repair processes for the line-sharing product are very similar to the processes for xDSL-capable loops. *Id.* Exh. WKM-6 ¶¶ 20-27. CLECs obtain access to LMU in the exact same manner whether they are seeking to obtain an xDSL-capable loop or the high-frequency portion of the loop. *Id.* ¶¶ 20-21. As BellSouth has demonstrated, it offers access to the exact same LMU available to and used by its retail personnel, and in the same time and manner.

BellSouth provisions line sharing in a timely, accurate, and nondiscriminatory manner. *See Massachusetts Order* ¶ 165 (“[A] successful BOC applicant could provide evidence of BOC-caused missed installation due dates, average installation intervals, trouble reports within 30 days of installation, mean time to repair, trouble report rates and repeat trouble report rates.”) (internal quotation marks omitted). BellSouth has met or exceeded the parity standard for order

completion throughout the five states (B.2.1.7), and BellSouth routinely meets substantially the same percentage of CLEC and retail installation appointments (B.2.18.7).

BellSouth's performance data additionally demonstrate that it offers high-quality line-shared facilities, as well as timely and quality maintenance and repair service. In North Carolina, for example, more than 97% of CLEC line-sharing arrangements were trouble-free between January and March 2002. Moreover, a full two-thirds of reported troubles in January were closed with "no trouble found," indicating that the percentage of trouble-free line-shared loops is actually higher than reported. *Varner Aff.* Exh. PM-5 ¶ 118. *See also id.* Exh. PM-2 ¶ 119 (over 70% of reported troubles in Alabama were closed as "no trouble found"). BellSouth has met substantially the same percentage of repair appointments for CLECs as for its retail customers. *See id.* Exhs. PM-2 ¶ 117 (Alabama), PM-3 ¶ 117 (Kentucky), PM-5 ¶ 116 (North Carolina). BellSouth additionally met or exceeded the parity standard for repeat troubles for all six relevant submetrics in Kentucky, and for five of six relevant submetrics in Alabama and North Carolina. *See id.* Exhs. PM-2 ¶ 122, PM-3 ¶ 122, PM-5 ¶ 121.

Moreover, although BellSouth has discovered a PMAP 2.6 problem that caused it to miss some line-sharing provisioning activity, the April results generated by PMAP 4.0 (which has corrected this problem) confirm that BellSouth's performance is compliant. In areas with activity, BellSouth met all OCI submetrics except one, and met every submetric on held orders, percent jeopardies, percent missed installation appointments, and average completion notice interval. *See Varner Aff.* ¶¶ 292-294.

## **6. Line Splitting**

As in Georgia and Louisiana, BellSouth facilitates CLEC efforts to engage in line splitting throughout the five states in full compliance with the Commission's instructions. *Milner Aff.* Exh. WKM-6 ¶¶ 36-43; *see also GA/LA Order* ¶ 241 ("BellSouth complies with its

line-splitting obligations and provides access to network elements necessary for competing carriers to provide line splitting”). Specifically, BellSouth facilitates line splitting by cross-connecting an unbundled loop to a CLEC’s collocation space. *Milner Aff.* ¶ 118 & Exh. WKM-6 ¶ 36. Once the CLEC has separated the voice from the data service, and sent the latter onto the packet-switched network, BellSouth will cross-connect the voice signal back to the BellSouth circuit switch. *Id.* Exh. WKM-6 ¶ 43. In other words, BellSouth offers the same arrangement to CLECs as the Commission described in the *Texas Order* and the *Line Sharing Reconsideration Order*, and approved in its *GA/LA Order*. See *GA/LA Order* ¶ 241.

**E. Checklist Item 5: Unbundled Local Transport**

In compliance with the Act, BellSouth provides “[l]ocal transport from the trunk side of a wireline local exchange carrier switch unbundled from switching or other services.” 47 U.S.C. § 271(c)(2)(B)(v). Interoffice transmission facilities include both dedicated transport and shared transport. *Second Louisiana Order* ¶ 201. Dedicated transport is defined as “incumbent LEC transmission facilities . . . dedicated to a particular customer or carrier, that provide telecommunications between wire centers owned by incumbent LECs or requesting telecommunications carriers, or between switches owned by incumbent LECs or requesting telecommunications carriers.” 47 C.F.R. § 51.319(d)(1)(i). Shared transport is defined as “transmission facilities shared by more than one carrier, including the incumbent LEC, between end office switches, between end office switches and tandem switches, and between tandem switches, in the incumbent LEC network.” *Id.* § 51.319(d)(1)(iii).

In the *GA/LA Order*, this Commission concluded that BellSouth complies “with the requirements of this checklist item.” *GA/LA Order* ¶ 245. Because BellSouth’s terms and conditions for local transport in the five states at issue here are substantively the same as those in

Georgia and Louisiana, BellSouth also satisfies this checklist item in the five states. *See Ruscilli/Cox Joint Aff.* ¶ 34.

BellSouth's terms and conditions in the five states continue to comply with all applicable rules. *See id.* ¶¶ 31-34. Dedicated and shared transport are available between end offices, between tandems, and between tandems and end offices, and procedures are in place for the ordering, provisioning, and maintenance of both dedicated and shared transport. *Milner Aff.* ¶¶ 137-142. BellSouth offers dedicated transport at high levels of capacity, including DS3 and OCn levels. *Id.* ¶ 140. For dedicated transport, to the extent technically feasible, BellSouth provides requesting carriers access to digital cross-connect system functionality in the same manner that BellSouth provides it to interexchange carriers. *Id.* CLECs purchasing shared transport may use the same routing tables resident within BellSouth's switches. *Id.* ¶ 142.

Available data on local transport show that CLECs have nondiscriminatory access to dedicated and shared transport elements. For instance, in the five states at issue here, BellSouth timely provisioned and maintained unbundled transport from January through March 2002, meeting or exceeding nearly all submetrics where there was activity. *See, e.g., Varner Aff.* Exhs. PM-2 ¶¶ 160-162 (Alabama), PM-3 ¶¶ 160-162 (Kentucky), PM-4 ¶¶ 154-156 (Mississippi), PM-5 ¶¶ 158-169 (North Carolina), PM-6 ¶¶ 154-156 (South Carolina).

**F. Checklist Item 6: Unbundled Local Switching**

Checklist Item 6 obligates a BOC to provide “[l]ocal switching unbundled from transport, local loop transmission, or other services.” 47 U.S.C. § 271(c)(2)(B)(vi). In accordance with this Commission's requirements, BellSouth provides (1) line-side and trunk-side facilities; (2) basic switching functions; (3) vertical features; (4) customized routing; (5) shared trunk ports; (6) unbundled tandem switching; (7) usage information for billing exchange access; and

(8) usage information for billing for reciprocal compensation. *See Milner Aff.* ¶¶ 146-172; *Ruscilli/Cox Joint Aff.* ¶¶ 35-46.

In the *GA/LA Order*, this Commission found that BellSouth complied with this checklist item. Because BellSouth's terms and conditions for unbundled local switching in the five states at issue here are substantively the same as those in Georgia and Louisiana, BellSouth also satisfies this checklist item in the five states. *See Ruscilli/Cox Joint Aff.* ¶ 46.

Facilities and Vertical Features. BellSouth makes available to CLECs nondiscriminatory access to line-side and trunk-side facilities, plus the features, functions, and capabilities of the switch. *See Milner Aff.* ¶ 146; *Ruscilli/Cox Joint Aff.* ¶¶ 17, 35. Local circuit switching also provides access to additional capabilities such as common and dedicated transport, out-of-band signaling, 911, operator services, directory services, repair service, as well as Advanced Intelligent Network ("AIN") capabilities. *See Milner Aff.* ¶ 148.

BellSouth offers CLECs in the five states all vertical features that are loaded in the switch. *Id.* ¶ 150. In addition, BellSouth will provide switch features that are loaded but not activated, and features that are not currently loaded in the switch, pursuant to the BFR process, where technically feasible. *Id.*; *see Second Louisiana Order* ¶ 220 (BOC may require CLECs to request vertical switching features through a formal, finite process that would give the BOC an opportunity to determine feasibility and to develop procedures for offering those features).

Customized Routing. Customized routing allows calls from a CLEC's customer served by a BellSouth switch to reach operator services or directory assistance platforms maintained by BellSouth (branded or unbranded), the CLEC, or a third party. *See Milner Aff.* ¶ 158. BellSouth provides nondiscriminatory access to technically feasible customized routing functions via two methods: AIN and Line Class Codes ("LCCs"). *See id.* ¶¶ 159-170. In the *GA/LA Order*, this

Commission has held that these two methods of customized routing satisfied this checklist obligation. *See GA/LA Order* ¶ 249 (“BellSouth demonstrates that it provides . . . customized routing”); *accord Texas Order* ¶¶ 340-341.

BellSouth’s AIN method uses a database containing CLECs’ pre-established routing choices. *Milner Aff.* ¶ 160. Built on an advantageous “hubbing” arrangement, AIN permits non-AIN-capable end office switches to use AIN customized routing. *Id.* ¶ 161. It can be used for all call types, and it optimizes the use of trunk groups through carriage of customized routing traffic over common trunk groups between the end office and the AIN hub. *Id.* ¶ 160.

The LCC method, which BellSouth uses for its own customers, routes calls via an LCC in the switch. *Id.* ¶ 164. For example, when a CLEC customer dials 0 for an operator or 411 for directory assistance, routing tables identify a trunk group to the destination previously designated by the CLEC. *Id.* Multiple subscribers can be served by the same LCC, which connects each of them to the same destination for the same type of call. *Id.*

**G. Checklist Item 7: Nondiscriminatory Access to 911, E911, Directory Assistance, and Operator Call Completion Services**

In the *GA/LA Order*, the Commission ruled that BellSouth satisfied the requirements of Checklist Item 7 by providing nondiscriminatory access to emergency, directory assistance, and operator call completion services to other carriers. *See GA/LA Order* ¶¶ 250, 253; *see also South Carolina Order* ¶¶ 225-230 (finding BellSouth provides nondiscriminatory access to emergency services); *Second Louisiana Order* ¶ 236 (same). Because BellSouth currently uses the same nondiscriminatory processes and methods for the five states at issue here as it does in Georgia and Louisiana, it also satisfies this requirement in these five states. *See generally Milner Aff.* ¶¶ 173-204.

**1. 911 and E911 Services**

In the five states at issue in this Application, BellSouth provides CLEC customers access to 911 and E-911 services at a level of quality and performance that is at least equal to what BellSouth provides itself. *See Milner Aff.* ¶¶ 174-177; *see generally id.* Exh. WKM-9. BellSouth has had in place methods and procedures since 1996 that allow other carriers, including independent LECs, nondiscriminatory access to BellSouth's E911 and 911 updating capabilities. *Milner Aff.* ¶ 174. The Commission has repeatedly found that BellSouth satisfies the 911 and E911 components of Checklist Item 7. *See GA/LA Order* ¶¶ 250, 253; *see also Second Louisiana Order* ¶ 236; *South Carolina Order* ¶ 225.

**2. Directory Assistance/Operator Services**

BellSouth offers CLECs in each of the five states at issue here access to its OS/DA offerings on a nondiscriminatory basis. *Milner Aff.* ¶¶ 178-204 & Exh. WKM-10. As described in the *GA/LA Order*, BellSouth offers CLECs an array of options for providing OS/DA services. A CLEC can elect (1) to provide OS/DA services to its own customers directly; (2) to route its customers' OS/DA calls to a third-party provider; or (3) to have BellSouth provide these services on its behalf. *See GA/LA Order* ¶ 253 n.975; *Milner Aff.* ¶ 179. *See also Milner Aff.* Exh. WKM-10.

In addition, BellSouth provides nondiscriminatory access to carrier-specific branding, or removal of the BellSouth brand alone, for OS/DA calls. *See Milner Aff.* ¶¶ 194-203; *GA/LA Order* ¶ 253 ("competing carriers that wish to resell BellSouth's [OS/DA] have a choice of whether the services will be branded, unbranded, or custom branded with the competing carrier's own brand"). CLECs may choose branding via customized routing using either the AIN or LCCs. *See Milner Aff.* ¶¶ 159-170, 202. Alternatively, CLECs may request branding through the Originating Line Number Screening ("OLNS") option that does not require customized

routing. *Id.* ¶ 202. The Commission has properly ruled that these options satisfy BellSouth's branding obligations. *See GA/LA Order* ¶ 253.

BellSouth does not disaggregate DA and OS performance data between BellSouth end-user customers and CLEC end-user customers. Such disaggregation is unnecessary to establish nondiscrimination because BellSouth's provision of DA and OS to CLECs creates parity by design. *See Milner Aff.* ¶¶ 192-193; *GA/LA Order* ¶ 253 ("BellSouth's services are designed in such a manner that calls from customers of competing carriers are processed in an identical manner to BellSouth retail customers resulting in identical performance").

#### **H. Checklist Item 8: White Pages Directory Listings for CLEC Customers**

In the *GA/LA Order*, the Commission determined that BellSouth's procedures for providing White Pages listings satisfied the requirements of Checklist Item 8. *See GA/LA Order* ¶¶ 257-258; *accord Second Louisiana Order* ¶¶ 252-258. Because BellSouth uses the same systems and procedures for generating nondiscriminatory White Pages listings in these five states as it did in Georgia and Louisiana at the time of that successful application, BellSouth also satisfies this checklist item in these five states. *Milner Aff.* ¶ 205.

BellSouth makes White Pages listings available for the end users of both resellers and facilities-based CLECs at no extra charge. *See id.* Exh. WKM-14 ¶ 3. BellSouth fully integrates CLEC subscriber listings with those of its own retail customers. *Id.* ¶ 12. All entries appear in the same font and character size, such that the listings of BellSouth and CLEC customers look identical. *Id.* Finally, BellSouth uses the same procedures to process all the listings it receives, and it provides CLEC customers with the same accuracy and reliability as BellSouth customers. *Id.* ¶ 16.