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BY ELECTRONIC FILING

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

Re: *Written Ex Parte*  
UNE Triennial Review – CC Docket No. 01-338  
Local Competition – CC Docket No. 96-98  
Deployment of Advanced Wireline Services – CC Docket No. 98-147

Dear Ms. Dortch:

In the course of this proceeding, WorldCom and other competitive local exchange carriers, along with the New York Department of Public Service, have demonstrated the operational barriers that currently exist and would result in CLECs being impaired without nondiscriminatory access to unbundled switching, even if the economic barriers to use of CLEC switches could be resolved. The attached summary highlights key pleadings on the operational barriers to use of UNE-L to serve mass market customers.

Pursuant to 47 C.F.R. § 1.1206(b), this summary is provided for inclusion in the record of the above-referenced proceedings.

Sincerely,

/s/ Ruth Milkman

Ruth Milkman

Attachment

cc: Matthew Brill  
Jordan Goldstein  
Daniel Gonzalez  
Christopher Libertelli  
Lisa Zaina

## **Highlights from Key Pleadings Regarding Operational Impairment**

### *New York Commission Concludes Substantial Improvement in Hot Cut Performance is Necessary to Handle Mass Market Volumes*

“[I]f all of the 205,000 [monthly] UNE-P orders [in New York] were to become UNE-Loop (UNE-L) orders, Verizon’s hot-cut performance would have to improve approximately 4400 percent. Such an improvement would be unlikely absent major changes to streamline the hot-cut process.” *NYDPS Initial Comments* at 4 (April 4, 2002).

At Verizon’s current hot cut provisioning rate, “it would take Verizon over 11 years to switch all the existing UNE-P customers to UNE-L.” *NYDPS Initial Comments* at n.18.

### *Broadview Responds to Verizon’s Arguments on Hot Cuts; Shows Metric Fails to Capture Critical Measures*

Compliance with “% On-Time Performance-Hot Cut” performance metrics merely indicates that the hot cut was completed within the one-hour window in which it was scheduled for completion, even if that one hour window was postponed from one day to the next, and even if the hot cut took place outside the five day deadline. The “% OnTime Performance-Hot Cut” metric fails to capture critical measures that would show if the hot cut was actually completed within the standard interval and whether the hot cut was completed with no disruption to the customer. *Broadview Response to Verizon 1-15-03* at 4.

### *Broadview Describes Limitations of Verizon’s Project Hot Cut Process, Including Caps on Number of Lines and Problems with Provisioning IDLC Loops*

Verizon limits the number of lines that can be cut in a given day – approximately 125 Lines per Central Office for the entire CLEC community. A limited number of Central Offices (and lines within) can be cut within a specific geographic area. *Broadview Powerpoint Presentation 10-16-02* at 6.

Integrated Digital Loop Carriers (IDLC) cannot support UNE-L. Spare copper must be available in the central office to re-provision the customer. This requires two hot cuts for the customer, first to copper facilities and second to the CLEC. In some instances when a second line is provisioned to a customer, there is no copper facility to the premise on the drop wire. Two lines are provisioned on the same copper pair and thus can not be cut without being re-provisioned. *Broadview Powerpoint Presentation 10-16-02* at 7.

### *CLEC Response to Qwest UNE-P Proposal Shows DLC Loops Preclude UNE-L Use for Many Customers*

DLC loops are 20-30% of all loops, and there is not enough spare copper to serve customers currently served via UNE-P. *CLEC Response to Qwest UNE-P Proposal 2-3-03* at 4, n.9.

*WorldCom Summarizes the Record on Impairment; Explains Why BOCs Should Be Required to Demonstrate Scalability of Processes*

The BOCs simply assert that their processes are scalable, but the Commission has never accepted such assertions of readiness and scalability during section 271 proceedings in part because such assertions have so often proved incorrect. *WorldCom Impairment Summary 11-13-02* at 6.

*WorldCom Identifies Principles FCC Could Adopt for State Commissions' Use in Evaluating Operational Impairment*

The process for transferring a local customer to a competitive product based on UNE-L is manual, expensive, and very susceptible to service disruption. Consequently, UNE-P is essential for acquisition of new customers. But even if customers are acquired via UNE-P, the provisioning process for migrating the customer to the competitor's switch must be substantially improved. *UNE-P Principles for State Commissions 11-18-02* at 3.

States should consider operational factors, including: timeliness; scalability; service disruption; effectiveness of provisioning for all loops including IDLC; resolution of CLEC-CLEC migration scenarios; and resolution of customer-affecting matters, including LNP and 911 issues. *UNE-P Principles for State Commissions 11-18-02* at 4; Attachment at 2.

*WorldCom Responds to SBC's Arguments With Respect to Hot Cut Process*

SBC has provided no demonstrable evidence that it can process large volumes of loops in a timely, efficient manner. While loop provisioning processes have been reviewed during 271 proceedings, they have never been tested to determine whether SBC is capable of handling hundreds of thousands of loops per month. *WorldCom Response to SBC and BellSouth 1-27-03* at 17.

Chart compares UNE-P volumes to hot cut volumes in California, Michigan and Texas. *WorldCom Response to SBC and BellSouth 1-27-03* at 17-18.

*CompTel Explains Why FCC Must Require BOCs to Demonstrate that Loop Provisioning Process Can Accommodate Mass Market Volumes*

In the 271 context, the FCC has required BOCs to demonstrate adequate interfaces for ordering and provisioning of UNE-P to the mass market at all commercially obtainable volumes of orders. *CompTel 271 Letter 12-12-02* at 3-4.

The FCC has said that "excessive reliance on manual processing, especially for routine transactions, impedes the BOCs' ability to provide equivalent access to [] fundamental operational support systems." *CompTel 271 Letter 12-12-02* at 4, citing *Louisiana I 271 Order* at para. 25.