Tennessee Performance Metric Data

Metric Number	Metric Name [SQM Number] and Disaggregation	May BST	May CLEC	June BST	June CLEC	July BST	July CLEC	August BST	August CLEC	September BST	September CLEC	Notes
B.4.2	Region (business days)	3.47	3.78	3.82	3.46	4.42	3.86	3.24	3.32	4.05	3.63	
Local Interconnection Trunks - Ordering												
	% Rejected Service Requests											
C.1.1	Local Interconnection Trunks/TN (%)		**61.90%**		**56.76%**		**83.87%**		66.67%		**30.77%**	
	Reject Interval											
C.1.2	Local Interconnection Trunks/TN (%)		100.00%		100.00%		96.15%		100.00%		**75.00%**	5
	FOC Timeliness											
C.1.3	Local Interconnection Trunks/TN (%)		100.00%		100.00%		100.00%		100.00%		100.00%	
	FOC & Reject Response Completeness											
C.1.4	Local Interconnection Trunks/TN (%)		100.00%		**100.00%**		**100.00%**		**100.00%**		100.00%	
Local Interconnection Trunks - Provisioning												
	Order Completion Interval											
C.2.1	Local Interconnection Trunks/TN (days)	23.02	23.33	27.13	**10.56**	22.59	15.50	21.70	12.95	26.51	14.15	
	Held Orders											
c.2.2	Local Interconnection Trunks/TN (days)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
	%Jeopardies											
C.2.3	Local Interconnection Trunks/TN (%)	**0.00%**	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	
	% Missed Installation Appointments											
C.2.5	Local Interconnection Trunks/TN (%)	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	**2.13%**	0.00%	2.44%	0.00%	
	% Provisioning Troubles within 30 Days											
C.2.6	Local Interconnection Trunks/TN (%)	**0.00%**	0.00%	0.00%	0.00%	**1.49%**	**0.00%**	0.00%	0.00%	0.00%	0.00%	
	Average Completion Notice Interval											
C.2.7	Local Interconnection Trunks/TN (hours)	131.42	**20.01**	**136.50**	**17.60**	122.61	38.43	103.65	63.76	88.41	222.14	
	Total Service Order Cycle Time											

Tennessee Performance Metric Data

Metric Number	Metric Name [SQM Number] and Disaggregation	May BST	May CLEC	June BST	June CLEC	July BST	July CLEC	August BST	August CLEC	September BST	September CLEC	Notes
C.2.8	Local Interconnection Trunks/TN (days)		24.48		12.29		17.05		13.73		13 51	
	% Completions w/o Notice or < 24 hours											
C.2.10.1	Local Interconnection Trunks/Dispatch/TN (%)		0.00%		0.00%		0.00%		0.00%		0.00%	
	Service Order Accuracy											
C.2.11.1.1	Local Interconnection Trunks/<10 circuits/Dispatch/TN (%)		100.00%		100.00%		100.00%		100.00%		100.00%	
C.2.11.1.2	Local Interconnection Trunks/<10 circuits/Non-Dispatch/TN (%)		100.00%		100.00%		100.00%		100.00%		100.00%	
C.2.11.2.1	Local Interconnection Trunks/>=10 circuits/Dispatch/TN (%)		100.00%		100.00% 100.00%		100.00% 100.00%		100.00% 100.00%		100.00%	2,3,4
C.2.11.2.2	Local Interconnection Trunks/>=10 circuits/Non-Dispatch/TN (%)		100.00%		100.00% 100.00%		100.00% 100.00%		100.00% 100.00%		100.00%	
Local Interconnection Trunks - Maintenance and Repair												
	Missed Repair Appointments											
C.3.1.1	Local Interconnection Trunks/Dispatch/TN (%)	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	
C.3.1.2	Local Interconnection Trunks/Non-Dispatch/TN (%)	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	1,4,5
	Customer Trouble Report Rate											
C.3.2.1	Local Interconnection Trunks/Dispatch/TN (%)	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	
C.3.2.2	Local Interconnection Trunks/Non-Dispatch/TN (%)	0.08%	0.00%	0.01%	0.00%	0.02%	0.00%	0.00%	0.00%	0.01%	0.01%	
	Maintenance Average Duration											
C.3.3.1	Local Interconnection Trunks/Dispatch/TN (hours)	1.82	0.00	6.06	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
C.3.3.2	Local Interconnection Trunks/Non-Dispatch/TN (hours)	0.60	0.42	0.36	0.00	4.24	0.00	0.66	6.65	1.02	1.59	1,4,5
	% Repeat Troubles within 30 Days											
C.3.4.1	Local Interconnection Trunks/Dispatch/TN (%)	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	

Tennessee Performance Metric Data

Metric Number	Metric Name [SQM Number] and Disaggregation	May BST	May CLEC	June BST	June CLEC	July BST	July CLEC	August BST	August CLEC	September BST	September CLEC	Notes
C.3.4.2	Local Interconnection Trunks/Non-Dispatch/TN (%)	0.66%	0.00%	0.00%	0.00%	26.67%	0.00%	11.11%	0.00%	0.00%	0.00%	1,4,5
	Out of Service > 24 hours											
C.3.5.1	Local Interconnection Trunks/Dispatch/TN (%)	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	
C.3.5.2	Local Interconnection Trunks/Non-Dispatch/TN (%)	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	1,4,5
Local Interconnection Trunks - Billing												
	Invoice Accuracy											
C.4.1	TN (%)	98.50%	98.15%	98.14%	99.90%	97.89%	99.83%	91.42%	99.38%	97.04%	90.65%	
	Mean Time to Deliver Invoices - CABS											
C.4.2	Region (calendar days)	4.96	4.92	4.54	4.29	4.59	4.61	4.47	4.30	4.68	4.16	
Local Interconnection Trunks - Trunk Blocking												
	Trunk Group Performance - Aggregate											
C.5.1	Local Interconnection Trunks/TN (%)		0		0		0		0		0	
Operations Support Systems - Pre-Ordering												
	% Interface Availability - CLEC											
D.1.1.1	EDI/Region (%)		99.64%		100.00%		100.00%		100.00%		100.00%	
D.1.1.2	LENS/Region (%)		99.85%		99.76%		99.93%		99.96%		99.93%	
D.1.1.3	LEO/Region (%)		100.00%		100.00%		100.00%		100.00%		99.95%	
D.1.1.4	LESOG/Region (%)		100.00%		100.00%		100.00%		100.00%		100.00%	
D.1.1.6	PSIMS/Region (%)		100.00%		100.00%		100.00%		100.00%		100.00%	
D.1.1.7	LNP Gateway/Region (%)		100.00%		99.86%		99.97%		100.00%		100.00%	
D.1.1.8	SGG/COG/Region (%)		100.00%		99.26%		99.87%		99.96%		99.99%	
	% Interface Availability - BST & CLEC											
D.1.2.1	ATLAS/Region (%)		100.00%		99.99%		99.98%		100.00%		99.99%	
D.1.2.2	COFFI/Region (%)		100.00%		99.99%		99.98%		100.00%		99.99%	
D.1.2.3	BOCRIS/CRIS/Region (%)		99.96%		99.99%		99.98%		99.99%		99.99%	
D.1.2.4	DSAP/Region (%)		100.00%		99.98%		99.96%		99.31%		99.98%	
D.1.2.5	RSAG/Region (%)		100.00%		99.99%		99.97%		100.00%		99.98%	
D.1.2.6	SOCS/Region (%)		100.00%		99.99%		99.98%		100.00%		99.99%	
D.1.2.7	SONGS/Region (%)		100.00%		99.99%		99.98%		100.00%		99.99%	
D.1.2.8	DOE/Region (%)		99.99%		100.00%		100.00%		100.00%		100.00%	

Tennessee Performance Metric Data

Metric Number	Metric Name [SQM Number] and Disaggregation	May		June		July		August		September		Notes
		BST	CLEC	BST	CLEC	BST	CLEC	BST	CLEC	BST	CLEC	
	Average Response Interval - CLEC (LENS) (BST Measure Includes Additional 2 Seconds)											
D.1.3.1.1	RSAG, by TN/Region (seconds)	2.87	1.20	2.88	1.02	2.80	1.67	2.71	1.67	2.69	1.58	
D.1.3.1.2	RSAG, by TN/Region (seconds)	2.94	1.20	2.91	1.02	2.88	1.67	2.80	1.67	2.78	1.58	
D.1.3.2.1	RSAG, by ADDR/Region (seconds)	2.99	1.10	3.03	0.93	2.94	1.13	2.84	1.06	2.81	1.14	
D.1.3.2.2	RSAG, by ADDR/Region (seconds)	4.77	1.10	4.76	0.93	4.80	1.13	4.59	1.06	4.68	1.14	
D.1.3.3.1	ATLAS/Region (seconds)	2.95	0.88	3.01	0.80	2.93	1.07	2.77	1.03	2.78	1.21	
D.1.3.3.2	ATLAS/Region (seconds)	2.60	0.88	2.61	0.80	2.63	1.07	2.58	1.03	2.49	1.21	
D.1.3.4.1	DSAP/Region (seconds)	2.71	0.53	2.71	0.52	2.68	2.87	2.61	2.84	2.56	5.27	
D.1.3.4.2	DSAP/Region (seconds)	2.57	0.53	2.57	0.52	2.58	2.87	2.55	2.84	2.53	5.27	
D.1.3.5.1	CRSECSRL/Region (seconds)	3.21	2.12	3.24	1.14	3.20	2.01	3.07	1.76	3.01	1.13	
D.1.3.5.2	CRSECSRL/Region (seconds)	2.87	2.12	2.95	1.14	2.94	2.01	2.85	1.76	2.60	1.13	
D.1.3.6.1	COFFI/Region (seconds)	4.60	0.63	4.35	0.64	3.43	2.97	3.15	3.38	3.12	4.24	
D.1.3.6.2	COFFI/Region (seconds)	7.28	0.63	3.73	0.64	3.68	2.97	3.68	3.38	3.70	4.24	
D.1.3.7.1	PSIMS/ORB/Region (seconds)	4.60	0.04	4.35	0.04	3.43	0.63	3.15	0.58	3.12	0.35	
D.1.3.7.2	PSIMS/ORB/Region (seconds)	7.28	0.04	3.73	0.04	3.68	0.63	3.68	0.58	3.70	0.35	
	Average Response Interval - CLEC (TAG) (BST Measure Includes Additional 2 Seconds)											
D.1.4.1.1	RSAG, by TN/Region (seconds)	2.87	1.60	2.88	1.52	2.80	1.52	2.71	1.42	2.69	1.28	
D.1.4.1.2	RSAG, by TN/Region (seconds)	2.94	1.60	2.91	1.52	2.88	1.52	2.80	1.42	2.78	1.28	
D.1.4.2.1	RSAG, by ADDR/Region (seconds)	2.99	3.05	3.03	2.34	2.94	2.30	2.84	2.19	2.81	2.17	
D.1.4.2.2	RSAG, by ADDR/Region (seconds)	4.77	3.05	4.76	2.34	4.80	2.30	4.59	2.19	4.68	2.17	
D.1.4.4.1	ATLAS - DID/Region (seconds)		1.76		1.37		0.65		0.60		0.93	
D.1.4.4.2	ATLAS - DID/Region (seconds)		1.76		1.37		0.65		0.60		0.93	
D.1.4.5.1	ATLAS - TN/Region (seconds)	2.95	1.86	3.01	1.89	2.93	1.74	2.77	1.54	2.78	1.69	
D.1.4.5.2	ATLAS - TN/Region (seconds)	2.60	1.86	2.61	1.89	2.63	1.74	2.58	1.54	2.49	1.69	
D.1.4.6.1	DSAP/Region (seconds)	2.71	1.74	2.71	1.83	2.68	0.93	2.61	0.89	2.56	1.06	
D.1.4.6.2	DSAP/Region (seconds)	2.57	1.74	2.57	1.83	2.58	0.93	2.55	0.89	2.53	1.06	
D.1.4.7.1	TAG/Region (seconds)	3.21	2.51	3.24	2.85	3.20	2.78	3.07	2.49	3.01	2.22	
D.1.4.7.2	TAG/Region (seconds)	2.87	2.51	2.95	2.85	2.94	2.78	2.85	2.49	2.60	2.22	
Operations Support Systems - Maintenance and Repair												
	% Interface Availability - CLEC											

Tennessee Performance Metric Data

Metric Number	Metric Name [SQM Number] and Disaggregation	May		June		July		August		September		Notes
		BST	CLEC	BST	CLEC	BST	CLEC	BST	CLEC	BST	CLEC	
D.2.2.1	CLEC TAFI/Region (%)		100.00%		100.00%		100.00%		100.00%		100.00%	
D.2.2.2	ECTA/Region (%)		100.00%		99.86%		99.64%		99.94%		99.93%	
	% Interface Availability - BST & CLEC											
D.2.3.1	CRIS/Region (%)		99.96%		99.99%		99.98%		99.99%		99.99%	
D.2.3.2	LMOS HOST/Region (%)		99.91%		100.00%		100.00%		99.75%		99.90%	
D.2.3.3	LNP/Region (%)		100.00%		99.91%		100.00%		99.90%		100.00%	
D.2.3.4	MARCH/Region (%)		100.00%		100.00%		99.96%		99.93%		100.00%	
D.2.3.5	OSPCM/Region (%)		100.00%		100.00%		100.00%		100.00%		100.00%	
D.2.3.6	Predictor/Region (%)		100.00%		99.92%		100.00%		99.97%		99.82%	
D.2.3.7	SOCS/Region (%)		100.00%		99.99%		99.98%		100.00%		99.99%	
	Average Response Interval <= 4 Seconds											
D.2.4.1	CRIS/Region (%)	95.12%	94.99%	94.95%	94.66%	95.57%	95.28%	96.26%	96.07%	95.37%	95.85%	
D.2.4.2	DLETH/Region (%)	3.16%	4.59%	2.58%	3.67%	1.95%	3.03%	2.49%	3.63%	2.00%	2.76%	
D.2.4.3	DLR/Region (%)	4.03%	3.36%	4.47%	7.51%	3.77%	7.42%	4.30%	8.61%	4.64%	7.41%	
D.2.4.4	LMOS/Region (%)	99.60%	99.60%	99.61%	99.58%	99.67%	99.60%	99.70%	99.66%	99.34%	99.63%	
D.2.4.5	LMOSupd/Region (%)	78.49%	66.19%	79.21%	66.24%	97.34%	97.09%	97.64%	97.39%	97.47%	97.21%	
D.2.4.6	LNP/Region (%)	99.68%	99.19%	99.65%	98.81%	99.79%	99.10%	99.26%	99.17%	98.69%	98.52%	
D.2.4.7	MARCH/Region (%)	28.04%	31.69%	28.10%	29.64%	28.94%	30.74%	27.91%	35.96%	29.49%	31.01%	
D.2.4.8	OSPCM/Region (%)	31.23%	24.50%	33.15%	21.43%	35.97%	26.46%	37.13%	22.75%	34.87%	26.82%	
D.2.4.9	Predictor/Region (%)	13.82%	19.61%	12.71%	21.73%	14.52%	24.35%	14.11%	22.26%	17.01%	24.44%	
D.2.4.10	SOCS/Region (%)	99.85%	99.88%	99.81%	99.86%	99.77%	99.85%	99.89%	99.94%	99.58%	99.90%	
D.2.4.11	NIW/Region (%)	84.01%	83.00%	82.83%	81.89%	84.21%	83.76%	86.40%	85.56%	82.12%	83.79%	
	Average Response Interval <= 10 Seconds											
D.2.5.1	CRIS/Region (%)	99.05%	99.46%	99.02%	99.39%	99.05%	99.40%	99.15%	99.46%	98.98%	99.38%	
D.2.5.2	DLETH/Region (%)	79.20%	85.30%	77.66%	82.58%	76.79%	83.31%	76.03%	83.37%	75.40%	84.74%	
D.2.5.3	DLR/Region (%)	76.65%	88.18%	71.08%	41.67%	66.69%	40.80%	65.56%	43.46%	67.49%	40.45%	
D.2.5.4	LMOS/Region (%)	99.79%	99.84%	99.80%	99.85%	99.82%	99.82%	99.83%	99.83%	99.65%	99.85%	
D.2.5.5	LMOSupd/Region (%)	90.04%	80.25%	90.59%	80.53%	99.77%	99.56%	99.82%	99.63%	99.80%	99.56%	
D.2.5.6	LNP/Region (%)	99.81%	99.63%	99.83%	99.52%	99.92%	99.77%	99.35%	99.44%	98.87%	98.79%	
D.2.5.7	MARCH/Region (%)	28.04%	31.69%	28.10%	29.64%	28.94%	30.74%	27.91%	35.96%	29.49%	31.01%	
D.2.5.8	OSPCM/Region (%)	97.81%	97.35%	98.41%	95.83%	98.65%	98.94%	99.29%	99.40%	99.40%	98.88%	
D.2.5.9	Predictor/Region (%)	13.82%	19.61%	12.71%	21.73%	14.52%	24.35%	14.11%	22.26%	17.01%	24.44%	
D.2.5.10	SOCS/Region (%)	99.98%	100.00%	99.98%	100.00%	99.98%	99.98%	99.99%	100.00%	99.82%	99.99%	
D.2.5.11	NIW/Region (%)	99.39%	99.21%	99.42%	99.25%	99.65%	99.51%	99.70%	99.58%	99.56%	99.45%	

Tennessee Performance Metric Data

Metric Number	Metric Name [SQM Number] and Disaggregation	May BST	May CLEC	June BST	June CLEC	July BST	July CLEC	August BST	August CLEC	September BST	September CLEC	Notes
	Average Response Interval > 10 Seconds											
D.2.6.1	CRIS/Region (%)	0.95%	0.54%	0.98%	0.61%	0.95%	0.60%	0.85%	0.54%	1.02%	0.62%	
D.2.6.2	DLETH/Region (%)	20.80%	14.70%	22.34%	17.42%	23.21%	16.69%	23.97%	16.63%	24.60%	15.26%	
D.2.6.3	DLR/Region (%)	23.35%	11.82%	28.92%	58.33%	33.31%	59.20%	34.44%	56.54%	32.51%	59.55%	
D.2.6.4	LMOS/Region (%)	0.21%	0.16%	0.20%	0.15%	0.18%	0.18%	0.17%	0.17%	0.35%	0.15%	
D.2.6.5	LMOSupd/Region (%)	9.96%	19.75%	9.41%	19.47%	0.23%	0.44%	0.18%	0.37%	0.20%	0.44%	
D.2.6.6	LNP/Region (%)	0.19%	0.37%	0.17%	0.48%	0.08%	0.23%	0.65%	0.56%	1.13%	1.21%	
D.2.6.7	MARCH/Region (%)	71.96%	68.31%	71.90%	70.36%	71.06%	69.26%	72.09%	64.04%	70.51%	68.99%	
D.2.6.8	OSPCM/Region (%)	2.19%	2.65%	1.59%	4.17%	1.35%	1.06%	0.71%	0.60%	0.60%	1.12%	
D.2.6.9	Predictor/Region (%)	86.18%	80.39%	87.29%	78.27%	85.48%	75.65%	85.89%	77.74%	82.99%	75.56%	
D.2.6.10	SOCS/Region (%)	0.02%	0.00%	0.02%	0.00%	0.02%	0.02%	0.01%	0.00%	0.18%	0.01%	
D.2.6.11	NIW/Region (%)	0.61%	0.79%	0.58%	0.75%	0.35%	0.49%	0.30%	0.42%	0.44%	0.55%	
Collocation - Collocation												
	Average Response Time											
E.1.1.1	Virtual/TN (calendar days)		3									1
E.1.1.2	Physical Caged/TN (calendar days)		15		8		5		10		9	1,2,3,4
E.1.1.3	Physical Cageless/TN (calendar days)		6		8		5		5		4	1,2,3,4,5
	Average Arrangement Time											
E.1.2.3	Physical Caged-Ordinary/TN (calendar days)		66		18		13		6		3	1,2,3,4,5
E.1.2.4	Physical Cageless-Ordinary/TN (calendar days)				5		0		5		10	2,3,4,5
	% Due Dates Missed											
E.1.3.2	Physical/TN (%)		0.00%		0.00%		0.00%		0.00%		0.00%	1,3,4,5
General - Flow Through												
	% Flow Through Service Requests											
F.1.1.1	Summary/Region (%)		84.50%		85.96%		88.26%		88.47%		89.83%	
F.1.1.2	Aggregate/Region (%)		84.50%		85.96%		88.26%		88.47%		89.83%	
F.1.1.3	Residence/Region (%)		86.74%		88.58%		87.70%		89.52%		90.20%	
F.1.1.4	Business/Region (%)		69.54%		73.74%		73.23%		76.17%		77.80%	
F.1.1.5	UNE/Region (%)		82.57%		83.84%		89.13%		87.94%		89.81%	
	% Flow Through Service Requests - Achieved											
F.1.2.1	Summary/Region (%)		76.58%		78.96%		80.59%		81.19%		83.37%	

Tennessee Performance Metric Data

Metric Number	Metric Name [SQM Number] and Disaggregation	May BST	May CLEC	June BST	June CLEC	July BST	July CLEC	August BST	August CLEC	September BST	September CLEC	Notes
F.1.2.2	Aggregate/Region (%)		76.58%		78.96%		80.59%		81.19%		83.37%	
F.1.2.3	Residence/Region (%)		79.88%		81.68%		80.99%		82.63%		85.39%	
F.1.2.4	Business/Region (%)		51.58%		53.42%		45.85%		54.74%		57.73%	
F.1.2.5	UNE/Region (%)		74.12%		77.27%		81.53%		80.79%		82.60%	
	% Flow Through Service Requests - LNP											
F.1.3.1	Summary/Region (%)		89.75%		83.63%		88.50%		88.09%		88.81%	
F.1.3.2	Aggregate/Region (%)		89.75%		83.63%		88.50%		88.09%		88.81%	
General - Pre-Ordering												
	Loop Makeup Inquiry (Manual)											
F.2.1	Loops/TN (%)				10.00%		14.29%		0.00%		40.00%	3,4,5
	Loop Makeup Inquiry (Electronic)											
F.2.2	Loops/TN (%)		99.84%		80.51%		99.61%		99.52%		99.89%	
General - Ordering												
	Average Speed of Answer											
F.4.1	Region (seconds)	194.86	35.16	259.48	58.19	269.17	29.60	282.45	40.05	315.73	22.08	
General - Maintenance Center												
	Average Answer Time											
F.5.1	Region (seconds)	64.68	25.99	52.80	28.04	84.66	27.23	53.70	24.35	66.71	26.57	
General - Operator Services (Toll)												
	Average Speed to Answer											
F.6.1	TN (seconds)		6.00		5.53		5.51		4.26		4.42	
	% Answered in 10 seconds											
F.6.2	TN (%)		76.80%		78.80%		78.60%		84.20%		83.30%	
General - Directory Assistance												
	Average Speed to Answer											
F.7.1	TN (seconds)		5.06		4.54		3.83		4.42		4.69	
	% Answered in 10 seconds											
F.7.2	TN (%)		83.50%		86.10%		89.70%		86.60%		85.60%	
General - Billing												
	Usage Data Delivery Accuracy											
F.9.1	Region (%)	95.22%	100.00%	100.00%	100.00%	100.00%	100.00%	99.70%	99.34%	99.92%	100.00%	
	Usage Data Delivery Timeliness											
F.9.2	Region (%)	94.93%	97.64%	99.33%	99.38%	97.81%	99.56%	99.00%	97.94%	99.83%	99.64%	

Tennessee Performance Metric Data

Metric Number	Metric Name [SQM Number] and Disaggregation	May BST	May CLEC	June BST	June CLEC	July BST	July CLEC	August BST	August CLEC	September BST	September CLEC	Notes
	Usage Data Delivery Completeness											
F.9.3	Region (%)	97.21%	99.95%	99.92%	99.91%	99.10%	99.91%	99.65%	99.98%	99.92%	99.95%	
	Mean Time to Deliver Usage											
F.9.4	Region (days)	4.34	2.52	3.24	2.43	3.60	2.31	3.34	2.21	3.41	2.29	
	Recurring Charge Completeness											
F.9.5.1	Resale/TN (%)	79.15%	98.84%	79.55%	98.60%	76.44%	98.63%	82.56%	99.20%	82.30%	87.85%	
F.9.5.2	UNE/TN (%)		96.50%		98.13%		99.55%		98.56%		99.16%	
F.9.5.3	Interconnection/TN (%)		99.62%		99.36%		99.95%		98.54%		92.88%	
	Non-Recurring Charge Completeness											
F.9.6.1	Resale/TN (%)	85.35%	97.05%	84.98%	98.53%	87.70%	99.10%	84.67%	98.73%	87.60%	97.75%	
F.9.6.2	UNE/TN (%)		80.93%		98.63%		99.52%		98.46%		97.68%	
F.9.6.3	Interconnection/TN (%)		98.95%		56.16%		95.19%		98.78%		98.58%	
General - Change Management												
	% Software Release Notices Sent On Time											
F.10.1	TN (%)		100.00%				100.00%		100.00%			1,3,4
	% Change Management Documentation Sent On Time											
F.10.3	TN (%)				100.00%		100.00%					2,3
	% Change Management Documentation (Defects, Corrections, etc.) Sent On Time											
F.10.4	TN (%)						100.00%		100.00%			3,4
	Average Documentation Release Delay Days											
	% CLEC Interface Outages Sent within 15 Minutes											
F.10.6	TN (%)		100.00%		100.00%		100.00%		100.00%		100.00%	
	% Software Errors Corrected within 10 Business Days											
F.10.7	Region (%)								100.00%		100.00%	4,5
	% Software Errors Corrected within 30 Business Days											
F.10.8	Region (%)										100.00%	5
	% Change Requests Accepted or Rejected within 10 Business Days											
F.10.10	Region (%)								100.00%		100.00%	4,5

Tennessee Performance Metric Data

Metric Number	Metric Name [SQM Number] and Disaggregation	May BST	May CLEC	June BST	June CLEC	July BST	July CLEC	August BST	August CLEC	September BST	September CLEC	Notes
	% Change Requests Rejected Within The Reporting Period											
F.10.11	Region (%)								71.43%		40.00%	4,5
	Number of Severity 2 Defects (Type 6 CR) in a Production Release Implemented											
F.10.13	Region (number)								300.00%			
	Number of Severity 3 Defects (Type 6 CR) in a Production Release Implemented											
F.10.14	Region (number)								400.00%			
	% Test Deck Weight Failure in Production Release											
F.10.15	Region (%)								0.00%			
General - New Business Requests												
	% New Business Requests Processed within 30 Business Days											
F.11.1	Region (%)		100.00%		100.00%				100.00%		100.00%	1,2,4,5
	% Quotes Provided within X Business Days											
F.11.2.1	Region (%)		100.00%									1
F.11.2.3	Region (%)		100.00%		100.00%							1,2
General - Ordering												
	Acknowledgement Message Timeliness											
F.12.1.1	EDI/Region (%)		100.00%		100.00%		100.00%		99.95%		100.00%	
F.12.1.2	TAG/Region (%)		100.00%		100.00%		100.00%		100.00%		100.00%	
	Acknowledgement Message Completeness											
F.12.2.1	EDI/Region (%)		100.00%		99.62%		99.97%		99.94%		100.00%	
F.12.2.2	TAG/Region (%)		99.99%		100.00%		100.00%		100.00%		100.00%	
General - Database Updates												
	Average Database Update Interval											
F.13.1.1	LIDB/TN (hours)	0.47	0.47	0.51	0.51	0.57	0.57	0.51	0.51	0.56	0.56	

Tennessee Performance Metric Data

Metric Number	Metric Name [SQM Number] and Disaggregation	May BST	May CLEC	June BST	June CLEC	July BST	July CLEC	August BST	August CLEC	September BST	September CLEC	Notes
F.13.1.2	Directory Listings/TN (hours)	0.10	0.10	0.11	0.11	0.09	0.09	0.08	0.08	0.07	0.07	
F.13.1.3	Directory Assistance/TN (hours)	4.70	3.79	6.46	5.54	4.11	3.31	4.20	4.13	3.27	3.29	
	% Update Accuracy											
F.13.2.1	LIDB/TN (%)		100.00%		93.48%		99.36%		99.48%		99.93%	
F.13.2.2	Directory Listings/TN (%)		99.79%		99.35%		99.18%		99.66%		99.76%	
F.13.2.3	Directory Assistance/TN (%)		97.87%		99.19%		98.10%		98.56%		99.38%	
	% NXXs / LRNs Loaded by LERG Effective Date											
F.13.3	Region (%)		100.00%		98.41%		100.00%		100.00%		100.00%	
General - Network Outage Notification												
	Mean Time to Notify CLEC of Major Network Outages											
F.14.1	Region (minutes)	154	123	791	602	47	40	379	289	127	120	1,2,3,4,5

Abbreviations:
blank cell = no data available

Notes:
1 = Sample Size under 10 in March
2 = Sample Size under 10 in April
2 = Sample Size under 10 in May
4 = Sample Size under 10 in June

Appendix D
Statutory **Requirements**

I. STATUTORY FRAMEWORK

1. The 1996 Act conditions BOC entry into the market for provision of in-region interLATA services on compliance with certain provisions of section 271.' BOCs must apply to the Federal Communications Commission (Commission or FCC) for authorization to provide interLATA services originating in any in-region state? The Commission must issue a written determination on each application no later than 90 days after receiving such application.' Section 271(d)(2)(A) requires the Commission to consult with the Attorney General before making any determination approving or denying a section 271 application. The Attorney General is entitled to evaluate the application "using any standard the Attorney General considers appropriate," and the Commission is required to "give substantial weight to the Attorney General's evaluation."[4]

2. In addition, the Commission must consult with the relevant state commission to verify that the BOC has one or more state-approved interconnection agreements with a facilities-based competitor, or a Statement of Generally Available Terms and Conditions (SGAT), and that

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[1] For purposes of section 27 1 proceedings, the Commission uses the definition of the term "Bell Operating Company" contained in 47 U.S.C. § 153(4).

[2] 47 U.S.C. § 271(d)(1). For purposes of section 271 proceedings, the Commission utilizes the definition of the term "in-region state" that is contained in 47 U.S.C. § 271(i)(1). Section 271(j) provides that a BOC's in-region services include 800 service, private line service, or their equivalents that terminate in an in-region state of that BOC and that allow the called party to determine the interLATA carrier, even if such services originate out-of-region. ***Id.*** § 271(j). The 1996 Act defines "interLATA services" **as** "telecommunications between a point located in a local access and transport area and a point located outside such area." Id. § 153(21). Under the 1996 Act, a "local access and transport area" (LATA) is "a contiguous geographic area (A) established before the date of enactment of the [1996 Act] by a [BOC] such that no exchange area includes points within more than 1 metropolitan statistical area, consolidated metropolitan statistical area, or **State,** except **as** expressly permitted under the AT&T Consent Decree; or (B) established or modified by a [BOC] after such date of enactment and approved by the Commission." Id. § 153(25). LATAs were created **as** part of the Modification of Final Judgment's (MFJ) "plan of reorganization." ***United States v. Western Elec. Co.,*** 569 F. Supp. 1057 (D.D.C. 1983), *aff'd* **sub** ***nom. California v. United Stares,*** **464** U.S. 1013 (1983). Pursuant to the MFJ, "all [BOC] temtory in the continental United States [was] divided into LATAs, generally centering upon a city or other identifiable community of interest." ***United Stares v. Western Elec. Co.,*** 569 F. Supp. 990,993-94 (D.D.C. 1983).

[3] 47 U.S.C. § 271(d)(3).

[4] Id. § 271(d)(2)(A).

either the agreement(s) or general statement satisfy the "competitive checklist."[5] Because the Act does not prescribe any standard for the consideration of a state commission's verification under section 271(d)(2)(B), the Commission has discretion in each section 271 proceeding to determine the amount of weight to accord the state commission's verification! The Commission has held that, although it will consider carefully state determinations of fact that are supported by a detailed and extensive record, it is the FCC's role to determine whether the factual record supports the conclusion that particular requirements of section 271 have been met?

3. Section 271 requires the Commission to make various findings before approving BOC entry. In order for the Commission to approve a BOC's application to provide in-region, interLATA services, a BOC must first demonstrate, with respect to each state for which it seeks authorization, that it satisfies the requirements of either section 271(c)(1)(A) (Track A) or 271(c)(1)(B) (Track B).[8] In order to obtain authorization under section 271, the BOC must also show that: (1) it has "fully implemented the competitive checklist" contained in section 271(c)(2)(B);[9] (2) the requested authorization will be carried out in accordance with the requirements of section 272;[10] and (3) the BOC's entry into the in-region interLATA market is

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[5] *Id.* § 271(d)(2)(B).

[6] ***Bell Atlantic New York Order,*** 15 FCC Rcd at 3962, para. 20; ***Application of Ameritech Michigan Pursuant to Section 271 of the Communications Act of 1934, as amended,*** CC Docket No. 97-137, 12 FCC Rcd 20543,20559-60 (1997) ***(Ameritech Michigan Order).*** As the D.C. Circuit has held, "[a]lthough the Commission must consult with the state commissions, the statute does not require the Commission to give State Commissions' views any particular weight." ***SBC Communications Inc. v. FCC,*** 138 F.3d 410, 416 (D.C. Cir. 1998).

[7] ***Ameritech Michigan Order,*** 12 FCC Rcd at 20560; SBC ***Communications v. FCC,*** 138 F.3d at 416-17.

[8] 47 U.S.C. § 271(d)(3)(A). ***See*** Section III, ***infra,*** for a complete discussion of Track A and Track B requirements.

[9] *Id.* §§ 271(c)(2)(B), 271(d)(3)(A)(i).

[10] *Id.* § 272; ***see Implementation of the Non-Accounting Safeguards of Sections 271 and*** 272 ***of the Communications Act of 1934, as amended,*** CC Docket No. 96-149, First Report and Order and Further Notice of Proposed Rulemaking, 11 FCC Rcd 21905 (1996) ***(Non-Accounting Safeguards Order), recon.,*** Order on Reconsideration, 12 FCC Rcd 2297 (1997), ***review pending*** sub ***nom., SBC Communications v. FCC,*** No. 97-1118 (D.C. Cir., filed Mar. 6, 1997) (held in abeyance pursuant to court order filed May 7, 1997), ***remanded in part sub nom., Bell Atlantic Telephone Companies v. FCC,*** No. 97-1067 (D.C. Cir., filed Mar. 31, 1997), ***on remand,*** Second Order on Reconsideration, FCC 97-222 (rel. June 24, 1997), ***petition for review denied sub nom. Bell Atlantic Telephone Companies v. FCC,*** 113 F.3d 1044 (D.C. Cir. 1997); ***Implementation of the Telecommunications Act of 1996; Accounting Safeguards Under the Telecommunications Act of 1996,*** Report and Order, 11 FCC Rcd 17539 (1996).

"consistent with the public interest, convenience, and necessity."" The statute specifies that, unless the Commission finds that these criteria have been satisfied, the Commission "shall not approve" the requested authorization.[12]

II. PROCEDURAL AND ANALYTICAL FRAMEWORK

4. To determine whether a BOC applicant has met the prerequisites for entry into the long distance market, the Commission evaluates its compliance with the competitive checklist, as developed in the FCC's local competition rules and orders in effect at the time the application was filed. Despite the comprehensiveness of these rules, there will inevitably be, in any section 271 proceeding, disputes over an incumbent LEC's precise obligations to its competitors that FCC rules have not addressed and that do not involve *per se* violations of self-executing requirements of the Act. As explained in prior orders, the section 271 process simply could not function as Congress intended if the Commission were required to resolve all such disputes as a precondition to granting a section 271 application.[13] In the context of section 271's adjudicatory framework, the Commission has established certain procedural rules governing BOC section 271 applications." The Commission has explained in prior orders the procedural rules it has developed to facilitate the review process.[15] Here we describe how the Commission considers the evidence of compliance that the BOC presents in its application.

5. As part of the determination that a BOC has satisfied the requirements of section 271, the Commission considers whether the BOC has fully implemented the competitive

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[11] 47 U.S.C. § 271(d)(3)(C).

[12] *Id.* § 271(d)(3); *see SBC Communications, Inc. v. FCC,* 138 F.3d at 416.

[13] *See SWBT Kansas/Oklahoma Order,* 16 FCC Rcd at 6246, para. 19; *see* also *American Tel. & Tel. Co. v. FCC,* 220 F.3d 607, 631 (D.C. Cir. 2000).

[14] *See Procedures for Bell Operating Company Applications Under New Section 271 of the Communications Act,* Public Notice, 11 FCC Rcd 19708, 19711 (1996); *Revised Comment Schedule For Ameritech Michigan Application, as amended, for Authorization Under Section 271 of the Communications Act to Provide In-Region, InterLATA Services in the State of Michigan,* Public Notice, DA 97-127 (rel. Jan. 17, 1997); *Revised Procedures for Bell Operating Company Applications Under Section 271 of the Communications Act,* Public Notice, 13 FCC Rcd 17457 (1997); *Updated Filing Requirements for Bell Operating Company Applications Under Section 271 of the Communications Act,* Public Notice, DA 99-1994 (rel. Sept. 28, 1999); *Updated Filing Requirements for Bell Operating Company Applications Under Section 271 of the Communications Act,* Public Notice, DA 01-734 (CCB rel. Mar. 23, 2001) (collectively "271 Procedural Public Notices").

[15] *See, e.g., SWBT Kansas/Oklahoma Order* 16 FCC Rcd at 6247-50, paras. 21-27; *SWBT Texas Order,* 15 FCC Rcd at 18370-73, paras. 34-42; *Bell Atlantic New York Order,* 15 FCC Rcd at 3968-71, paras. 32-42.

checklist in subsection (c)(2)(B). The BOC at all times bears the burden of proof of compliance with section 271, even if no party challenges its compliance with a particular requirement.[16] In demonstrating its compliance, a BOC must show that it has a concrete and specific legal obligation to furnish the item upon request pursuant to state-approved interconnection agreements that set forth prices and other terms and conditions for each checklist item, and that it is currently furnishing, or is ready to furnish, the checklist items in quantities that competitors may reasonably demand and at an acceptable level of quality." In particular, the BOC must demonstrate that it is offering interconnection and access to network elements on a nondiscriminatory basis.[18] Previous Commission orders addressing section 271 applications have elaborated on this statutory standard." First, for those functions the BOC provides to competing carriers that are analogous to the functions a BOC provides to itself in connection with its own retail service offerings, the BOC must provide access to competing carriers in "substantially the same time and manner" as it provides to itself." Thus, where a retail analogue exists, a BOC must provide access that is equal to (i.e., substantially the same as) the level of access that the BOC provides itself, its customers, or its affiliates, in terms of quality, accuracy, and timeliness?' For those functions that have no retail analogue, the BOC must demonstrate that the access it provides to competing carriers would offer an efficient carrier a "meaningful opportunity to compete."[22]

6. The determination of whether the statutory standard is met is ultimately a judgment the Commission must make based on its expertise in promoting competition in local markets and in telecommunications regulation generally?' The Commission has not established, nor does it believe it appropriate to establish, specific objective criteria for what constitutes

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[16] *See S W T Texas Order,* 15 FCC Rcd at 18374, para. 46; ***Bell Atlantic New York Order,*** 15 FCC Rcd at 3972, para. 46.

[17] ***See Bell Atlantic New York Order,*** 15 FCC Rcd at 3973-74, para. 52.

[18] ***See*** 47 U.S.C. § 271(c)(2)(B)(i), (ii).

[19] ***See SWBT Kansas/Oklahoma Order,*** 16 FCC Rcd at 6250-51, paras. 28-29; ***Bell Atlantic New York Order,*** 15 FCC Rcd at 3971-72, paras. 44-46.

[20] ***SWBT Texas Order,*** 15 FCC Rcd at 18373, para. ***44; Bell Atlantic New York Order,*** 15 FCC Rcd at 3971, para. **44.**

[21] ***Bell Atlantic New York Order,*** 15 FCC Rcd at 3971, para. 44; ***Ameritech Michigan Order,*** 12 FCC Rcd at 20618-19.

[22] ***Id.***

[23] ***S W T Texas Order,*** 15 FCC Rcd at 18374, para. 46; ***Bell Atlantic New York Order,*** 15 FCC Rcd at 3972, para. 46.

"substantially the same time and manner" or a "meaningful opportunity to compete."" Whether this legal standard is met can only be decided based on an analysis of specific facts and circumstances. Therefore, the Commission looks at each application on a case-by-case basis and considers the totality of the circumstances, including the origin and quality of the information in the record, to determine whether the nondiscrimination requirements of the Act are met.

A. Performance Data

7. As established in prior section 271 orders, the Commission has found that performance measurements provide valuable evidence regarding a BOC's compliance or noncompliance with individual checklist items. The Commission expects that, in its ***prima facie*** case in the initial application, a BOC relying on performance data will:

a) provide sufficient performance data to support its contention that the statutory requirements are satisfied;

b) identify the facial disparities between the applicant's performance for itself and its performance for competitors;

c) explain why those facial disparities are anomalous, caused by forces beyond the applicant's control (e.g., competing carrier-caused errors), or have no meaningful adverse impact on a competing carrier's ability to obtain and serve customers; and

d) provide the underlying data, analysis, and methodologies necessary to enable the Commission and commenters meaningfully to evaluate and contest the validity of the applicant's explanations for performance disparities, including, for example, carrier specific carrier-to-carrier performance data.

8. The Commission has explained in prior orders that parity and benchmark standards established by state commissions do not represent absolute maximum or minimum levels of performance necessary to satisfy the competitive checklist. Rather, where these standards are developed through open proceedings with input from both the incumbent and competing carriers, these standards can represent informed and reliable attempts to objectively approximate whether competing carriers are being served by the incumbent in substantially the same time and manner, or in a way that provides them a meaningful opportunity to compete?' Thus, to the extent there is no statistically significant difference between a BOC's provision of service to competing carriers and its own retail customers, the Commission generally need not look any further. Likewise, if a BOC's provision of service to competing carriers satisfies the performance benchmark, the analysis is usually done. Otherwise, the Commission will examine the evidence further to make a determination whether the statutory nondiscrimination

[24] ***Id.***

[25] ***See SWBT Kansas/Oklahoma Order,*** 16 FCC Rcd at 6252, para. 31; ***SWBT Texas Order,*** 15 FCC Rcd at 18377, para. 55 & n.102.

requirements are met.[26] Thus, the Commission will examine the explanations that a BOC and others provide about whether these data accurately depict the quality of the BOC's performance. The Commission also may examine how many months a variation in performance has existed and what the recent trend has been. The Commission may find that statistically significant differences exist, but conclude that such differences have little or no competitive significance in the marketplace. In such cases, the Commission may conclude that the differences are not meaningful in terms of statutory compliance. Ultimately, 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.

9. Where 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. Accordingly, a disparity in performance for one measure, by itself, may not provide a basis for finding noncompliance with the checklist. The Commission may also find that the reported performance data are affected by factors beyond a BOC's control, a finding that would make it less likely to hold the BOC wholly accountable for the disparity. This is not to say, however, that performance discrepancies on a single performance metric are unimportant. Indeed, under certain circumstances, disparity with respect to one performance measurement may support a finding of statutory noncompliance, particularly if the disparity is substantial or has endured for a long time, or if it is accompanied by other evidence of discriminatory conduct or evidence that competing carriers have been denied a meaningful opportunity to compete.

10. In sum, the Commission does not use performance measurements as a substitute for the 14-point Competitive checklist. Rather, it uses performance measurements as valuable evidence with which to inform the judgment as to whether a BOC has complied with the checklist requirements. Although performance measurements add necessary objectivity and predictability to the review, they cannot wholly replace the Commission's own judgment as to whether a BOC has complied with the competitive checklist.

B. Relevance of Previous Section 271 Approvals

11. In some section 271 applications, the volumes of the BOC's commercial orders may be significantly lower than they were in prior proceedings. In certain instances, volumes may be so low as to render the performance data inconsistent and inconclusive.[27] Performance

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[26] *See Bell Atlantic New York Order, 15* FCC Rcd at 3970, para. 59.

[21] The Commission has never required, however, an applicant to demonstrate that it processes and provisions a substantial commercial volume of orders, or has achieved a specific market share in its service area, as a prerequisite for satisfying the competitive checklist. See *Ameritech Michigan Order,* 12 FCC Rcd at 20585, para. 77 (explaining that Congress had considered and rejected language that would have imposed a "market share" requirement in section 271(c)(1)(A)).

data based on low volumes of orders or other transactions are not as reliable an indicator of checklist compliance as performance based on larger numbers of observations. Indeed, where performance data are based on a low number of observations, small variations in performance may produce wide swings in the reported performance data. It is thus not possible to place the same evidentiary weight upon – and to draw the same types of conclusions from – performance data where volumes are low, as for data based on more robust activity.

12. In such cases, findings in prior, related section **271** proceedings may be a relevant factor in the Commission's analysis. Where a BOC provides evidence that a particular system reviewed and approved in a prior section **271** proceeding is also used in the proceeding at hand, the Commission's review of the same system in the current proceeding will be informed by the findings in the prior one. Indeed, to the extent that issues have already been briefed, reviewed and resolved in a prior section **271** proceeding, and absent new evidence or changed circumstances, an application for a related state should not be a forum for re-litigating and reconsidering those issues.' Appropriately employed, such a practice can give us a fuller picture of the BOC's compliance with the section **271** requirements while avoiding, for all parties involved in the section **271** process, the delay and expense associated with redundant and unnecessary proceedings and submissions.

13. However, the statute requires the Commission to make a separate determination of checklist compliance for each state and, accordingly, we do not consider any finding from previous section **271** orders to be dispositive of checklist compliance in current proceedings. While the Commission's review may be informed by prior findings, the Commission will consider all relevant evidence in the record, including state-specific factors identified by commenting parties, the states, the Department of Justice. However, the Commission has always held that an applicant's performance towards competing carriers in an actual commercial environment is the best evidence of nondiscriminatory access to OSS and other network elements?' Thus, the BOC's actual performance in the applicant state may be relevant to the analysis and determinations with respect to the **14** checklist items. Evidence of satisfactory performance in another state cannot trump convincing evidence that an applicant fails to provide nondiscriminatory access to a network element in the applicant state.

14. Moreover, because the Commission's review of a section **271** application must be based on a snapshot of a BOC's recent performance at the time an application is filed, the Commission cannot simply rely on findings relating to an applicant's performance in an anchor state at the time it issued the determination for that state. The performance in that state could change due to a multitude of factors, such as increased order volumes or shifts in the mix of the types of services or UNEs requested by competing carriers. Thus, even when the applicant makes a convincing showing of the relevance of anchor state data, the Commission must examine how recent performance in that state compares to performance at the time it approved

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[28] ***See SWBT Texas Order,*** **15** FCC Rcd at **18376,** para. **53;** ***Bell*** Atlantic ***New York Order, 15*** FCC Rcd at **3974,** para. **53.**

that state's section 271 application, in order to determine if the systems and processes continue to perform at acceptable levels.

III. COMPLIANCE WITH ENTRY REQUIREMENTS - SECTIONS 271(c)(1)(A) & 271(c)(1)(B)

15. As noted above, in order for the Commission to approve a BOC's application to provide in-region, interLATA services, a BOC must first demonstrate that it satisfies the requirements of either section 271(c)(1)(A) (Track A) or 271(c)(1)(B) (Track B).[29] To qualify for Track A, a BOC must have interconnection agreements with one or more competing providers of "telephone exchange service . . . to residential and business subscribers."[30] The Act states that "such telephone service may be offered. . . either exclusively over [the competitor's] own telephone exchange service facilities or predominantly over [the competitor's] own telephone exchange facilities in combination with the resale of the telecommunications services of another carrier."[31] The Commission concluded in the ***Ameritech Michigan Order*** that section 271(c)(1)(A) is satisfied if one or more competing providers collectively serve residential and business subscribers."

16. As an alternative to Track A, Section 271(c)(1)(B) permits BOCs to obtain authority to provide in-region, interLATA services if, after 10 months from the date of enactment, no facilities-based provider, as described in subparagraph (A), has requested the access and interconnection arrangements described therein (referencing one or more binding agreements approved under Section 252), but the state has approved an SGAT that satisfies the competitive checklist of subsection (c)(2)(B). Under section 271(d)(3)(A)(ii), the Commission shall not approve such a request for in-region, interLATA service unless the BOC demonstrates that, "with respect to access and interconnection generally offered pursuant to [an SGAT], such statement offers all of the items included in the competitive checklist."[33] Track B, however, is not available to a BOC if it has already received a request for access and interconnection from a prospective competing provider of telephone exchange service."

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[29] ***See*** 47 U.S.C. § 271(d)(3)(A).

[30] ***Id.***

[31] ***Id.***

[32] ***See Ameritech Michigan Order***, 12 FCC Rcd at 20589, para. 85; ***see also Second BellSouth Louisiana Order,*** 13 FCC Rcd at 20633-35, paras. 46–48.

[33] 47 U.S.C. § 271(d)(3)(A)(ii).

[34] ***See Ameritech Michigan Order,*** 12 FCC Rcd at 20561-62, para. 34. Nevertheless, the above-mentioned foreclosure of Track B as an option is subject to limited exceptions. ***See*** 47 U.S.C. § 271(c)(1)(B); ***see also Ameritech Michigan Order,*** 12 FCC Rcd at 20563-64, paras. 37-38.

IV. COMPLIANCE WITH THE COMPETITIVE CHECKLIST - SECTION 271(c)(2)(B)

A. Checklist Item 1 – Interconnection

17. Section 271(c)(2)(B)(i) of the Act requires a section 271 applicant to provide "[i]nterconnection in accordance with the requirements of sections 251(c)(2) and 252(d)(1)."[35] Section 251(c)(2) imposes a duty on incumbent LECs "to provide, for the facilities and equipment of any requesting telecommunications carrier, interconnection with the local exchange carrier's network. . . for the transmission and routing of telephone exchange service and exchange access."[36] In the ***Local Competition First Report and Order,*** the Commission concluded that interconnection referred "only to the physical linking of two networks for the mutual exchange of traffic."" Section 251 contains three requirements for the provision of interconnection. First, an incumbent LEC must provide interconnection "at any technically feasible point within the carrier's network."[38] Second, an incumbent LEC must provide interconnection that is "at least equal in quality to that provided by the local exchange carrier to itself."[39] Finally, the incumbent LEC must provide interconnection "on rates, terms, and conditions that are just, reasonable, and nondiscriminatory, in accordance with the terms of the agreement and the requirements of [section 251] and section 252."[40]

18. To implement the equal-in-quality requirement in section 251, the Commission's rules require an incumbent LEC to design and operate its interconnection facilities to meet "the same technical criteria and service standards" that are used for the interoffice trunks within the

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[35] 47 U.S.C. § 271(c)(2)(B)(i); ***see Bell Atlantic New York Order,*** 15 FCC Rcd at 3977-78, para. 63; ***Second BellSouth Louisiana Order,*** 13 FCC Rcd at 20640, para. 61; ***Ameritech Michigan Order,*** 12 FCC Rcd at 20662, para. 222.

[36] 47 U.S.C. § 251(c)(2)(A).

[37] ***Implementation of the Local Competition Provisions in the TelecommunicationsAct of 1996,*** First Report and Order, 11 FCC Rcd 15499,15590, para. 176 (1996) ***(Local Competition First Report and Order).*** Transport and termination of traffic are therefore excluded from the Commission's definition of interconnection. ***See id.***

[38] 47 U.S.C. § 251(c)(2)(B). In the ***Local Competition First Report and Order,*** the Commission identified a minimum set of technically feasible points of interconnection. ***See Local Competition First Report and Order,*** 11 FCC Rcd at 15607-09, paras. 204-1 1.

[39] 47 U.S.C. § 251(c)(2)(C).

[40] ***Id.*** § 251(c)(2)(D).

incumbent LEC's network.[41] In the *Local Competition First Report and Order,* the Commission identified trunk group blockage and transmission standards as indicators of an incumbent LEC's technical criteria and service standards.[42] In prior section 271 applications, the Commission concluded that disparities in trunk group blockage indicated a failure to provide interconnection to competing carriers equal-in-quality to the interconnection the BOC provided to its own retail operations.[43]

19. In the *Local Competition First Report and Order,* the Commission concluded that the requirement to provide interconnection on terms and conditions that are "just, reasonable, and nondiscriminatory" means that an incumbent LEC must provide interconnection to a competitor in a manner no less efficient than the way in which the incumbent LEC provides the comparable function to its own retail operations." The Commission's rules interpret this obligation to include, among other things, the incumbent LEC's installation time for interconnection service[45] and its provisioning of two-way trunking arrangements.[46] Similarly, repair time for troubles affecting interconnection trunks is useful for determining whether a BOC provides interconnection service under "terms and conditions that are no less favorable than the terms and conditions" the BOC provides to its own retail operations.[47]

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[41] *Local Competition First Report and Order,* 11 FCC Rcd at 15613-15, paras. 221-225; *see Bell Atlantic New York Order,* 15 FCC Rcd at 3978, para. 64; *Second BellSouth Louisiana Order,* 13 FCC Rcd at 20641-42, paras. 63-64.

[42] *Local Competition First Report and Order,* 11 FCC Rcd at 15614-15, paras. 224-25.

[43] *See Bell Atlantic New York Order,* 15 FCC Rcd at 3978, para. 64; *Second BellSouth Louisiana Order,* 13 FCC Rcd at 20648-50, paras. 74-77; *Ameritech Michigan Order,* 12 FCC Rcd at 20671-74, paras. 240-45. The Commission has relied on trunk blockage data to evaluate a BOC's interconnection performance. Trunk group blockage indicates that end users are experiencing difficulty completing or receiving calls, which may have a direct impact on the customer's perception of a competitive LEC's service quality.

[44] *Local Competition First Report and Order,* 11 FCC Rcd at 15612, para. 218; *see also Bell Atlantic New York* Order, 15 FCC Rcd at 3978, para. 65; *Second BellSouth Louisiana Order,* 13 FCC Rcd at 20642, para. 65.

[45] 47 C.F.R. § 51.305(a)(5).

[46] The Commission's rules require an incumbent LEC to provide two-way trunking upon request, wherever two-way trunking arrangements are technically feasible. 47 C.F.R. § 51.305(f); *see also Bell Atlantic New York Order,* 15 FCC Rcd at 3978-79, para. 65; *Second BellSouth Louisiana Order,* 13 FCC Rcd at 20642, para. 65; *Local Competition First Report and Order,* 11 FCC Rcd 15612-13, paras. 219-20.

[47] 47 C.F.R. § 51.305(a)(5).

20. Competing carriers may choose any method of technically feasible interconnection at a particular point on the incumbent LEC's network.[48] Incumbent LEC provision of interconnection trunking is one common means of interconnection. Technically feasible methods also include, but are not limited to, physical and virtual collocation and meet point arrangements.[49] The provision of collocation is an essential prerequisite to demonstrating compliance with item 1 of the competitive checklist?' In the ***Advanced Services First Report and Order,*** the Commission revised its collocation rules to require incumbent LECs to include shared cage and cageless collocation arrangements as part of their physical collocation offerings.[51] In response to a remand from the D.C. Circuit, the Commission adopted the ***Collocation Remand Order,*** establishing revised criteria for equipment for which incumbent LECs must permit collocation, requiring incumbent LECs to provide cross-connects between collocated carriers, and establishing principles for physical collocation space and configuration.[52] To show compliance with its collocation obligations, a BOC must have processes and procedures in place to ensure that all applicable collocation arrangements are available on terms and conditions that are "just, reasonable, and nondiscriminatory" in accordance with section 251(c)(6) and the FCC's implementing rules.[53] Data showing the quality of procedures for processing applications for

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[48] ***Local Competition First Report and Order,*** 11 FCC Rcd at 15779, paras. 549-50; ***see Bell Atlantic New York Order,*** 15 FCC Rcd at 3979, para. 66; ***Second BellSouth Louisiana Order,*** I3 FCC Rcd at 20640-41, para. 61.

[49] 47 C.F.R. § 51.321(b); ***Local Competition First Report and Order,*** 11 FCC Rcd at 15779-82, paras. 549-50; ***see*** also ***Bell Atlantic New York Order,*** 15 FCC Rcd at 3979, para. 66; ***Second BellSouth Louisiana Order,*** 13 FCC Rcd at 20640-41, para. 62.

[50] 47 U.S.C. § 251(c)(6) (requiring incumbent LECs to provide physical collocation); ***Bell Atlantic New York Order,*** 15 FCC Rcd at 3979, para. 66: ***Second BellSouth Louisiana Order,*** 13 FCC Rcd at 20640-41, paras. 61-62.

[51] ***Deployment of Wireline Services offering Advanced Telecommunications Capability,*** First Report and Order and Further Notice of Proposed Rulemaking, 14 FCC Rcd 4761, 4784-86, paras. 41-43 (1999), ***aff'd in part and vacated and remanded in part sub nom. GTE Service Corp. v. FCC,*** 205 F.3d 416 (D.C. Cir. 2000), on ***recon., Collocation Reconsideration Order,*** 15 FCC Rcd 17806 (2000); on ***remand, Deployment of Wireline Services Offering Advanced Telecommunications Capability,*** Fourth Report and Order, 16 FCC Rcd 15435 (2001) ***(Collocation Remand Order), petition for recon. pending.***

[52] ***See Collocation Remand Order,*** 16 FCC Rcd at 15441-42, para. 12.

[53] ***Bell Atlantic New York Order,*** 15 FCC Rcd at 3979, para. 66; ***Second BellSouth Louisiana Order,*** 13 FCC Rcd at 20643, para. 66; ***BellSouth Carolina Order,*** 13 FCC Rcd at 649-51, para. 62.

collocation space, as well as the timeliness and efficiency of provisioning collocation space, help the Commission evaluate a BOC's compliance with its collocation obligations."

21. As stated above, checklist item 1 requires a BOC to provide "interconnection in accordance with the requirements of sections 251(c)(2) *and* 252(d)(1)."[55] Section 252(d)(1) requires state determinations regarding the rates, terms, and conditions of interconnection to be based on cost and to be nondiscriminatory, and allows the rates to include a reasonable profit.[56] The Commission's pricing rules require, among other things, that in order to comply with its collocation obligations, an incumbent LEC provide collocation based on TELRIC.[57]

22. To the extent pricing disputes arise, the Commission will not duplicate the work of the state commissions. As noted in the ***SWBT Texas Order,*** the Act authorizes the state commissions to resolve specific carrier-to-carrier disputes arising under the local competition provisions, and it authorizes the federal district courts to ensure that the results of the state arbitration process are consistent with federal law.[58] Although the Commission has an independent statutory obligation to ensure compliance with the checklist, section 271 does not compel us to preempt the orderly disposition of intercanier disputes by the state commissions, particularly now that the Supreme Court has restored the Commission's pricing jurisdiction and has thereby directed the state commissions to follow FCC pricing rules in their disposition of those disputes."

23. Consistent with the Commission's precedent, the mere presence of interim rates will not generally threaten a section 271 application so long as: (1) an interim solution to a particular rate dispute is reasonable under the circumstances; (2) the state commission has demonstrated its commitment to the Commission's pricing rules; and (3) provision is made for refunds or true-ups once permanent rates are set.[60] In addition, the Commission has determined

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[54] ***Bell Atlantic New York Order,*** 15 FCC Rcd at 3979, para. 66; ***Second BellSouth Louisiana Order,*** 13 FCC Rcd at 20640-41, paras. 61-62.

[55] 47 U.S.C. § 271(c)(2)(B)(i) (emphasis added).

[56] *Id.* § 252(d)(1).

[57] See 47 C.F.R. §§ 51.501-07, 51.509(g); ***Local Competition First Report and Order,*** 11 FCC Rcd at 15812-16, 15844-61, 15874-76, 15912, paras. 618-29, 674-712, 743-51, 826.

[58] ***See SWBT Texas Order,*** 15 FCC Rcd at 18394, para. 88; ***see also*** 47 U.S.C. §§ 252(c), (e)(6); ***American Tel. & Tel Co. v. Iowa Utils. Bd.,*** 525 U.S. 366 (1999) (***AT&T v. Iowa Utils. Bd.***).

[59] ***SWBT Texas Order,*** 15 FCC Rcd at 18394, para. 88; ***AT&T Corp v. Iowa Utils. Bd.,*** 525 U.S. at 377-86.

[60] ***SWBT Texas Order,*** 15 FCC Rcd at 18394, para. 88; ***see also Bell Atlantic New York Order,*** 15 FCC Rcd at 4091, para. 258 (explaining the Commission's case-by-case review of interim prices).

that rates contained within an approved section 271 application, including those that are interim, are reasonable starting points for interim rates for the same carrier in an adjoining state?'

24. Although the Commission has been willing to grant a section 271 application with a limited number of interim rates where the above-mentioned three-part test is met, it is clearly preferable to analyze a section 271 application on the basis of rates derived from a permanent rate proceeding.[62] At some point, states will have had sufficient time to complete these proceedings. The Commission will, therefore, become more reluctant to continue approving section 271 applications containing interim rates. It would not be sound policy for interim rates to become a substitute for completing these significant proceedings.

B. Checklist Item 2 – Unbundled Network Elements[63]

1. Access to Operations Support Systems

25. Incumbent LECs use a variety of systems, databases, and personnel (collectively referred to as OSS) to provide service to their customers.[64] The Commission consistently has found that nondiscriminatory access to OSS is a prerequisite to the development of meaningful

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[61] ***SWBT Kansas/Oklahoma Order,*** 16 FCC Rcd at 6359-60, para. 239.

[62] ***See Bell Atlantic New York Order,*** 15 FCC Rcd at 4091, para. 260.

[63] We note that the United States Court of Appeals for the District of Columbia Circuit recently opined in two relevant Commission decisions, ***Implementation of the Local Competition Provisions of the Telecommunications Act of 1996,*** Third Report and Order and Fourth Further Notice of Proposed Rulemaking, 15 FCC Rcd 3696 (1999) ***(Local Cornpetition Order)*** and ***Deployment of Wireline Services Offering Advanced Telecommunications Capability and Implementation of the Local Competition Provisions of the Telecommunications Act of 1996,*** Third Report and Order in CC Doc. No. 98-147 and Fourth Report and Order in CC Doc. **No.** 96-98, 14 FCC Rcd 20912 (1999) ***(Line Sharing Order). USTA v. FCC,*** 290 F.3d 415 (D. C. Cir. 2002), ***petition for rehearing and suggestion for rehearing en banc denied Sept. 4, 2002.*** The court's decision addressed both our UNE rules and our line sharing rules. The Commission is currently reviewing its UNE rules, ***Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers,*** 16 FCC Rcd 22781 (2001) ***(Triennial Review Notice).*** Further, the court stated that "the ***Line Sharing Order*** must be vacated and remanded." ***USTA v. FCC,*** 290 F.3d at 429. The court also stated that it "grant[ed] the petitions for review[] and remand[ed] the ***Line Sharing Order*** and the ***Local Competition Order*** to the Commission for further consideration in accordance with the principles outlined." ***Id.*** at 430. On September 4, 2002, the D.C. Circuit denied petitions for rehearing filed by the Commission and others. ***See Order,*** Nos. 00-1012 and 00-1015 (D.C. Circuit, filed Sept. 4, 2002).

[64] ***Id.*** at 3989-90, para. 83; ***BellSouth South Carolina Order,*** 13 FCC Rcd at 585.

local competition.[65] For example, new entrants must have access to the functions performed by the incumbent's OSS in order to formulate and place orders for network elements or resale services, to install service to their customers, to maintain and repair network facilities, and to bill customers.[66] The Commission has determined that without nondiscriminatory access to the BOC's OSS, a competing carrier "will be severely disadvantaged, if not precluded altogether, from fairly competing" in the local exchange market.[67]

26. Section 271 requires the Commission to determine whether a BOC offers nondiscriminatory access to OSS functions. Section 271(c)(2)(B)(ii) requires a BOC to provide "nondiscriminatory access to network elements in accordance with the requirements of sections 251(c)(3) and 252(d)(1)."[68] The Commission has determined that access to OSS functions falls squarely within an incumbent LEC's duty under section 251(c)(3) to provide unbundled network elements (UNEs) under terms and conditions that are nondiscriminatory and just and reasonable, and its duty under section 251(c)(4) to offer resale services without imposing any limitations or conditions that are discriminatory or unreasonable.[69] The Commission must therefore examine a BOC's OSS performance to evaluate compliance with section 271(c)(2)(B)(ii) and (xiv).[70] In addition, the Commission has also concluded that the duty to provide nondiscriminatory access to OSS functions is embodied in other terms of the competitive checklist as well.[71] Consistent with prior orders, the Commission examines a BOC's OSS performance directly under checklist items 2 and 14, as well as other checklist terms.[72]

27. As part of its statutory obligation to provide nondiscriminatory access to OSS functions, a BOC must provide access that sufficiently supports each of the three modes of

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[65] *See Bell Atlantic New York Order,* 15 FCC Rcd at 3990, para. 83; ***BellSouth South Carolina Order,*** 13 FCC Rcd at 54748,585; ***Second BellSouth Louisiana Order,*** 13 FCC Rcd at 20653.

[66] *See Bell Atlantic New York Order,* 15 FCC Rcd at 3990, para. 83.

[67] ***Id.***

[68] 47 U.S.C. § 271(c)(2)(B)(ii).

[69] ***Bell Atlantic New York Order,*** 15 FCC Rcd at 3990, para. 84.

[70] ***Id.***

[71] ***Id.*** As part of a BOC's demonstration that it is "providing" a checklist item (*e.g.*, unbundled loops, unbundled local switching, resale services), it must demonstrate that it is providing nondiscriminatory access to the systems, information, and personnel that support that element or service. *An* examination of a BOC's OSS performance is therefore integral to the determination of whether a BOC is offering all of the items contained in the competitive checklist. ***Id.***

[72] Id. at 3990-91, para. ***84.***

competitive entry envisioned by the 1996 Act – competitor-owned facilities, UNEs, and resale.[73] For OSS functions that are analogous to those that a BOC provides to itself, its customers or its affiliates, the nondiscrimination standard requires the BOC to offer requesting carriers access that is equivalent in terms of quality, accuracy, and timeliness." The BOC must provide access that permits competing carriers to perform these functions in "substantially the same time and manner" as the BOC.[75] The Commission has recognized in prior orders that there may be situations in which a BOC contends that, although equivalent access has not been achieved for an analogous function, the access that it provides is nonetheless nondiscriminatory within the meaning of the statute.[76]

28. For OSS functions that have no retail analogue, the BOC must offer access "sufficient to allow an efficient competitor a meaningful opportunity to compete."[77] In assessing whether the quality of access affords an efficient competitor a meaningful opportunity to compete, the Commission will examine, in the first instance, whether specific performance standards exist for those functions." In particular, the Commission will consider whether appropriate standards for measuring OSS performance have been adopted by the relevant state commission or agreed upon by the BOC in an interconnection agreement or during the implementation of such an agreement.[79] If such performance standards exist, the Commission will evaluate whether the BOC's performance is sufficient to allow an efficient competitor a meaningful opportunity to compete.[80]

29. The Commission analyzes whether a BOC has met the nondiscrimination standard for each OSS function using a two-step approach. First, the Commission determines "whether

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[73] Id. at 3991, para. 85.

[74] Id.

[75] *Id.* For example, the Commission would not deem an incumbent LEC to be providing nondiscriminatory access to OSS if limitations on the processing of information between the interface and the back office systems prevented a competitor from performing a specific function in substantially the same time and manner as the incumbent performs that function for itself.

[76] See *id.*

[77] Id. at 3991, para. 86.

[78] Id.

[79] Id. As a general proposition, specific performance standards adopted by a state commission in an arbitration decision would be more persuasive evidence of commercial reasonableness than a standard unilaterally adopted by the BOC outside of its interconnection agreement. Id. at 20619-20.

[80] See *id.* at 3991-92, para. 86.