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December 12, 2003

BY ELECTRONIC FILING

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W. - Suite TW-A325  
Washington, D.C. 20554

Re: *Oral Ex Parte Presentation*  
In the Matter of Performance Measurements and Standards for Interstate  
Special Access Services, CC Docket No. 01-321

Dear Ms. Dortch:

On December 11, 2003, members of the Joint Competitive Industry Group (JCIG) met with Ken Moran of the FCC's Office of Engineering and Technology, and Greg Cooke and Dan Emrick of the FCC's Office of Homeland Security, to discuss the above-referenced proceeding. The JCIG members attending the meeting included: Bob McNamara of Nextel; Marc Martin of Kirkpatrick & Lockhart, outside counsel for Nextel; David Jatlow of AT&T Wireless; Michael Pryor of Mintz, Levin, outside counsel to AT&T Wireless; and Ruth Milkman of Lawler, Metzger & Milkman, outside counsel for MCI. During the meeting, the group discussed the attached presentation describing CMRS carriers' use of special access, the problems caused by poor special access performance and JCIG's proposed solution to these problems.

In accordance with the Commission's rules, this letter is being provided to you for inclusion in the public record of the above-referenced proceeding.

Sincerely,



Gil M. Strobel

Attachment

cc: Greg Cooke  
Dan Emrick  
Ken Moran

**ILEC Special Access:  
The Critical Need for Performance  
Measurements, Standards, Reporting  
and Enforcement**

**Joint Competitive Industry Group**

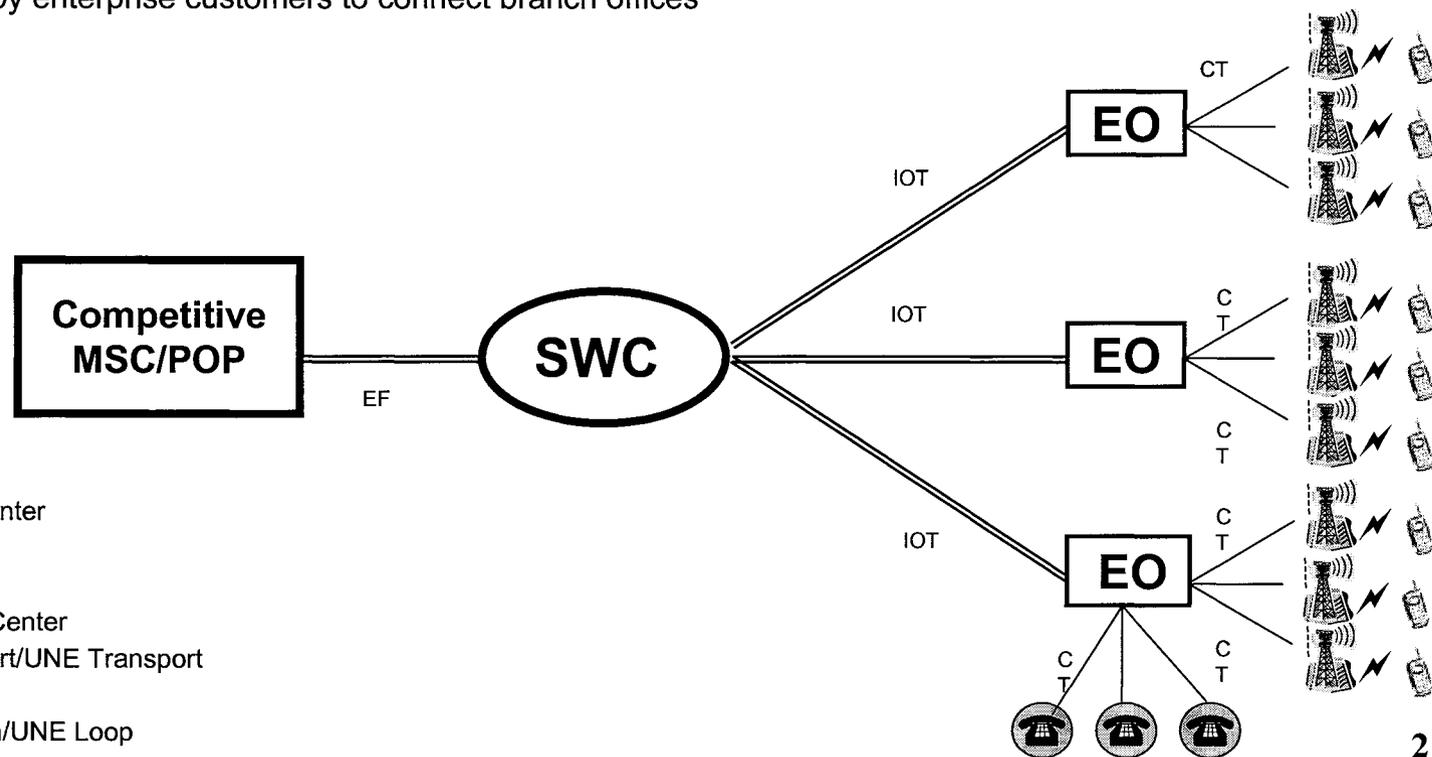
**CC Docket No. 01-321**

**December 11, 2003**

# What Is Special Access?

□ Special access is:

- Dedicated (unswitched) links between end-users and a competitor's MSC or POP
- Provided via the same facilities used to supply UNE loops and transport
- Used by CMRS carriers to connect cell sites to MSCs
- Used by wireline carriers for interoffice facilities and local loops
- Used by enterprise customers to connect branch offices

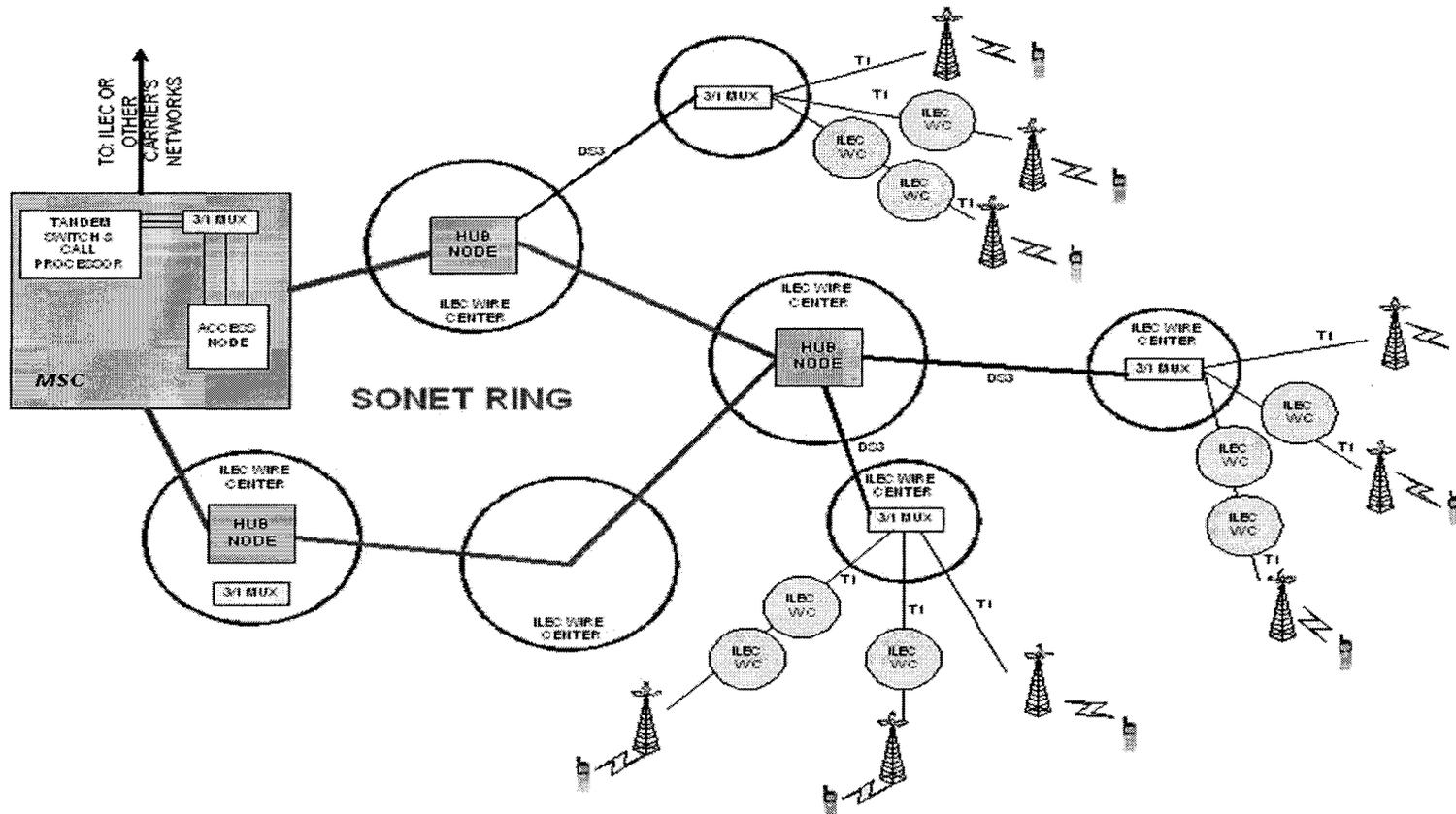


MSC - Mobile Switching Center  
 POP - Point of Presence  
 EF - Entrance Facilities  
 SWC - ILEC Serving Wire Center  
 IOT - Inter Office Transport/UNE Transport  
 EO - ILEC End Office  
 CT - Channel Termination/UNE Loop

# CMRS Carriers' Use of Special Access

A CMRS carrier must obtain transport from virtually every wire center in the CMRS carrier's serving area

CMRS Use of ILEC Transport in Metropolitan Areas



# **CMRS Carriers Depend Heavily on ILEC Special Access to Connect MSCs to Cell Sites**

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- ❑ CMRS networks consist of thousands of cell sites that are used to originate and terminate customers' calls
- ❑ Each cell site must be connected to centrally located mobile switching centers (MSCs)
- ❑ Currently, cell site-to-MSC connections are overwhelmingly made via wireline transmission services purchased from ILEC special access tariffs
- ❑ CMRS carriers' reliance on special access will increase as CMRS carriers expand their service areas and upgrade their facilities to provide broadband services

# Poor ILEC Performance Continues to Be a Problem

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- ❑ Persistent problems with ILEC performance include
  - Failure to provide timely provisioning of special access circuits
  - Failure to repair circuits promptly
  
- ❑ These ILEC failures result in increased costs, lost revenues and harm to carriers' reputations
  - End users ultimately bear the burden of service disruptions and other problems caused by poor ILEC performance
  
- ❑ The Commission must guard against the possibility that ILECs with CMRS affiliates will discriminate unlawfully against unaffiliated CMRS providers

# JCIG Has Proposed a Comprehensive “Turn-Key” Solution to Address Tier 1 ILECs’ Continuing Poor Performance

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- ❑ **Measurement:** ILECs would measure their performance with respect to key special access activities
- ❑ **Standards:** ILEC performance would be assessed based on objective standards designed to prevent unjust, unreasonable and unlawfully discriminatory practices
- ❑ **Reporting:** To facilitate detection of unreasonably discriminatory practices, the ILECs would provide performance reports
  - On a customer-specific basis for ILEC special access customers
  - On an aggregated basis for the following groups: unaffiliated CMRS providers; affiliated CMRS providers; competitive wireline providers; affiliated wireline providers; and end users
- ❑ **Enforcement:** Enforcement mechanisms would ensure that sub-standard or unreasonably discriminatory performance would lead to timely and appropriate payments to carriers (service credits and/or damages) as well as forfeitures

# How Do We Measure Performance?

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- ❑ Eight Core Measures Capture Ordering and Provisioning
  - FOC Receipt
  - FOC Receipt Past Due
  - Offered Versus Requested Due Date
  - On Time Performance To FOC Due Date
  - Days Late (when FOC Due Date missed)
  - Average Intervals – Requested / Offered / Installation
  - Past Due Circuits
  - New Installation Trouble Report Rate
  
- ❑ Three Key Measures for Maintenance and Repair
  - Failure Rate
  - Mean Time to Restore
  - Repeat Trouble Report Rate