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February 25, 2005

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,* CC Docket No. 01-321; WC Docket No. 02-112

Dear Ms. Dortch:

On February 24, 2005, members of the Joint Competitive Industry Group (JCIG) met with Julie Veach, Bill Dever, Tom Navin, Michael Carowitz, William Kehoe, Terri Natoli, and Alex Johns of the FCC, to discuss the above-referenced proceeding. Ben Childers and Pam Megna of the FCC also participated by phone. The JCIG members attending the meeting included: Kent Nakamura of Nextel; Marc Martin of Kirkpatrick & Lockhart, outside counsel for Nextel; Frank Simone of AT&T; Alan Buzacott of MCI; and Gil Strobel and Ruth Milkman of Lawler, Metzger, Milkman and Keeney, outside counsel for MCI. JCIG members participating by phone included: Brian Moir of Moir & Hardman, outside counsel to eTUG; Jonathan Lee of CompTel/ASCENT; Maureen Swift of AT&T; Warren Turnham of MCI; and David LaFrance of XO. During the meeting, the group discussed the Bell Operating Companies' (BOCs') proposal for measuring incumbent LECs' special access performance. JCIG's position was consistent with the points made in the attached presentation.

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: Michael Carowitz
Ben Childers
Bill Dever
Alex Johns
William Kehoe
Pam Megna
Terri Natoli
Tom Navin
Julie Veach

ILEC Special Access Performance: Critique of BOCs' Proposed Metrics

Joint Competitive Industry Group

CC Docket No. 01-321
WC Docket No.02-112
February 24, 2005

Any Solution Must Begin with Meaningful Measurements

- Improving Tier 1 ILECs' special access performance requires a comprehensive plan that includes: meaningful measurements, objective standards, disaggregated reporting and effective enforcement mechanisms
- The BOCs' proposal:
  - Lacks meaningful standards,
  - Omits key metrics and
  - Includes flawed business rules

Lack of Meaningful Standards

- The BOCs' proposal does not include any objective benchmark standards
  - Benchmark standards are also needed where no retail analogue exists or where there is insufficient volume to generate a meaningful parity standard

- The BOCs do not even offer a true parity standard
  - Proposal requires only that BOCs provide service that is "substantially similar" to that which they provide their affiliates
    - "Substantially similar" is not defined
    - Unclear whether standard includes comparisons to the performance the BOCs provide to themselves or their retail customers

Omission of Key Metrics

- The BOC's proposal leaves out five metrics from the most recent JCIG proposal:
  - RTTR2 (Report Trouble Report Rate) – Measures chronic maintenance problems (repeat troubles) that are key drivers of customer dissatisfaction
  - MADL2 (Missed Appointments Average Day Late) – Provides information regarding how quickly ILECs act after an appointment has been missed. Without this measurement, ILECs have little incentive to respond quickly once an initial appointment has been missed
  - AIOI2 (Average Intervals – Offered vs. Installed) – Provides a valuable look at the overall level of service being provided

Omission of Key Metrics (Cont.)

- PPDO2 (Percent Past Due Orders) – Provides information regarding potential backlogs (similar to the “held orders” measure commonly used for local metrics)
- OVRD2 (Offered vs. Requested Due Date) – Provides an important tool for carriers to use in negotiating installation dates with their own end-user customers

Flawed Business Rules

- Each of the BOCs' proposed metrics permits "Other exclusions as defined by each RBOC to reflect system and operational differences"
  - This exclusion threatens to undermine the utility of all the measurements and may preclude straightforward comparisons between ILECs
  - Differences in each BOCs' internal systems should not prevent uniform reporting or excuse differences in performance

- Other examples of flawed business rules include:
  - FOCT – does not require a facilities check. Without a facilities check a "firm order confirmation" becomes merely an acknowledgement of receipt

Flawed Business Rules (Cont.)

- PIAM – fails to track CNRs and allows each BOC to determine whether an order is considered missed if there are multiple missed appointments, at least one of which is coded as a CNR
- NITR, CTTR & MAD - all exclude NTF and TOK. At a minimum, NTF and TOK sould be tracked as a diagnostic to help identify and resolve intermittent failures