

UNE Metrics & Enforcement

CC Docket 01-318

July 1, 2003



MCI's Position

- MCI supports federal national UNE metrics and standards only if:
 - Federal measurements serve as a floor that the states are free to go beyond (no federal preemption of states);
 - The FCC adopts measurements that appropriately capture ILECs' performance in all areas; and
 - The FCC adopts standards that can be enforced by the FCC
- MCI proposed (and other CLECs support) national metrics and standards that represent the best of the best state metrics as well as a federal enforcement plan

MONTHLY ILEC REPORTING BY STATE

- ILEC Retail Reporting (includes affiliates where applicable), compared to:
 - CLEC Aggregate Reporting
 - CLEC Specific Reporting
- All reporting is disaggregated by:
 - Region
 - Product type
 - Volume
- ILEC flags missed metrics in monthly reports issued to the FCC to trigger federal enforcement plan (issuance of NAL or expedited complaint process)

MCI's Proposed Federal Enforcement Plan

- Expedited NAL Process
 - If ILEC misses a metric 3 consecutive months or 3 out of 6 months, the FCC issues NAL
 - ILEC may respond in 15 days
 - CLECs may reply within 7 days
 - FCC Order released 30 days from date of NAL

MCI's Proposed Federal Enforcement Plan (cont'd)

- Expedited Section 208 Complaint Process
 - CLEC files form complaint
 - ILEC has 10 days to answer
 - CLEC has opportunity to reply within 7 days
 - FCC resolution within 30 days of the complaint
 - ILEC missed metric either 3 consecutive months or 3 out of 6 months would create rebuttable presumption that a violation of the FCC's rules has occurred and triggers complaint process

MCI's Proposed Federal Enforcement Plan (cont'd)

- Expedited Damages Phase
 - After liability is established, carrier may file a damages complaint based on its own calculations or a proxy schedule developed by the FCC
 - The FCC should consider in its calculation of damages:
 - Cost of the product, including lost profit
 - Magnitude of the missed performance
 - Duration of the ILEC's poor performance or discrimination.