

*See Varner Aff.* Exhs. PM-2 ¶ 85, PM-3 ¶ 82 (D.1.1.1, D.1.1.2, D.1.1.5). In fact, since December 2000, BellSouth has regularly met the measure of 99.5% availability for TAG, EDI, and LENS in Florida and Tennessee. *See Stacy Aff.* ¶ 459.

In granting BellSouth's application for 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>50</sup>

Firm Order Confirmations. BellSouth continues to demonstrate that it is "providing timely order confirmation notices to competitive LECs." *GA/LA Order* ¶ 136; *Five State Order* ¶ 145. *See also Varner Aff.* Exhs. PM-2 ¶¶ 44-47, PM-3 ¶¶ 42-45 (B.1.9, B.1.12, B.1.13). In both Florida and Tennessee, BellSouth's recent performance in returning FOCs has been excellent, providing CLECs a meaningful opportunity to compete. Indeed, in each state, 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 8 of the 9 submetrics during the months of May, June, and July 2002. *See id.* Exhs. PM-2 Attachs. 1-3, PM-3 Attachs. 1-3.<sup>51</sup> Moreover, KPMG's Florida third-

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<sup>50</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 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.* ¶ 9.

<sup>51</sup> BellSouth missed the FOC timeliness benchmark for the UNE Other Non-design submetric for mechanized and partially mechanized orders in Tennessee in May, June, and July 2002 and for mechanized orders in Florida in May and June 2002. *See Varner Aff.* Exhs. PM-2 ¶ 45, PM-3 ¶¶ 43-44 (B.1.12.15). All of these misses, however, were caused by an incorrect

party test of BellSouth's ability to return timely FOCs determined that BellSouth satisfied the applicable test criteria. *See* KPMG FL Final Report, TVV-1-3-4 to TVV-1-3-5, at 195-98 & TVV-1-3-10 to TVV-1-3-11, at 202-04.

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. *See also Five State Order* ¶ 149. 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, between May and July 2002, BellSouth met the benchmark in both Florida and Tennessee for most submetrics with significant CLEC activity. *See Varner Aff.* Exhs. PM-2 ¶ 42, PM-3 ¶ 40 (B.1.7.3, B.1.7.15). For example, between May and July 2002, BellSouth met the benchmark for loop and port combinations in Florida in each month, providing at least 85% of reject notices within 10 hours. *See id.* Exh. PM-2 Attachs. 1-3 (B.1.7.3). And, in Tennessee, BellSouth met the benchmark for loop and port combinations in 2 of the 3 months. *See id.* Exh. PM-3 Attachs. 1-3 (B.1.7.3). Overall, BellSouth returned timely reject notices for 93% and 87% of all partially mechanized orders in Florida and Tennessee, respectively, which is above the 85% benchmark in both states. *See id.* Exhs. PM-2 ¶ 42, PM-3 ¶ 40.

For manually submitted orders, BellSouth's performance was also excellent. Between May and July 2002, BellSouth exceeded the relevant benchmark in Florida and Tennessee –

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timestamp in the LEO header table. *See id.* When the data were rerun with the correct timestamp, BellSouth met the 95% benchmark for mechanized orders in all three months in both states. *See id.* Exhs. PM-2 ¶ 45, PM-3 ¶ 43. With respect to partially mechanized orders in Tennessee, BellSouth met the benchmark using the rerun data in May and June, and only barely missed the benchmark in July. *See id.* Exh. PM-3 ¶ 44.

providing more than 85% of rejects within 24 hours – for every submetric that had CLEC activity. *See id.* Exhs. PM-2 ¶ 43 & Attachs. 1-3, PM-3 ¶ 41 & Attachs. 1-3 (B.1.8.1 - B.1.8.17).

BellSouth's performance in returning reject notices for fully mechanized orders is also nondiscriminatory. The benchmark in Florida and Tennessee for orders submitted electronically is the return of a reject notice within one hour for 97% of orders. *See id.* Exhs. PM-2 ¶ 39, PM-3 ¶ 39 (B.1.4.3). Although BellSouth missed this benchmark in both states between May and July 2002 for mechanized orders for loop and port combinations, the margins generally were very small, with BellSouth returning timely rejects for at least 93% of mechanized orders in both states during those months. As this Commission has previously 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 was not an obstacle to checklist compliance).<sup>52</sup> Moreover, KPMG tested BellSouth's ability to return timely rejects and found all criteria to be satisfied. *See* KPMG FL Final Report, TVV-1-3-2 to TVV-1-3-3, at 193-94 & TVV-1-3-8 to TVV-1-3-9, at 200-02.

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 flowing through resale orders in substantially the same time and manner as it does for its own retail customer orders"). Indeed, because BellSouth has demonstrated that its OSS are scalable

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<sup>52</sup> BellSouth has performed a root cause analysis and identified four issues that impacted BellSouth's performance in returning timely rejects for mechanized orders across all order types. *See Varner Aff.* Exhs. PM-2 ¶ 40, PM-3 ¶ 39. Two of these issues already have fixes scheduled in upcoming releases, one is awaiting scheduling, and the fix for the last issue is currently being evaluated for implementation. *See id.*

to handle reasonably foreseeable commercial volumes, “flow-through performance has less value as an indicator of deficiencies in OSS.” *Five State Order* ¶ 153.

In any event, 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.* ¶ 425. For UNE orders, where there has been the most ordering growth, flow-through rates improved from 83% in May 2002 to 89% in July 2002 – meeting the UNE benchmark for flow through for UNEs in July. *See id.* ¶¶ 425-426 & Exh. WNS-99. Similarly, flow-through performance for business resale reveals that flow through improved from 70% in May 2002 to 73% in July 2002. *See id.* ¶ 425. Residential resale flow through improved from 87% to 88% during that same period. *See id.*

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; *Five State Order* ¶ 152; *Stacy Aff.* ¶ 431. For example, an analysis of the July 2002 Percent Flow-Through Service Requests (Aggregate Detail) report reveals that 239 users experienced a flow-through rate in excess of 90%. *See Stacy Aff.* ¶ 431. Notably, 47 of these users electronically submitted in excess of 1,000 LSRs, and 80 users submitted between 100 and 999 LSRs. *See id.* & Exh. WNS-101. 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.”); *Five State Order* ¶ 152 (same).

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. In Florida, reject rates dropped from 23.6% in September 2001 to only 11.9% in July 2002. *See Stacy Aff.* ¶ 335. In Tennessee, reject rates dropped from 19.7% in September 2001 to only 14.5% in July 2002. *See id.*

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.* ¶¶ 400, 420-421. 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.* ¶¶ 449-451; *GA/LA Order* ¶ 146; *Five State Order* ¶ 154. 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.* ¶ 450 & Exh. WNS-103 (listing flow-through improvement features, errors, and defects that already have been implemented). Thirty-five items have been identified – all of which have been implemented. *See id.* These improvements have translated directly into higher flow-through results: BellSouth's flow-through rates increased in three of the four reporting categories with results posted June 2002, and two of the four segments with results posted July 2002, while the regionally reported aggregate flow-through rate increased by 2%, from 85.9% in June to 88.3% in July. *See id.* ¶ 451.

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; *Five State Order* ¶ 151; *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; *Five State 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. For the three-month period of May through July 2002, BellSouth exceeded the 95% benchmark aggregated across all products for both mechanized and non-mechanized orders, achieving a 98.10% accuracy rate based on a weighted service order average. *See Varner Aff.* ¶ 142. And, for UNE service order accuracy, 18 of the 24 submetrics exceeded the 95% benchmark, with an additional 4 submetrics exceeding 85%. *See id.* ¶ 144.

BellSouth's strong performance is directly attributable to BellSouth's efforts at improving service order accuracy. 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 Ainsworth Aff.* ¶¶ 206-216. 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.* ¶ 206. 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 Florida and Tennessee. *See id.* ¶ 214. *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; *Five State Order* ¶ 156. BellSouth’s recent data also demonstrate that BellSouth has consistently performed well in Florida and Tennessee in providing timely order completion notices. In both states, BellSouth met the retail analogue comparison for this measure for UNE loop and port combinations in all three months (May through July 2002). *See Varner Aff.* Exhs. PM-2 ¶ 53, PM-3 ¶ 51 (B.2.21).

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; *Five State Order* ¶ 158. BellSouth’s recent performance in Florida and Tennessee 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 Florida and Tennessee, BellSouth exceeded the retail analogue for loop and port combination orders in every month between May and July 2002. *See Varner Aff.* Exhs. PM-

2 ¶ 55, PM-3 ¶ 53 (B.2.5.3). 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 ¶¶ 56-57, PM-3 ¶¶ 54-55. *See also GA/LA Order* ¶ 156 (“[W]e note that BellSouth is held 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).

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; *Five State Order* ¶ 169. The systems, procedures, and personnel used by BellSouth to offer nondiscriminatory access to provisioning timeliness and quality are the same across its region. *See Heartley Aff.* ¶¶ 3-46.<sup>53</sup> Moreover, BellSouth's provisioning performance on the relevant metrics confirms that CLECs in Florida and Tennessee continue to receive nondiscriminatory access to provisioning functions.<sup>54</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*

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<sup>53</sup> BellSouth also addresses the provisioning performance data related to specific UNEs under the specific checklist item to which the data apply.

<sup>54</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.* ¶¶ 453-456. Four hundred sixty-nine (469) CLECs are using CSOTS region-wide. *See id.* ¶ 453.

*id.* For provisioning quality, the Commission will look to service problems at the provisioning stage. *See id.*

As noted above, BellSouth exhibits strong performance with respect to percent missed installation appointments in Florida and Tennessee, with BellSouth meeting the parity benchmark for most of the submetrics with CLEC activity during May, June, and July 2002. *See Varner Aff.* Exhs. PM-2 ¶ 56, PM-3 ¶ 54 (BellSouth met 17 of 23 submetrics in Florida and 15 of 17 submetrics in Tennessee). And, for those few submetrics where BellSouth did miss the parity benchmark, BellSouth's performance was still very strong. *See id.* For example, in Florida, BellSouth met more than 99.5% of installation appointments in each of those months. *See id.* Exh. PM-2 ¶ 56. From a practical point of view, therefore, CLECs' ability to compete has not been hindered. *See id.* Exhs. PM-2 ¶ 56, PM-3 ¶ 54.

Moreover, BellSouth's performance in provisioning loop and port combinations was solid in Florida and Tennessee between May and July 2002. *See id.* Exhs. PM-2 ¶ 50, PM-3 ¶ 48 (B.2.1.3). BellSouth met the benchmark in both states in every submetric for provisioning UNE loop and port combinations that either requires or does not require a dispatch. *See id.* Exhs. PM-2 ¶¶ 50-51, PM-3 ¶¶ 48-49.<sup>55</sup>

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<sup>55</sup> Although BellSouth did not meet the retail analogue comparison for the UNE Other Combinations Dispatch submetric in any month in Florida or Tennessee, CLECs were not denied a meaningful opportunity to compete. The average installation interval for CLEC orders over these three months was 11.9 days compared with 5.6 days for the retail analogue in Florida, and 11 days compared with 7 days for the retail analogue in Tennessee. *See Varner Aff.* Exhs. PM-2 ¶ 52, PM-3 ¶ 50. The current retail analogue is residence, business, and design dispatch orders. *See id.* Notably, with respect to the retail analogue, more than 95% of the orders in Florida, and 85% of the orders in Tennessee, were for POTS orders that averaged approximately five days to complete. *See id.* In contrast, more than 99% of the UNE Other Combo orders in Florida, and 85% in Tennessee, were EELs that, unlike POTS orders, did not require design type services. *See id.* Using the more meaningful comparison of the retail analogue without the POTS orders, BellSouth's average installation interval in both states averaged about 12 days compared with a retail analogue of about 19 days. *See id.*

Finally, BellSouth continues to provide high-quality installations for both CLECs and its retail services. In Florida, BellSouth met 20 of the 22 UNE loop and port combination submetrics that had CLEC activity between May and July 2002. *See id.* Exh. PM-2 ¶ 59. In Tennessee, BellSouth met 14 of the 20 UNE loop and port combination submetrics that had CLEC activity between May and July 2002. *See id.* Exh. PM-3 ¶ 57. Notably, with respect to the submetrics in each state that did not meet the benchmark, many of the reports were closed as “no trouble found.” *See id.* Exhs. PM-2 ¶ 59, PM-3 ¶ 57. BellSouth met 100% of the submetrics in July 2002. *See id.* 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.” *See id.*

### **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 (“CWINS”) handles provisioning for coordinated resale and UNE products and maintenance for all resale and UNE products. *See id.* 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.* 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.*

BellSouth's LCSCs are operating at commercial volumes and are capable of handling increased volumes if necessary. As of July 31, 2002, there were 1,079 employees in BellSouth's LCSCs, which, between January 2001 and July 2002, processed an average of 132,956 manual and electronic fallout LSRs per month. *See id.* ¶ 14.<sup>56</sup> 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 LCSCs has increased significantly, even as the volume of LSRs requiring LCSC handling (manually submitted and electronic fallout) has remained relatively constant from year to year. *See id.* At the same time, however, the LCSC operational reports show that, from December 1998 through July 2002, the LCSC increased its trained service representative headcount by 283%. *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.* And, 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.*

Despite the increased volume and complexity of manual and electronic fallout LSRs, the performance of BellSouth's LCSCs has been excellent. Between May and July 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

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<sup>56</sup> To ensure adequate staffing at each of these centers, BellSouth utilizes forecast models to anticipate staffing needs. *See Ainsworth Aff.* ¶ 6.

region. For the three-month period, CLECs received a 40.98 second speed-of-answer compared with the retail analogue of 241.17 seconds. *See Varner Aff.* Exhs. PM-2 ¶ 96, PM-3 ¶ 93.

**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 and footnote omitted); *accord Five State Order* ¶ 172. BellSouth offers CLECs two electronic interfaces for trouble reporting: TAFI and ECTA. *See Stacy Aff.* ¶¶ 29, 317. These interfaces are the same ones used by CLECs throughout BellSouth's nine-state region. *See id.* ¶ 90. 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.* ¶ 29. *See also KS/OK Order* ¶ 161.

Competing carriers are using these maintenance and repair interfaces in commercially significant volumes. Region-wide, 49 CLECs used TAFI from January 2001 through June 2002 to submit 579,995 reports. *See Stacy Aff.* ¶ 29. Four CLECs have established ECTA interfaces. *See id.* ¶ 30. Three 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 May and July 2002, BellSouth answered CLEC calls to the maintenance center in significantly less time than it answered BellSouth retail calls. The three-month average was 27.09 seconds for CLECs compared with 67.38 seconds for retail. *See Varner Aff.* Exhs. PM-2 ¶ 97, PM-3 ¶ 94 (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 Florida and Tennessee, 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 May, June, and July 2002. *See id.* Exhs. PM-2 ¶ 66, PM-3 ¶ 64 (B.3.3.3).

Moreover, in Florida, between May and July 2002, BellSouth met the retail analogue for Missed Repair Appointments for loop and port combinations in every month. *See id.* Exh. PM-2 ¶ 62 (B.3.1.3). In Tennessee, BellSouth met or exceeded the retail analogue for 3 of the 6 submetrics in this measure for May through July 2002. *See id.* Exh. PM-3 ¶ 60. In each of the missed submetrics, however, there were less than 15 missed appointments, and, with only about 300 reports compared with more than 20,000 in retail, BellSouth's excellent performance for CLECs is masked by the large difference in volume. *See id.* Moreover, approximately half of the missed appointments were closed as "no trouble found." *See id.* BellSouth's performance with respect to the percent of customer troubles reported has also been solid. In both Florida and Tennessee, BellSouth met the parity benchmark for loop and port combinations in May, June, and July 2002. *See id.* Exhs. PM-2 ¶ 64, PM-3 ¶ 62 (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 Florida and Tennessee, BellSouth met the retail analogue for Percent Repeat Troubles within 30 days for loop and port combinations in every month between May and July 2002. *See id.* Exhs. PM-2 ¶ 67, PM-3 ¶ 65 (B.3.4.3).

**v. Billing**

The Commission has previously found that “BellSouth provides nondiscriminatory access to its billing functions.” *GA/LA Order* ¶ 173; *Five State Order* ¶ 174; *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.* ¶ 10; *Stacy Aff.* ¶ 471. 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.* ¶ 10. 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. *See Stacy Aff.* ¶ 471.

There is a high level of commercial usage of BellSouth’s billing processes by CLECs. Across its nine-state region in 2002, BellSouth produced bills each month for hundreds of different CLECs using the various billing options available to them, with 347 CLECs using ODUF, 3 using EODUF, and 171 using ADUF. *See id.* ¶ 31.

Performance data in Florida and Tennessee 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.”). In both states, BellSouth met 5 of the 6 submetrics for invoice accuracy between May and July 2002. *See Varner Aff.* Exhs. PM-2 ¶ 70, PM-3 ¶ 68 (B.4.1.) (3 out of 3 in Florida and 2 out of 2 in Tennessee). BellSouth also delivered timely bills to CLECs – meeting the benchmarks in both Florida and Tennessee in June and July 2002. *See id.* Exhs. PM-2 ¶ 72, PM-3 ¶ 69 (B.4.2).

BellSouth provided CLECs with accurate usage data – meeting the applicable parity benchmark for these submetrics between May and July 2002, and barely missing the benchmark in February by 0.23%. *See id.* Exhs. PM-2 ¶ 74, PM-3 ¶ 71 (F.9.1). BellSouth also provides complete usage data, meeting the parity benchmark region-wide for May, June, and July 2002. *See id.* Exhs. PM-2 ¶ 75, PM-3 ¶ 72 (F.9.3). Moreover, BellSouth provides CLECs region-wide with usage data in a timely fashion, meeting the parity benchmark all three months. *See id.* Exhs. PM-2 Attachs. 1-3, PM-3 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. *See id.* Exhs. PM-2 ¶ 76, PM-3 ¶ 73 (F.9.4).<sup>57</sup> Overall, BellSouth met every general billing submetric between May and July 2002. *See id.* Exhs. PM-2 ¶¶ 73-79, PM-3 ¶¶ 70-76 (F.9.1 - F.9.6).

**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; *Five State Order* ¶ 208. 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.* ¶¶ 33-39.

As with 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 id.* ¶¶ 11-14, 29-32. The significant number of CLECs using EDI and TAG,

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<sup>57</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* KPMG Consulting, *BellSouth Telecommunications, Inc. OSS Evaluation – Georgia: Master Test Plan – Final Report* at VI-B-14 to VI-B-20 (Mar. 20, 2001), attached at Appendix F – GA, Tab 76, of the Georgia/Louisiana application (CC Docket No. 01-277).

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* and the *Five State 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; *Five State Order* ¶ 270; *Second Louisiana Order* ¶¶ 171-183. In 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 both Florida and Tennessee. *See Milner Aff.* ¶ 89 & Exh. WKM-4. BellSouth's

provision of this checklist item to CLECs in Florida and Tennessee is no different than in Georgia and Louisiana or any of the five states covered by BellSouth's recently approved application. *See id.* *See also FPSC Staff Checklist Rec.* at 114, 118; *TRA Trans.* at 21-22.

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 Florida and Tennessee in numbers proportional to Georgia and Louisiana. As of August 15, 2002, 61 CLECs have executed license agreements for access to BellSouth's poles, ducts, conduits, and rights-of-way in Florida, and 55 have executed such agreements in Tennessee. *Milner Aff.* ¶ 90. As of the same date, 23 of the Florida CLECs with license agreements had made 380 applications for access to BellSouth's poles, ducts, conduits, and rights-of-way; 16 Tennessee CLECs had made 728 applications for access. *Id.*

In sum, BellSouth plainly satisfies the requirements of Checklist Item 3. Indeed, BellSouth's compliance is so clear that no party challenged that conclusion during the Florida or Tennessee state proceedings. *See Ruscilli/Cox Joint Aff.* ¶ 3 n.3. Nor did any party dispute BellSouth's compliance with this checklist item in the recent Georgia/Louisiana and Five State proceedings before this Commission. *GA/LA Order* ¶ 278; *Five State Order* ¶ 270.

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

As the Commission found in the *GA/LA Order*, BellSouth "provides unbundled local loops in accordance with the requirements of section 271 and [Commission] rules." *GA/LA Order* ¶ 218. *See also Five State Order* ¶ 232. Because BellSouth provides nondiscriminatory access to unbundled local loops in Florida and Tennessee in substantively the same manner as in the other seven states in BellSouth's region that have already received section 271 approval, that finding is similarly true of this Application. *See Milner Aff.* ¶ 91. BellSouth fully complies with