

BellSouth Corporation
Suite 900
1133-21st Street, N.W.
Washington, DC 20036-3351

kathleen.levitz@bellsouth.com

Kathleen B. Levitz
Vice President-Federal Regulatory

202 463 4113
Fax 202 463 4198

August 22, 2002

WRITTEN EX PARTE

Ms Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

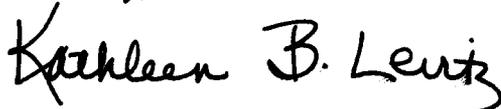
Re: WC Docket No. 02-150

Dear Ms Dortch:

Attached is a copy of an Order issued by the North Carolina Utilities Commission concluding that good cause exists to grant BellSouth's request for that Commission to amend the North Carolina performance measurement plan to incorporate the six change management metrics and associated penalties that the Florida Public Service Commission adopted recently. I have sent this electronically to Aaron Goldberger and Gina Spade of the Wireline Competition Bureau at Mr. Goldberger's request.

In accordance with Section 1.1206, I am filing two copies of this notice and the accompanying attachments and request that you please place them in the record of the proceeding identified above. Thank you.

Sincerely,



Kathleen B. Levitz

Attachment

cc: Aaron Goldberger
Gina Spade
Susan Pié
James Davis-Smith

STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

DOCKET NO. P-55, SUB 1022
DOCKET NO. P-100, SUB 133k

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

DOCKET NO. P-55, SUB 1022

In the Matter of)	
Application of BellSouth Telecommunications, Inc. to Provide In-Region InterLATA Service Pursuant to Section 271 of the Telecommunications Act of 1996)	ORDER GRANTING BELLSOUTH'S REQUEST TO AMEND PERFORMANCE PLAN TO INCORPORATE SIX MEASURES AND ASSOCIATED PENALTIES AND REQUESTING FURTHER RESPONSE BY BELLSOUTH
DOCKET NO. P-100, SUB 133K)	
In the Matter of)	
Generic Docket to Address Performance Measurements and Enforcement Mechanisms)	

BY THE CHAIR: On May 23, 2002, the Commission issued its *Notice of Decision* in Docket No. P-55, Sub 1022.

The May 23, 2002 *Notice of Decision* stated in Paragraph 5:

That the Service Quality Measurement and penalty plans currently in effect in Georgia are adopted for BellSouth until the effective date of the *Order Concerning Performance [Measurements] and Enforcement Mechanisms* in Docket No. P-100, Sub 133k (i.e., June 21, 2002). Any penalty payments will be subject to true-up as of the effective date of the North Carolina plan. BellSouth shall notify this Commission within five days of any changes made by the Georgia Public Service Commission to the Service Quality Measurement and penalty plans currently in effect in Georgia. BellSouth shall notify the Commission and all parties to this proceeding within five days of any changes to its calculations, exclusions or rules regarding such Service Quality Measurements or penalty plan with a full explanation.

On August 9, 2002, BellSouth Telecommunications, Inc. (BellSouth) filed a letter with the Commission detailing a recent decision wherein the Florida Public Service

Commission adopted six additional change control measures, as follows:

CM-6: Percent of Software Errors Corrected in X (10, 30, 45) Business Days

CM-7: Percent of Change Requests Accepted or Rejected Within 10 Days

CM-8: Percent of Change Requests Rejected

CM-9: Number of Defects in Production Releases (Type 6 CR)

CM-10: Software Validation

CM-11: Percent of Change Requests Implemented Within 60 Weeks of Prioritization

BellSouth noted that several state commissions and the Federal Communications Commission (FCC) have focused attention on BellSouth's Change Control Process (CCP). Consequently, BellSouth stated, it will report regional data collected in accordance with the six measures in North Carolina in conjunction with its monthly data reporting. BellSouth maintained that it will begin reporting data on the six measures with August data (reported in September and October).

BellSouth noted that in conjunction with the new measures, the Florida Public Service Commission ordered BellSouth to pay penalties on measures CM-6, CM-7, and CM-11. BellSouth maintained that because of the FCC's focus on CCP, BellSouth is voluntarily agreeing to pay Tier II penalties on these same three measures in North Carolina pursuant to the Self-Effectuating Enforcement Mechanism Plan adopted by the Commission's May 23, 2002 *Notice of Decision* in Docket No. P-55, Sub 1022.

BellSouth concluded that it will begin voluntarily implementing these measures. However, BellSouth also requested that the Commission amend the performance plan to incorporate the six measures and the associated penalties.

On August 15, 2002, BellSouth filed a letter with the Commission stating that due to a clerical error, the Service Quality Measurement (SQM) page for measure CM-6 filed on August 9, 2002 was incorrect and did not mirror the measure adopted in Florida. BellSouth provided an attachment of the correct SQM page for CM-6 and requested that the Commission substitute the new SQM page for the CM-6 SQM page filed with the Commission on August 9, 2002.

WHEREUPON, the Chair reaches the following

CONCLUSIONS

After careful consideration, the Chair concludes that good cause exists to grant BellSouth's request for the Commission to amend the performance measurement plan to incorporate the six CCP measures ordered in Florida and the associated penalties.

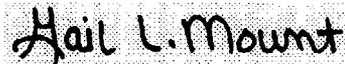
Further, although BellSouth did not file its letter in the Commission's generic performance measurements and enforcement mechanisms docket (Docket No. P-100, Sub 133k), the Chair is interested in exploring the possibility of BellSouth including these six measures and associated penalties in the final permanent plans adopted in North Carolina for BellSouth. Therefore, the Chair requests that BellSouth provide a written response by no later than Wednesday, September 4, 2002 indicating its position on including the six measures and associated penalties in its final permanent performance measurement plan and penalty plan in North Carolina.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 21st day of August, 2002

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in black ink that reads "Gail L. Mount". The signature is written in a cursive style and is positioned above the typed name.

Gail L. Mount, Deputy Clerk

bp082002.01