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October 21, 2002

EX PARTE

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
The Portals  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Re: WC 02-307 # 2

Dear Ms. Dortch:

On October 18, 2002, BellSouth provided the attached information concerning its policy on reposting performance data to the Department of Justice. In addition, BellSouth stated to the Department that BellSouth had not implemented telephone number ordering for its DSL wholesale service in August, 2002, as alleged in comments filed in this docket. BellSouth has also not implemented a mechanized process for providing DSL service to customers who have a pending service order to obtain new voice service or who are transferring voice service, as alleged in comments filed in this docket. The telephone number ordering upgrade is not currently scheduled for implementation, and will not be implemented this year. The mechanized process upgrade for new or transfer orders will not be implemented until a comparable process for CLEC line sharing orders is implemented.

In accordance with Section 1.1206, I am filing this notice and the attachment and request that you place them in the record of the proceeding identified above.

Sincerely,

  
Jonathan Banks

Attachment

cc: Janice Myles  
Christine Newcomb  
Beth Keating  
Sara Kyle  
Luin Fitch  
James Davis-Smith

# BellSouth's Reposting Policy

October 18, 2002

# Reposting Policy Generally

- Reposting policy filed with the FCC as part of 5-state application
- Reposting policy applies region-wide
- Reposting policy did not require state commission approval – incumbent on BellSouth to file accurate performance data and implement policies to effectuate that obligation
- CLECs have opportunity to express concerns about policy to BellSouth or at any of 9 state commissions

# BellSouth's Data Reposting Policy Is One Aspect Of A Much-Reviewed Framework That Ensures That CLECs and Regulators Have Meaningful Data On Performance

- Regulatory requirements that data be accurate
- Past, present and future third-party audits
- CLECs have CLEC-specific and internal data to check reported results
- Data reconciliations
- Data change notification process
- State performance measures workshops

# Data Notification Policy

- This policy is the primary vehicle for disclosing changes to the processes for constructing performance data.
- Policy provides that “on the first business day of the month preceding the data month for which BellSouth proposes to make any change to the method by which its performance data is calculated, BellSouth will provide written notice of any such proposed changes....” (Fla/Tn at para 75).
- BellSouth has filed such notices with GPSC since May 2002.
- BellSouth now files the notices region-wide.
- Notice serves as vehicle for disclosing defects and enhancements to the measurements.
- As of today, no CLEC has filed formal challenge to any of BellSouth’s proposed changes.

# Data Reposting Policy

- Policy is the vehicle for reposting potentially meaningful changes to reported data
- The process that is utilized for providing CLEC specific data is as follows:
  - On the 21<sup>st</sup> of the month, preliminary data is made available to the CLECs via the web
  - On the 31<sup>st</sup> of the month, the data is posted permanently (this is not reposting)
  - During the next production cycle, should the criteria of the reposting policy be met, BellSouth posts a notice that the data have changed and notifies any CLEC who accessed the currently posted reports that their data may have changed and they can request a new report that would include the CLEC specific data
  - If BellSouth makes changes to months prior to the currently posted one, a note is published on the website, and the CLEC can request an updated report from BellSouth that will include both aggregate (if changed) and CLEC-specific data.

# Data Reposting Policy – Key Measures

- The Key Measures are based on three sources:
  1. The FCC's Orders in New York and Texas, specifically Texas paragraphs 147, 170, 194, 201, and 210
  2. The FCC's Proposed Measures in its recent NPRM in CC docket No. 01-318
  3. Those measures responsive to areas of interest to the FCC in BellSouth's initial Georgia/Louisiana application
- The Key Measures were presented to the FCC as Key Measures in both the GA/LA and the 5-State application.

# Data Reposting – SEEMS

- All SEEMs measures are subject to the reposting policy with the following exceptions:
  - Timeliness of Change Management Notices
  - Timeliness of Documents Associated with Change
  - Recently Adopted Change Management Measures
  - Firm Order confirmation and Reject Response Completeness
  - Acknowledgement Completeness
  - LNP – Average Disconnect Timeliness Interval
  - Cooperative Acceptance Testing - % of xDSL Loops Tested
  - Trunk Group Performance – CLEC Specific
- Above measures were not presented as Key Measures in any of the prior applications.
- When performance data are reposted in accordance with policy, SEEMs payments will be recalculated with interest.

## Data Reposting Policy – 100 Transactions

- The threshold is designed to keep reposting limited to potentially meaningful changes.
- It should be noted that the threshold does not apply to those sub-metrics associated with Local Interconnection Trunks and those performance measures involving collocation.

# Data Reposting Policy – What qualifies?

- If one of the Key Measures has a change in the result it will be reposted per either of the following criteria:
  1. If a change in parity occurs from an aggregated “in parity” to “out of parity” condition, the data will be reposted.
    - o Ensures that BellSouth does not incorrectly get credit for parity performance
  2. If the parity is currently in an “out of parity” condition, and remains in “out of parity” it will be restated if the benchmark changes by more than 2% or if the Z-score changes by more than .5 (subject to 100 transaction limitation).
    - o Ensures that if BellSouth’s performance is out of parity, the level to which it is out of parity is accurately reflected if a meaningful change occurs
- The corrected MSS charts that show the trended data will be updated as part of the next data production cycle.

# Conclusion

- Data Reposting Policy is only one aspect of the data production process.
- Policy is not designed to operate as the full disclosure mechanism – it operates in tandem with the Data Notification Policy.
- Policy reflects careful and necessary balance between restating potentially meaningful errors in the data and keeping the data stable to be of use to CLECs and regulators.
- Reposting data without regard to significance of change would cause confusion among data users, add unnecessary cost to the process, and could jeopardize production of next month's data without adding any value to overall assessment of BellSouth's performance.