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ORDER ON MOTIONS FOR RECONSIDERATION AND CLARIFICATION

IN RE: PERFORMANCE MEASURES FOR TELECOMMUNICATIONS
INTERCONNECTION, UNBUNDLING AND RESALE

MAY 10 2001

On January 16, 2001, the Georgia Public Service Commission ("Commission") issued its Order in this docket. On January 29, 2001, BellSouth and the CLEC Coalition ("Coalition") filed motions for Clarification and Reconsideration in the above-referenced docket. On February 23, 2001 AT&T filed a response to BellSouth's Motion for Clarification and Reconsideration.

The CLEC Coalition requested Clarification on five (5) issues. The Coalition's first and second requests were to clarify that the Commission's Order required BellSouth to report performance data for its affiliates and to report its CLEC and affiliate data for purposes of Industry-level remedies. The Commission ordered that BellSouth did not have to report Performance Data for its affiliates providing local service and should not include its affiliate data in remedy calculations as it applies to industry level remedies.

The third request was to affirm that CLECs were entitled to all of the raw data underlying all performance reports, and the reasonable audits of CLEC-specific results and data, and the systems and processes that produce them. The Commission ordered that BellSouth shall provide access to all the available data (e.g., PMAP, Data Warehouse, raw data) and information necessary for a carrier receiving Performance Reports to verify the accuracy of such reports and that CLEC specific audit rights included in individual Interconnection Agreements shall remain in effect.

The Coalition's fourth request was to clarify whether BellSouth was required to report Local Number Portability ("LNP") Firm Order Confirmation ("FOC") and LNP rejection Performance Data in a discrete manner in the Tier I and Tier II sub-metrics of the Enforcement Plan, and whether BellSouth should report partially and non-mechanized rejection data for all product types included in Tier I and Tier II sub-metrics of the Enforcement Plan. The Commission ordered that BellSouth did not have to discretely report LNP FOC and Reject data in the Enforcement Plan. BellSouth shall report partially and non-mechanized data for products as specified in the Commission's Order.

The last request was for clarification of whether the Commission's 6-month review of the Performance Data would also include a review of the Enforcement Plan. The Commission agrees with the Coalition that the Enforcement Plan should be included in the Staff review. The performance measurements and the enforcement plan provide the Commission with the tools necessary to ensure ongoing compliance.

BellSouth requested that the Commission reconsider aspects of its Order. First, BellSouth sought reconsideration on findings regarding performance measures and analogs/benchmarks. Second, BellSouth sought clarification on the date the Order's requirements took effect and reconsideration of the implementation dates for changes and modification required. Third, BellSouth sought reconsideration on two issues relating to the adoption of the Enforcement Plan. Fourth, BellSouth sought clarification on the scope of the "Force Majeure" provision of the Order to explicitly state the provision includes situations in which the CLECs attempt to game the enforcement plan by causing BellSouth to miss its targets so as to trigger remedy payments. Finally, BellSouth requested the Commission reconsider its decision regarding the value for delta to be used in conjunction with the statistical methodology.

BellSouth's first request is that the Commission adopt the retail analog for OSS (Percent Response Received in X Seconds) of Parity + 4 seconds instead of the Commission adopted Parity retail analog. The Order provides that "the response interval starts when the client application (LENS or TAG for CLECs and RNS for BST) submits a request to the legacy system and ends when the appropriate response is returned to the client application." *See* Order, at 4. In conjunction with this Order, the data measurement points will include the time that the preordering inquiry travels through the client application, either TAG or LENS, as well as the time necessary for retail inquiries to pass through BellSouth's retail servers. This requires additional time for the CLEC inquiry to clear the security firewall, and to translate the inquiry into a format that can be read by the legacy system.

On the retail side, the orders are input into the legacy system in navigator contract format and thus there is no translation time incurred. In addition, BellSouth's retail systems (RNS and ROS) pass the security screen by signing on to the terminal that is hard wired into the system and requires a password. This process prevents the BellSouth service representative from accessing unauthorized records. The Commission Staff has reviewed the Pre-Ordering data from the Third-Party Test and a January 16th filing by KPMG on this issue and agrees that additional time for security measures and computer translations needed to process pre-order inquiries from CLECs are appropriate. Therefore the Commission orders Parity + 2 Seconds as the Retail Analog for Pre-Order responses.

Additionally, BellSouth requested that the Commission adopted measures D-1 (Average Database Update Interval) and D-2 (Percent Database Update Interval) to assess the timeliness and accuracy of BellSouth's updates for databases such as LIDB and Directory Assistance should not require actual data on each update because the systems are designed to function as parity by design and this data should be collected

using a statistically valid sample of retail and wholesale queries drawn on a monthly basis as opposed to measuring each update to the databases individually. The Commission agrees that the databases to which these measures apply are parity by design and the process for updating the databases is the same for both retail and wholesale orders. Therefore, the Commission orders that BellSouth shall collect data for database interval and accuracy using a statistically valid sample of retail and wholesale queries.

Finally, as part of its first request, BellSouth states that the Commission Order requiring BellSouth to disaggregate PO-1 (Average Response Time for Loop Make Up ("LMU")-Non Mechanized) and PO-2 (Average Response Time for LMU-Electronic) on a product-specific basis into ADSL, HDSL, Other DSL, and Line Sharing is unnecessary. From a measurement perspective, the only relevant inquiry is whether BellSouth provides LMU information in a timely manner. The Commission orders that the disaggregation levels for PO-1 and PO-2 be amended as requested by BellSouth because LMU does not distinguish between loop types.

BellSouth requested the Commission clarify that the Order's reporting and enforcement provisions take effect March 1, 2001, and asked for additional time until June 30, 2001, for implementation of certain measures ordered by this Commission. The Commission ordered the measures effective 45 days after issuance of the Commission Order of January 16, 2001. To coincide with the first day of the month, the Commission orders that all reporting and enforcement requirements shall take effect on March 1, 2001. The Commission is aware that it takes an enormous programming effort to implement the new measures and additional disaggregation in its Order. Therefore, the Commission grants an extension until May 1, 2001, for BellSouth to provide CLEC-specific data for SQM reporting purposes, to provide CLEC-specific data for purposes of the Enforcement Plan and to provide product specific data for purposes of the Enforcement Plan for the measures identified in BellSouth's motion. This extension does not relieve BellSouth of the obligation to pay Tier 1 penalties. BellSouth shall implement the interim methodology in accordance with the proposal included in its motion.

Third, BellSouth sought reconsideration on the appropriateness of including OSS-1 (Percent Response Received in X Seconds), CM-1 (Timeliness of Change Management Notices) and CM-3 (Timeliness of Documents Associated with Change) in Tier 1 of the Enforcement Plan and the appropriateness of Tier 3 penalties in light of substantial penalties adopted in Tier 1 and 2. The Commission concludes that OSS-1, CM-1 and CM-3 are industry wide rather than CLEC-specific and should be excluded from Tier 1 of the Enforcement Plan. The Commission denies BellSouth's request to exclude Tier 3 penalties from the Enforcement Plan.

Last, BellSouth requested the Commission reconsider the amount of penalties for late and incomplete Performance Reports, to modify the Commission's Force Majeure provision to include situations in which CLECs attempt to "game" the Enforcement Plan and to reconsider its Order and adopt 1.0 as the delta value for individual CLEC calculations and .50 for aggregated calculations. In response to penalties for late and

incomplete reports, the Commission orders penalties, in the aggregate, be paid to the state on a progressive scale as follows:

1-7 days	\$5,000
8-15 days	\$10,000
16-30 days	\$40,000
31 + days	\$5,000 per day

The Commission denies BellSouth's recommendation to modify the Commission's Force Majeure provision and the Delta Values.

WHEREFORE IT IS ORDERED, that, except as set forth in this order, BellSouth's and the CLEC Coalition's Motion for Clarification and Reconsideration is otherwise denied. All findings, conclusions, and decisions set forth above are hereby made findings of fact, conclusions of law, and orders of the Commission.

ORDERED FURTHER, that all findings, conclusions and decisions contained within the Commission's January 16, 2001, order remain in full force and effect except as otherwise expressly ordered herein.

ORDERED FURTHER, that a motion for reconsideration, rehearing, or oral argument or any other motion shall not stay the effective date of the order unless otherwise ordered by this Commission.

ORDERED FURTHER, that jurisdiction over these matters is expressly retained for the purpose of entering such further orders or orders as this Commission may deem just and proper.

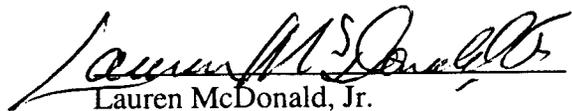
The above action of the Commission in Administrative Session on the 6th day of March 2001.



Reece McAlister
Executive Secretary

5-7-01

Date



Lauren McDonald, Jr.
Chairman

05-07-01

Date