

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held in the City of
Albany on June 24, 1999

COMMISSIONERS PRESENT:

Maureen O. Helmer, Chairman
Thomas J. Dunleavy
James D. Bennett
Leonard A. Weiss

CASE 97-C-0139 - Proceeding on Motion of the Commission to
Review Service Quality Standards for Telephone
Companies.

ORDER ESTABLISHING PERMANENT RULE

(Issued and Effective June 30, 1999)

BY THE COMMISSION:

On February 16, 1999, the Commission issued an Order Adopting Inter-Carrier Service Quality Guidelines in the captioned proceeding, adopting its decision on an emergency basis within the meaning of State Administrative Procedure Act (SAPA) '202(6). The order stated that swift approval of the inter-carrier guidelines was necessary to promote competition in the state telecommunications market, thereby benefitting all consumers, and for the preservation of the general welfare. The Commission further stated:

"It is necessary to finalize these performance measurements and standards so that Bell Atlantic-New York is able to report its performance in compliance with the non-discrimination requirements of the Telecommunications Act. Commission action at this time will provide Bell Atlantic-New York with sufficient direction to fully compile and consistently report its performance for the purpose of opening the local exchange market to competition expeditiously. Thus, we are approving this Order on an emergency basis pursuant to '202(6) of the State Administrative Procedure Act (SAPA)."

Notice of the Commission's action was published in the State Register on March 3, 1999. The time for comments, pursuant to SAPA '202(1), expired on April 17, 1999, and the 90-day time allowance for taking final action provided by the emergency action provision of SAPA '202(6) would have expired on May 17, 1999. Since comments were therefore due after the Commission's April 14, 1999 Session, and the 90-day SAPA emergency period would have expired prior to the May 19, 1999 Session, at the April 14 Session the Commission extended the 90-day SAPA emergency period for an additional 60 days, pursuant to SAPA '202(6), extending the period to July 8, 1999.

The Commission received petitions for reconsideration from AT&T Communications of New York, Inc. (AT&T), MCI WorldCom, Inc. (MCI), and Intermedia Communications, Inc. (Intermedia). New York Telephone Company, d/b/a Bell Atlantic-New York (BA or Bell Atlantic-New York) also filed a petition for reconsideration with its proposed compliance filing.¹ Comments were received from Cablevision Lightpath, Inc. (Cablevision), Intermedia, Time Warner Telecom, Inc. (Time Warner), and AT&T.

DISCUSSION and CONCLUSION

Several issues, metrics, and standards addressed in the February 16 order were the subjects of the petitions for reconsideration, (deemed comments), comments on the petitions, comments on the compliance filing, the ongoing investigation by Staff, and discussions among the members of the Carrier-to-

¹ The February 16 Order did not constitute a permanent rule with respect to carrier-to-carrier guidelines; therefore, petitions for reconsideration were premature. However, we have viewed the positions taken in the petitions as SAPA comments submitted to address the substance of the proposed rule.

Carrier Working Group and the Staff assessing Bell Atlantic-New York's performance in Case 97-C-0271. In addition, the parties and Staff reviewed the relevant reports issued by KPMG in connection with the test of Bell Atlantic-New York's operations support systems (OSS). All the above submissions, discussions, and comments were considered in making the determinations set forth herein and in the attached Appendix.

The resulting metrics and standards are comprehensive and will help fulfill our goal of achieving expeditiously an open, competitive local exchange market.

Upon consideration of the issues presented and the resolution of same as set forth below, the February 16, 1999 Order Adopting Inter-Carrier Service Quality Guidelines is adopted on a permanent basis pursuant to SAPA '202(1), for the reasons set forth in that order.

The resolutions and recommendations contained in the Appendix attached to this order are adopted by the Commission.

Some issues remain unresolved at this time, and we therefore direct the Administrative Law Judge to reconvene the Carrier-to-Carrier Working Group to collaborate on those issues which are listed in Appendix 3 of the February 16, 1999 order and also those issues in the attached Appendix identified as Issues numbered "1", "2", "4", "16", "18", "19", "30", "32", "33", "36", "39", and "41". The Administrative Law Judge shall report on the resolution of such issues within 180 days of the release of this order.

In addition to the aforementioned issues, hot cut performance metrics issues (Appendix, Issue "25") which means the ability of Bell Atlantic-New York to disconnect Bell Atlantic-New York's loop facilities and reconnect them to competitor switches in a coordinated manner has not yet been resolved notwithstanding intense efforts by the parties. Resolution of these issues is a priority for Case 97-C-0271 and must be reported back to the Commission as soon as possible.

In adopting these and future inter-carrier service quality guidelines, we do not supersede existing interconnection agreements unless their terms so specify, or the contracting parties have otherwise agreed to be bound by the guidelines.

The Commission orders:

1. The February 16, 1999 Order Adopting Inter-Carrier Service Quality Guidelines is adopted on a permanent basis pursuant to SAPA '202(1).

2. The Commission adopts the resolutions and recommendations contained in the Appendix attached to and made a part of this order.

3. Within ten days of the date this order is issued, Bell Atlantic-New York shall file the changes and corrections to the Guidelines document with the Administrative Law Judge (ten copies) and serve a copy upon each party.

4. The Administrative Law Judge is directed to continue efforts to resolve hot cut performance metrics issues and report to the Commission as soon as practicable.

5. As directed by the Administrative Law Judge, the Carrier-to-Carrier Working Group shall reconvene and address the remaining issues identified in the February 16, 1999 order and those issues identified in the Appendix attached to this order.

6. This proceeding is continued.

By the Commission,

(SIGNED)

DEBRA RENNER
Acting Secretary

APPENDIX

CASE 97-C-0139
INTER-CARRIER SERVICE QUALITY GUIDELINES
OPEN ISSUES AND PROPOSED RESOLUTIONS

Note: This appendix addresses: (1) the issues raised by Bell Atlantic - New York's February 26, 1999 compliance filing in response to the Commission's February 16, 1999 order in Case 97-C-0139 and the parties' comments on the Order and the compliance filing, (2) related issues raised by KPMG in its April 19, 1999 report in Case 97-C-0271 (Bell Atlantic - New York's Petition Under Section 271 of the 1996 Telecommunications Act) and by the 271 Performance Assurance Plan team, and (3) related issues raised during meetings with parties on April 27, May 3, and June 3, 1999 and in various written comments.

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**INTER-CARRIER SERVICE QUALITY GUIDELINES
OPEN ISSUES AND PROPOSED RESOLUTIONS**

PO-1 PRE-ORDERING OSS RESPONSE TIME

Issue 1 - Unsuccessful Pre-Ordering Attempts

Background: The CLECs wanted to have response times for unsuccessful pre-ordering attempts included in this metric. Unsuccessful pre-ordering attempts include "errors" or "rejected queries" which result from incomplete or invalid pre-ordering requests by CLECs and "time-outs" which are CLEC requests that fail to receive a response within a pre-determined amount of time. In the alternative, CLECs wanted to have separate metrics for these pre-ordering attempts.

For "rejected queries," Bell Atlantic - New York proposed a new sub-metric: PO-1-07 Average Response Time - Rejected Query. For "time-outs," Bell Atlantic - New York claimed that these unsuccessful transactions were being captured in PO-2 OSS Interface Availability, and that a separate metric was not necessary. CLECs wanted a more complete definition of "errors" and "rejected queries" and rejected Bell Atlantic - New York's claim that "time-outs" were being captured in PO-2.

Bell Atlantic - New York was ordered to define these terms and to demonstrate how these unsuccessful transactions are captured in the metrics.

Compliance Filing/CLEC Comments: Bell Atlantic - New York attempted unsuccessfully to clarify these points in the compliance filing. MCI noted that the company had not explained what constitutes an error, whether all rejects are errors, what constitutes an incomplete or invalid request, and how time-outs are captured in PO-2. MCI also noted that the new sub-metric, Average Response Time - Rejected Query, was under development and will not be reported immediately. Intermedia continued to argue that time-outs are not included

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in PO-2 and should be included in PO-1.

Subsequently, Bell Atlantic - New York proposed further revisions to the Carrier Guidelines including a new sub-metric, PO-1-08 % Time-Outs, to be implemented in the third quarter of 1999, but did not propose a performance standard for PO-1-08. CLECs are amenable to PO-1-08 % Time-Outs, if it is tied to the Performance Assurance Plan measures in Case 97-C-0271. Otherwise, they believe time-outs should be included in the response times reported in PO-1. Intermedia proposed a performance standard of less than 0.33% for % Time-Outs. Bell Atlantic - New York promised to respond to the proposal for a standard but has not done so.

Proposed Resolution: Bell Atlantic - New York should make the following change to the definitions section of PO-1 of the Carrier Guidelines,

"A rejected query is a query that cannot be processed by Bell Atlantic - New York's pre-ordering system due to incomplete or invalid information submitted by a CLEC, and which results in an error message to the CLEC.
~~Errors are incomplete or invalid requests and are rejected. In the normal day to day operations, errors on CLEC transactions are included in the measure for rejected query response time."~~

The company should also specify in the Carrier Guidelines, the dates when reporting will begin for PO-1-07 Average Response Time - Rejected Query and PO-1-08 % Time-Outs. Finally, a performance standard of not more than 0.33% should be used for PO-1-08 % Time-Outs, as proposed by Intermedia. The parties may consider an alternative performance standard after there has been an opportunity to review the performance data.

Issue 2 - Sentinel Sampling

Background: At pages IV-221/222 of its June 1, 1999 report, KPMG expressed a "qualification" that the Sentinel

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sampling process used by Bell Atlantic - New York to derive the average Pre-Ordering OSS response times fails to randomly select transactions during the day and uses only 1 or 2 addresses and telephone numbers.

Proposed Resolution: Bell Atlantic - New York should specify in PO-1 of the Carrier Guidelines how the sampled transactions are drawn in terms of quantities and randomness throughout the day (CLEC vs. Bell Atlantic - New York retail) and the basis therefor. The parties may give further consideration to these matters in the next phase of the proceeding.

Issue 3 - The App-to-App Interface

Background: Bell Atlantic - New York has been measuring the pre-ordering response times using the "EIF" interface, but CLECs generally prefer to use the "EDI" interface or "CORBA" which is under development. Subsequent to the compliance filing, the company agreed that the description of PO-1 in the Carrier Guidelines should be revised to indicate that the response times will be measured separately for each type of interface. The company initially indicated that it would not be able to begin reporting for the "EDI" interface until December 1999 but recently indicated that it is trying to expedite reporting.

Proposed Resolution: Bell Atlantic - New York should revise the description of PO-1 of the Carrier Guidelines to state,

"The response times will be measured and reported separately for the EIF, EDI, and Corba interfaces without regard to CLEC usage of each interface."

Also, Bell Atlantic - New York should begin reporting the response times for the EDI interface immediately.

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PO-2 OSS INTERFACE AVAILABILITYIssue 4 - Methodology

Background: Subsequent to the compliance filing, Bell Atlantic - New York modified the Carrier Guidelines to change the methodology for PO-2 OSS Interface Availability to include system outages reported by CLECs as well as system outages detected by Bell Atlantic - New York through its sampling process. The new methodology would be more complete in terms of accounting for all system outages and was discussed with the CLECs on June 3, 1999. Although CLECs were receptive to Bell Atlantic - New York's proposal to include the system outages reported by them, they were not satisfied with Bell Atlantic - New York's sampling process, which assumes that the interface is available for an entire 15 minute interval based on only the successful transactions during that period, and they were still not convinced that time-outs are being captured in PO-2. Bell Atlantic - New York agreed to re-evaluate the methodology for PO-2, and to determine if there is a better way to include Time-Outs.

Proposed Resolution: The parties should resolve these matters in the next phase of this proceeding.

Issue 5 - The Interface Type

Background: Subsequent to the compliance filing, Bell Atlantic - New York proposed to revise PO-2 OSS Interface Availability to measure interface availability separately for pre-ordering EDI, pre-ordering Web GUI, and maintenance Web GUI, and to indicate that the "process will be expanded/updated to monitor and report on future OSS interface processes." These changes were reviewed with the CLECs, and agreement was reached.

Proposed Resolution: These changes should be

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incorporated into the Carrier Guidelines.

PO-4 TIMELINESS OF CHANGE MANAGEMENT NOTICE

Issue 6 - Metrics and Standards

Background: CLECs wanted this new measure in order to provide an incentive to Bell Atlantic - New York to comply with the notice intervals set forth in the change management processes and procedures. KPMG confirmed that change management notices were a problem. Bell Atlantic New York opposed this new metric, because it would require manual tracking, and because CLECs can track this performance themselves. The company was ordered to provide this new metric.

Compliance Filing/CLEC Comments: Bell Atlantic - New York modified the Carrier Guidelines to include a new metric: PO-4-01 % Change Management Notices Sent On Time. It is defined as "the percent of change management notices sent according to prescribed notification standards and prescribed time frames." As initially filed by the company, PO-4-01 included only Type 3 changes which are changes needed to satisfy the requirements of industry standards setting bodies. Bell Atlantic - New York failed to include Type 1 changes (emergency changes that must typically be made in hours or days), Type 2 changes (changes mandated by regulatory agencies or courts), Type 4 changes (changes initiated by Bell Atlantic - New York for its own reasons), and Type 5 changes (changes requested by CLECs). The change management document specifies notification intervals for each type of change. Staff requested Bell Atlantic - New York to include all of omitted change types and to specify the required notice intervals in the Carrier Guidelines rather than refer to other documents and proceedings. The requested changes have been made.

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Subsequent to the compliance filing, parties participating in the change management process continued to meet in an effort to refine the notification procedures, include notification of interface outages, address software release testing and resolution of software problems, and develop additional metrics and performance standards for these activities and functions. As a result of these discussions, Bell Atlantic - New York distributed a set of proposed change control metrics to the carrier-to-carrier working group on June 2, 1999 consisting of revisions to OR-3 Percent Rejects and PO-4 Timeliness of Change Management Notice, and new metrics PO-5 Average Notification of Interface Outage, PO-6 Software Validation, and PO-7 Software Problem Resolution Timeliness.

Intermedia, AT&T, and MCI submitted comments on Bell Atlantic - New York's proposals. Intermedia's and AT&T's comments are summarized below.

- For PO-4 Timeliness of Change Management Notice, Intermedia proposes separate sub-metrics for each of the five different change types.
- AT&T proposes to include all change types in PO-4-02 Change Management Notice - Delay 1 to 7 Days and PO-4-03 Change Management Notice - Delay 8 plus Days, rather than limit them to Types 3, 4, and 5 as proposed by Bell Atlantic - New York.
- AT&T wants PO-4 to be based on the timely provision of both the change management notice and the documentation. Bell Atlantic - New York's version omits the provision of documentation even though there are performance standards for both notification and documentation.
- Intermedia and AT&T propose an additional sub-metric under PO-4 for % Type 1 changes and a standard of less than 25%. Type 1 changes are emergency maintenance changes which only require notification before implementation, not a specific number of days before implementation. According to Intermedia, this sub-metric is intended to ensure that the Type 1 process is not

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allowed to act as a surrogate for proper change management implementation.

- For PO-5 Average Notification of Interface Outage, Intermedia objects to Bell Atlantic - New York's proposal to exclude outages that do not last more than 15 minutes after identification by Bell Atlantic - New York. According to Intermedia, Bell Atlantic - New York should be required to give notice on all interface outages and be measured accordingly.
- For PO-6 Software Validation, Intermedia objects to wording that suggests the test deck will be processed in production after the release. According to Intermedia, the test desk should be run in the pre-production environment, and the release should be deferred if it does not pass.
- Intermedia opposes PO-7 Software Problem Resolution Timeliness, because it would measure the timeliness of Bell Atlantic - New York's corrective actions (necessitated by Bell Atlantic - New York's code or documentation errors or omissions) after software changes are released, rather than before, and because it would incorrectly use Type 1 change control methods to correct problems caused by Bell Atlantic - New York.

If the Commission decides to approve PO-7, however, Intermedia seeks a standard of less than 4 hours for orders rejected with no workaround, rather than 48 hours proposed by Bell Atlantic - New York, and a standard of less than 3 days for orders rejected with workaround, rather than 10 days proposed by Bell Atlantic - New York.

MCI's comments were in the form of a list of criteria for addressing change management timeliness and software certification failures. They did not contain specific proposals for modifying the text that Bell Atlantic - New York had circulated. A referenced appendix was missing, and it was not clear if the criteria had been discussed with the change management parties. MCI's list included a desired performance standard of 98% for on-time change management notices and a standard of not more than 0.1% failed test deck transactions.

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Proposed Resolution: Bell Atlantic - New York's proposed change management notification metrics and standards should be approved with the following modifications:

(a) For PO-4, there should be separate reporting for each of the different change types, as proposed by Intermedia. This will enable parties to detect any discrimination by Bell Atlantic - New York according to change type and will also address AT&T's criticism that Bell Atlantic - New York's proposal does not include all change types.

(b) For PO-4, there should be separate reporting for notification and documentation availability. These are separate actions with distinctly different timeliness standards. In addition, the first sentence in the definition should be changed as follows,

"The percent of change management notices (i.e., notices scheduling interface affecting changes) and documentation availability before implementation sent according to prescribed timeliness standards within prescribed timeframes."

(c) For PO-4, the performance standards should be 95% or better for % Change Management Notices Sent On Time and no delayed notices and documentation over 8 days. These standards should be added to the timeliness standards already specified in PO-4.

(d) PO-4-02 and PO-4-03 should be changed from the "number of change management notices sent (x) days late" to the "cumulative delay days for all notices sent (x) days late" in order to reflect the total magnitude of delays each month.

(e) For PO-5, the exclusion of outages lasting not more than 15 minutes after identification by Bell Atlantic - New York should be deleted. The company has not explained or justified the need for this exclusion.

(f) The following changes should be made to the second,

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third, and fourth paragraphs of the definition section of PO-6 in order to ensure more timely identification and correction of software problems,

"The test deck will be executed by Bell Atlantic - New York at the start of the QA and at the completion of QA. Within 1 day ~~In the five business days~~ following a non-emergency software release to production as communicated through Change Management, Bell Atlantic - New York will execute the test deck in production using training mode, and Bell Atlantic - New York will report the number of test deck transactions that are rejected or otherwise fail while executing the test. Each failed transaction will be multiplied by the transaction's weight factor."

"A transaction is defined as failed if the request cannot be submitted or processed, or results in incorrect or improperly formatted data ~~due to a faulty or inaccurate technical implementation by Bell Atlantic - New York and for which manual work arounds are not feasible for continued operation.~~"

"This software validation metric is defined as the ratio of the sum of the weights of failed transactions in production using training mode to the sum of the weights of all transactions in the test deck."

(g) For PO-7, the first sentence of the definition should be changed as follows,

"Each month, Bell Atlantic will track the number of rejected pre-order and order transactions reported to the Help Desk and resulting from execution of the test deck and the time frame to resolve."

(h) PO-7-02 should be changed as follows,

"number of cumulative delay hours (i.e., beyond the 48 hour standard) for software resolution changes associated with order rejects with no workaround, ~~fixed between 48 and 96 hours ...~~

PO-7-04 should be changed as follows,

"number of cumulative delay days (i.e., beyond the 10 day standard) for software resolution changes ~~for~~ associated with order rejects with a workaround. ~~fixed between 11 and 18 days ...~~

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PO-7-03 and PO-7-05 should be deleted. The purpose of these modifications is to better reflect the total magnitude of delays each month.

Bell Atlantic - New York should also report its resolution timeliness for failed or rejected test deck transactions that are executed in production using training mode.

Intermedia's and AT&T's proposal to add a new sub-metric, PO-4-04 % Type 1 Change Management Notices is not recommended, because knowing how often Bell Atlantic - New York issues Type 1 changes does not indicate whether this type of change is being abused by Bell Atlantic - New York. Abuses can be determined only by case-by-case examination. The PSC can be called on to perform such examination.

Intermedia's proposal to tighten the timeliness standards for PO-7 from 48 hours to 4 hours for orders rejected with no workaround and from 10 days to 3 days for orders rejected with workaround is not recommended. Because Bell Atlantic - New York must analyze production referrals of failed transactions and develop and implement solutions in an orderly manner (generally after business hours), a standard of 48 hours is reasonable. Since rejected orders with workarounds can be processed during the 10 day implementation period, it is desirable to allow 10 days to ensure an orderly implementation (usually during a weekend).

OR-1 ORDER CONFIRMATION TIMELINESS

Issue 7 - Resent Confirmations

Background: The CLECs wanted to have resent confirmations included in this metric due to concern that Bell Atlantic - New York's initial confirmations do not always contain complete and accurate information and sometimes have

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to be corrected and resent at a later point in time. According to CLECs, failure to include both initial and resent confirmations in this metric would enable the company to satisfy the timeliness requirements for confirmations even if confirmations are incomplete or wrong. Bell Atlantic - New York opposed the inclusion of resent confirmations on the grounds that confirmations are often resent at the request of CLECs, as well as to correct the company's errors.

Bell Atlantic - New York was ordered to include resent confirmations in the base of data measured in OR-1 in order to allow competitors to completely monitor how timely the company confirms service orders. A CLEC proposal to include only "valid" order confirmations in this measurement was denied, because the company would not know if a confirmation is invalid when sent, and because order confirmation accuracy will be included in the order accuracy audits that Bell Atlantic - New York will conduct for a new measure: Service Order Accuracy.

Compliance Filing/CLEC Comments: Bell Atlantic - New York now seeks permission to include only resent confirmations that are due to a Bell Atlantic - New York error in a confirmation. The company seeks to exclude resent confirmations for CLEC reasons such as: (a) customer/CLEC requested due date changes, (b) requests for duplicate confirmations, and (c) supplement orders by CLECs where the CLEC used an incorrect purchase order number (PON). Bell Atlantic - New York claims that confirmations resent for these reasons are done as a service to the CLECs.

Bell Atlantic - New York also claims that it would not be able to meet the new performance standard of 95% ordered by the Commission, if required to include all resent confirmations. It explains that CLECs generally request

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resent confirmations by telephone, and that the DCAS system which generates the confirmation timeliness reports based on orders submitted electronically cannot readily capture the actual start times of resent confirmations requested by telephone. According to Bell Atlantic - New York, the same start time would have to be assumed for resent confirmations as for the initial confirmations, thus making all resent confirmations appear to be late. According to the company, this problem could be overcome by requiring CLECs to submit their requests for resent confirmations electronically rather than by telephone.

Bell Atlantic - New York also claims that it currently lacks the capability to include resent confirmations due to its errors and seeks permission to delay the implementation of this requirement until system modifications can be made. According to the company, a new system, called "Request Manager," is being deployed as part of its efforts to offer common processes and systems throughout its territory, and this system will give the company the ability to include resent confirmations due to its errors. The company states that "Request Manager" will be installed in October 1999, but that it requires CLECs to send their orders in LSR format. The company initially sought permission to delay the inclusion of resent confirmations until the fourth quarter of 1999, but it revised the request to April 2000 on the grounds that CLECs have elected to adopt an LSOG4 LSR format rather than an earlier version.

CLECs oppose Bell Atlantic - New York's requests. According to MCI, resent confirmations often include new or additional information that serves as the CLEC's main firm order confirmation. At most, MCI would agree to exclude only resent confirmations that are identical to previously sent

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confirmations. Intermedia states that Bell Atlantic - New York offers no reasonable rationale to exclude resent confirmations that are not the result of its errors, or why it cannot meet the 95% performance standard if all confirmations are included. Intermedia does not understand why Bell Atlantic - New York cannot reflect actual start times for CLEC requested due date changes and supplemental orders where the CLEC used an incorrect PON. However, it would agree to exclude duplicate confirmations requested by CLECs. AT&T believes Bell Atlantic - New York should not be allowed to delay the reporting of Order Confirmation Timeliness, with resent confirmations included. Also, CLECs oppose requiring them to request electronically resent confirmations from telephone call to electronic submission in order to facilitate Bell Atlantic - New York's ability to identify the actual start times. It is more convenient for them to make these requests by telephone while discussing their orders with Bell Atlantic - New York.

Proposed Resolution: CLECs have a need to receive resent confirmations in a timely manner, regardless of whether a resent confirmation is necessitated by a Bell Atlantic - New York error, a CLEC error, a CLEC initiated due date change, or a CLEC need for a duplicate copy. Each of these situations can be expected to occur in the real world, and Bell Atlantic - New York should be accountable for the timeliness of its responses to CLEC requests for resent confirmations as well as for the timeliness of resent confirmations due to Bell Atlantic - New York errors.

There is a practical problem, however, with requiring Bell Atlantic - New York to include CLEC requests for resent confirmations in the order confirmation timeliness measurement. It arises from the fact that CLECs prefer to

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request these confirmations by telephone which prevents Bell Atlantic - New York from capturing the start times, except by having the Bell Atlantic - New York representatives input the date and time of each CLEC request for a resent confirmation.

This is tantamount to self-reporting by the very people whose performance CLECs seek to measure. Also, although the Carrier Guidelines contain standard confirmation times for orders submitted electronically, by fax, and by mail, currently no such intervals are specified for resent confirmations submitted by telephone. Because parties would not have much confidence in the reported performance results, and because there are no standard intervals for resent confirmations requested by telephone, Staff sees little purpose in requiring Bell Atlantic - New York to implement new manual procedures to capture the data.

Bell Atlantic - New York should include in the order confirmation timeliness measurement CLEC requests for resent confirmations that are submitted electronically, as well as resent confirmations due to Bell Atlantic - New York error in the initial confirmation. Electronic submission of CLEC requests for resent confirmations would enable the company to capture the start times electronically without requiring manual recording by the very people whose performance is sought to be measured. CLECs would still be able to request resent confirmations by telephone, but these requests would not be included in the order confirmation timeliness measurement.

Bell Atlantic - New York has not adequately explained and justified the need to delay, until April 2000, the inclusion of resent confirmations due to Bell Atlantic - New York error.

It is still not clear why resent confirmations due to Bell Atlantic - New York error cannot be included now, using

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existing systems. The company has not fully explained what specific capabilities its existing systems lack that prevent resent confirmations due to Bell Atlantic - New York error from being included in this measurement, why is it not possible to use workarounds with existing systems until "Request Manager" is available, and exactly how "Request Manager" will solve the problem. Also, it is not clear how the schedule for installing "Request Manager" was determined, and whether Bell Atlantic - New York made any efforts to expedite the schedule.

Lacking a complete explanation and justification for the need for delay, Bell Atlantic - New York's request to delay including resent confirmations due to Bell Atlantic - New York's errors should be denied.

Issue 8 - Pending Orders

Background: OR-1 has been based on the orders completed to CRIS billing in a calendar month. The CLECs wanted OR-1 to also be based on pending orders (orders confirmed in the month but not yet completed). CLECs were concerned that, if an order confirmation is really late, a customer may cancel the order, and the late confirmation will not be captured in the measurement. Bell Atlantic - New York was ordered to include all order confirmations in the base of measured data so that total performance can be measured.

Compliance Filing/CLEC Comments: Bell Atlantic - New York is seeking permission to delay this change until needed system modifications can be made ("Request Manager" discussed in Issue 3 above). According to the company, it currently relies on information from completed service orders to identify the type of service and the number of lines associated with each order. This information enables it to

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report the performance data in the level of detail specified in the Carrier Guidelines. The requirement to include orders that are not completed will result in the inclusion of a significant number of orders where such identification is not possible with current systems. Needed system modifications ("Request Manager") are underway but will not be completed until April 2000, according to the company.

In the meantime, Bell Atlantic - New York will address the CLECs' main concern by including cancelled orders in the measurement. It has this capability now with existing systems.

AT&T and MCI oppose Bell Atlantic - New York's request for delay. Intermedia indicates that it can live with the request, if a date certain is provided when pending orders will be included, and if the company is subject to a pre-stated penalty if the date is missed.

Proposed Resolution: Bell Atlantic - New York's agreement to include cancelled orders in the measurement will address the primary concern expressed by CLECs and should be granted. This reporting should begin immediately. As explained above in Issue 7 with respect to "Request Manager," however, the company has not adequately justified the need for such a long delay to change the basis of the measurement from completed orders to confirmed orders, and this portion of its request should be denied.

Issue 9 - Reciprocal Trunk Orders

Background: The CLECs wanted to include in the order confirmation timeliness measurement all trunk projects, trunk orders greater than 192, and reciprocal trunk orders. Bell Atlantic - New York was ordered to report the order confirmation timeliness for these types of orders.

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Compliance Filing/CLEC Comments: Bell Atlantic - New York complied with this requirement by deleting from the exclusions for OR-1 all projects, trunk quantities greater than 192, and reciprocal trunks from Bell Atlantic - New York to the CLEC. However, Bell Atlantic - New York is now seeking relief from the requirement to report on reciprocal trunk orders, because these trunks are ordered by Bell Atlantic - New York from CLECs, and CLECs are responsible for these order confirmations.

MCI opposes Bell Atlantic - New York's request. According to MCI, it notifies the company of the need to add trunking capacity, before it adds customers that may cause reciprocal trunks to reach blocking thresholds. Bell Atlantic - New York is then expected to order additional trunking capacity by issuing an ASR to MCI. If the company delays issuing the ASR, MCI cannot inform its customers of the status of their orders and scheduled installation dates. Intermedia adds that getting Bell Atlantic - New York to order reciprocal trunks in a timely manner has been a problem for CLECs, but it agrees with Bell Atlantic - New York that inclusion of these trunk counts in the proposed measure may not resolve reciprocal trunk issues. Intermedia could support Bell Atlantic - New York's request, if the company would agree to measure and report the time between a CLEC request for trunk augmentation and the placement of a trunk order with the CLEC by Bell Atlantic - New York. AT&T echoes MCI's and Intermedia's comments.

Proposed Resolution: Staff asked CLECs to demonstrate that reciprocal trunking is a problem of sufficient magnitude to warrant its inclusion in OR-1 or separate reporting. Although CLECs continued to claim that this is a significant problem for them, they provided no specific examples. It is

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recommended that Bell Atlantic - New York's request to exclude reciprocal trunk orders be granted.

Issue 10 - The Performance Standard

Background: The CLECs wanted to tighten the current standard of 90% to 95%. They offered to help Bell Atlantic - New York achieve the higher standard by performing root cause analysis of orders that are not confirmed or rejected by the interval and recommending process improvements. Bell Atlantic - New York was ordered to modify the standard to 95%.

Compliance Filing/CLEC Comments: Bell Atlantic - New York complied with this requirement by changing the standard to 95%. However, Bell Atlantic - New York is now seeking to restore the 90% standard, if it is required to include all resent confirmations in OR-1. The company claims that weekly variations in the volume of orders placed by CLECs (in some weeks the volume is almost double the previous week's volume) makes it difficult to calculate the appropriate staffing levels.

CLECs did not initially respond to Bell Atlantic - New York's request, because the company raised its concern for the first time in a letter of "clarification" dated March 18, 1999. CLECs subsequently expressed opposition to Bell Atlantic - New York's request. MCI and other CLECs reject Bell Atlantic - New York's weekly variation argument, stating that Bell Atlantic - New York should be able to handle volumes that are considerably greater than the limited volumes that CLECs are sending today. MCI also claims that CLECs have agreed to order confirmation intervals in New York that are less stringent than elsewhere.

Proposed Resolution: Bell Atlantic - New York's request to restore the standard to 90% should be denied. Based on the

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proposed resolution of CLEC requests for resent confirmations, Bell Atlantic - New York will be able to exclude CLEC requests for resent confirmations made by telephone. This will make it easier for Bell Atlantic - New York meet the new 95% standard, because it will not have to assume the same start time as for the initial order for resent confirmations requested by CLECs. Bell Atlantic - New York's contention that weekly variations in volumes make it difficult to staff correctly is not convincing, given that future volumes are expected to exceed today's levels. Also, CLECs have offered to help the company achieve the higher standard by performing root cause analysis of orders that are not confirmed or rejected by the interval and recommending process improvements.

Issue 11 - Invalid Confirmations

Background: At pages IV-63, 181, and 186 of its April 19, 1999 report and page IV-205 of its June 1, 1999 report, KPMG observed that OR-1 includes the response times associated with invalid confirmations as well as valid confirmations. KPMG suggested that OR-1 should include only valid confirmations (final correct confirmations), and that the number of incorrect confirmations (per order or in total) should be measured.

Proposed Resolution: CLECS raised these same issues in Case 97-C-0139 and proposed that only valid confirmations be included in OR-1. In February, the Commission denied this proposal, because OR-1 is supposed to measure the timeliness of confirmations by Bell Atlantic - New York, not the quality. The accuracy of Bell Atlantic - New York's order confirmations will be measured by OR-6-03. No further action is required with respect to this item.

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Issue 12 - Order Completions Without Confirmations

Background: At page IV-225 of its June 1, 1999 report, KPMG stated that orders are often completed without confirmations and that the confirmation times are "thrown out" in such cases, thereby biasing the reported average confirmation time downward. **Proposed Resolution:** If there is no order confirmation time due to a missing order confirmation, Bell Atlantic - New York should use the completion notification time.

OR-2 REJECT TIMELINESS**Issue 13 - Pending Orders**

Same as Issue 8 above.

Issue 14 - Incomplete Orders

Background: KPMG stated at page IV-225 of its June 1, 1999 report that orders that are never completed are not considered in OR-2. This is only an issue, according to KPMG, if CLECs re-submit rejected orders as completely new orders, instead of revising them.

Proposed Resolution: This concern is addressed in Issue 7 above.

OR-4 TIMELINESS OF ORDER COMPLETION NOTIFICATION**Issue 15 - Unclear CRIS Completion Time**

Background: KPMG stated at page IV-225 of its June 1, 1999 report that, when the CRIS billing completion time is not clear for a particular order, Bell Atlantic - New York uses the order completion notification time for both the start time and the end time, and that this understates the average reported interval between billing completion and completion notification. This happens often, according to KPMG.

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Proposed Resolution: Bell Atlantic - New York should add to the exclusions section of OR-4,

"When the order completion time in the billing system cannot be determined, the order is excluded from the measurement, and the percentage of orders so excluded is reported each month."

Issue 16 - Completion Notification Time

Background: KPMG observes at IV-188 that the completion notification metrics are based on CRIS completion times, and that this approach is inconsistent with provisioning metrics which are based on physical work completion times. According to KPMG, the times can differ by several hours, and there are no metrics that capture the difference.

Proposed Resolution: This matter was addressed by the Commission in its February 16, 1999 order. Parties were directed to give further consideration to the CLECs' proposal to base completion notification timeliness on the completion of physical work, rather than CRIS billing.

Issue 17 - Physical Work Completion

Background: CLECs wanted this measure to be based on the time of completion of the physical work rather than on the time of completion of CRIS billing. Bell Atlantic - New York had indicated that such a change would require significant systems work and introduce the potential for duplicate billing, that the status of orders is available to CLECs through DCAS, and that CLECs are notified of UNE hot-cut and trunk completions by telephone when the work is completed. The Commission directed parties to give further consideration to this issue, because it was not clear how this definitional change would address their desire to know when the physical work has been completed.

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Compliance Filing/CLEC Comments: MCI comments that Bell Atlantic - New York's practice of waiting until the order is closed to billing, delays MCI's ability to advise its customers of order status and its ability to compete effectively.

Proposed Resolution: MCI provided no additional information to warrant modifying the Commission's order that parties give further consideration to this matter.

OR-5 % ORDER FLOW-THROUGH

Issue 18 - The Performance Standard

Background: As currently measured, % Flow Through is the percentage of total CLEC orders received electronically that are successfully processed through Bell Atlantic - New York's wholesale OSS without manual intervention by Bell Atlantic - New York. The numerator of this percentage is the number of orders that flow through successfully, while the denominator is the total number of orders received electronically by Bell Atlantic - New York whether designed to have flow through capability or not. Because the base of % Flow Through includes all CLEC orders received electronically (including orders that cannot flow through because they do not have this design capability), the measurement is influenced by a combination of factors, including: (1) the types of orders for which Bell Atlantic - New York has designed flow through capability, (2) the proportion of orders generated by CLECs that have flow through capability, (3) the accuracy and completeness of the information contained in the orders generated by CLECs, and (4) Bell Atlantic - New York's performance for the orders that are designed to flow through. Factor (1) is within Bell Atlantic - New York control and is governed by the terms of the 271 Pre-Filing Statement.

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Factors (2) and (3) depend on the CLECs. Factor (4) is mainly within Bell Atlantic - New York's control.

Because the existing % Flow Through metric is affected by a variety of factors (some of which are beyond Bell Atlantic - New York's control), it is of limited value in terms monitoring Bell Atlantic - New York's performance and does not lend itself to a performance standard. Staff suggested to the parties that it would be more meaningful to monitor the number of orders that flow through successfully as a percentage of the orders that are expected to flow through as a matter of design. This metric, which we would call "% Flow Through Achieved," would provide a better measure of Bell Atlantic - New York's flow through performance each month, because it would not depend on the flow through design requirements contained in the 271 Pre-Filing Statement, the types of orders generated by CLECs each month, or and the accuracy and completeness of CLECs' orders. Staff proposed a performance standard of 99% for "% Flow Through Achieved" based the results of KPMG's test which indicated that over 99% of the orders that have been designed to flow through can be expected to flow through successfully.

MCI agreed with this proposal but still wants a standard for OR-5 % Order Flow-Through. Time Warner also agreed with the proposal, but expressed a willingness to exclude from the calculation orders that fail to flow through due to CLEC errors. None of the other CLECs responded to the proposal or offered any proposals of their own.

Bell Atlantic - New York would not agree to a performance standard of 99% for "% Flow Through Achieved." According to the company, orders sometimes contain errors which are not serious enough to cause them to be rejected, but are serious enough to prevent them from being processed without manual

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intervention. Bell Atlantic - New York also contends that orders issued against accounts that have orders pending require manual intervention to ensure the new order does not affect the pending order. Bell Atlantic - New York claims it would not be feasible to achieve 99% for these reasons.

KPMG advises that some of its orders did contain errors but that the vast majority them flowed through in any case.

Proposed Resolution: It is recommended that the Commission approve for now a new metric "% Flow Through Achieved" with a performance standard of 99%. According to KPMG, orders that fail the edits required for flow through are sent back to Bell Atlantic - New York's TISOC, with a reason code, and then manually entered into Bell Atlantic - New York's ordering system. Thus, Bell Atlantic - New York should be able to identify the impact of CLEC errors and pending orders on "% Flow Through Achieved" and may propose to revise this standard in the next phase of the proceeding, if the impact is demonstrated to be significant.

OR-6 SERVICE ORDER ACCURACY

Issue 19 - The Metric

Background: The CLECs sought a measure for service order accuracy. Bell Atlantic - New York agreed to measure service order accuracy by daily sampling of resale and unbundled network element orders requiring manual processing (orders not designed for flow-through and orders designed for flow-through that kick-out and have to be manually re-entered), and to report the percentages of orders with errors and fields with errors. Bell Atlantic - New York was supposed to begin reporting this measure by April 1, 1999, and to provide a written description of the sampling process. This metric would also address accuracy of E911 database updates and order

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confirmation accuracy.

Bell Atlantic - New York was ordered to provide a written description of the sampling process and to demonstrate how this new metric will address the accuracy of E911 database updates and order confirmations.

Compliance Filing/CLEC Comments: In the compliance filing, Bell Atlantic - New York described how LSRC accuracy and order accuracy will be measured. LSRC accuracy will be measured initially by comparing the key fields on a sample of LSRs and to their associated LSRCs. LSRC accuracy will be reported as the count of LSRCs sampled less LSRCs with errors, divided by the count of LSRCs sampled. Upon implementation of a new system called "Request Manager," Bell Atlantic - New York will have an automated capability to measure % LSRCs resent due to error. Order accuracy will be measured by comparing the field information on a sample of service orders and to the last version of the associated LSR. The fields will include E911 listing information. Order accuracy will be reported in terms of orders without errors and in terms of fields without errors.

CLECs have raised several questions and concerns about the Service Order Accuracy measurement proposed by Bell Atlantic - New York. Their concerns and Bell Atlantic - New York's responses are summarized below.

- When will reporting begin?

Bell Atlantic - New York indicated a "scheduled report date" of April 1999, but has not provided any Service Order Accuracy reports yet.

- What is Bell Atlantic - New York's proposed long-term solution for LSRC accuracy and why does it depend on "Request Manager."

Bell Atlantic - New York's long-term solution is to

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report the number of LSRCs resent due to error as a percentage of total LSRCs. "Request Manager" will provide Bell Atlantic - New York with an automated capability to measure % LSRCs resent due to error.

- Why is Bell Atlantic - New York proposing to exclude orders submitted by fax from the sampling process?

According to Bell Atlantic - New York, faxed orders will be excluded, because faxes are not always clear and can contribute to errors by Bell Atlantic - New York personnel. CLECs counter that this is no reason to exclude faxed orders from the Service Order Accuracy measurement; if a faxed order is not readable, Bell Atlantic - New York should verify it with the CLEC before entering it into its system.

- CLECs want to include the cable and pair assignment field in the sampling process and the opportunity to propose additional fields for sampling in the future.

According to Bell Atlantic - New York, cable and pair assignment is provided by the CLEC, and an inputting error by Bell Atlantic - New York would not affect the order. Bell Atlantic - New York will consider future CLEC requests to sample additional fields.

- CLECs want include ASR interconnection trunk orders in the sampling process, explaining that a majority of the orders by facilities-based providers would be excluded from the measurement if only LSR orders are included. Bell Atlantic - New York opposes including trunk orders in the service order accuracy measurement, claiming that this proposal is new and not warranted, and that trunk ordering entails a different process than Resale and UNE ordering and has been around for many years without any known accuracy problems.

Proposed Resolution: The matters that have not been resolved include the CLECs' proposal to include faxed orders

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and ASR trunk orders in the measurements, Bell Atlantic - New York's long-term solution for LSRC accuracy, and the beginning of reporting for OR-6.

Bell Atlantic - New York should delete the exclusion of faxed orders from OR-6 in the Carrier Guidelines and should include faxed orders in the universe from which the service order samples are drawn. As long as CLECs are allowed to submit orders by fax, there is no reason to exclude such orders from the sampling process.

The proposal by CLECs to include ASR trunk orders in the measurement should be denied without prejudice. This proposal is new, and there has not been an opportunity to evaluate whether it is really needed and, if so, whether ASR trunk order accuracy should be combined with LSR/LSRC accuracy or measured separately.

Bell Atlantic - New York's proposed long-term solution for LSRC accuracy requires further discussion by the parties.

CLECs are not convinced that an automatic measurement of % LSRCs reset due to error using "Request Manager" would be an improvement over the short term sampling methodology. They want to know more about "Request Manager" and its capabilities before agreeing to this approach.

Finally, Bell Atlantic - New York should begin to report OR-6 immediately and retroactive to April 1999.

CLEC REQUESTED DUE DATE VS. ILEC COMMITTED DUE DATE

Issue 20 - Non-Standard Intervals

Background: The CLECs wanted Bell Atlantic - New York to measure the differences between CLEC requested due dates and Bell Atlantic - New York's committed due dates. They asserted that they often do not receive their requested due dates, even when such requests are beyond the normal standard intervals.

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The parties say they've escalated this operational problem with Bell Atlantic - New York's upper management but without success. Bell Atlantic - New York opposed this metric due to concern about possible gaming by the parties. The company was not sure if the differences between CLEC requested due dates and Bell Atlantic - New York's committed due dates could be measured, because desired due date might not be a required field for CLECs and is not used in retail.

Bell Atlantic - New York was ordered to investigate and correct the operational problem identified by the parties and report on this matter in the compliance filing.

Compliance Filing/CLEC Comments: Bell Atlantic - New York responded that it attempted to investigate these CLEC allegations but was unable to reach any conclusions. According to Bell Atlantic - New York, only a few examples were provided, and they were old and impossible to confirm. Bell Atlantic - New York suggests that this item should be added to the list of issues requiring further consideration by the parties.

MCI complains that Bell Atlantic - New York never reported back on its investigation of examples that MCI provided during the collaborative meetings, and that Bell Atlantic - New York did not contact MCI to inquire into the problem after the Commission issued its order. Intermedia also expresses dissatisfaction with Bell Atlantic - New York's response and urges the Commission to order Bell Atlantic - New York to present methods and procedures designed to minimize any such occurrences.

In response to follow-up questioning by Staff, Bell Atlantic - New York confirmed that it attempted to investigate only the two examples previously provided by MCI. Bell Atlantic - New York made no effort to contact MCI or any other

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CLECs to discuss the examples provided, obtain more recent examples, or gather additional information that might help it investigate the failed escalation attempts alleged by CLECs. According to Bell Atlantic - New York, it can find no substantiation that it is "guilty" of the CLECs' charges.

On April 2, Staff asked CLECs to provide more recent examples than those provided during the collaborative meetings, if they believe Bell Atlantic - New York is continuing to provide due dates past the requested dates even when the requested due dates are beyond standard intervals, and to provide information about their failed escalation attempts. Only MCI responded. MCI provided 4 additional examples (compared to 2 before) where the confirmed due date was beyond the requested due date. In each case, however, the order was sent to Bell Atlantic - New York within only 1-2 days before the requested due date. Hence, these examples are not relevant to the CLECs' original claim that they often do not receive their requested due dates, even when such requests are beyond Bell Atlantic - New York's stated standard intervals.

Proposed Resolution: No further action is required at this time.

PR-1 AVERAGE INTERVAL OFFERED

Issue 21 - Pending Orders

Background: As with OR-1 and OR-2, most CLECs wanted Bell Atlantic - New York to report by orders confirmed in a month rather than by orders completed in a month in order to capture the offered intervals associated with cancelled orders, and to include trunks greater than 192 and reciprocal trunks.

Bell Atlantic - New York was directed to report by orders

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confirmed in a month rather than by orders completed in a month for the purpose of capturing the offered intervals associated with all orders, and was directed to report trunks greater than 192 and reciprocal trunks separately to allow the competitors to differentiate performance.

Compliance Filing/CLEC Comments: Bell Atlantic - New York complied with this requirement by deleting orders that are not complete from the list of exclusions for PR-1, and by disaggregating the Product list for Interconnection Trunks as indicated above. As with OR-1 and OR-2, the company is seeking permission to exclude pending orders and reciprocal trunks. It is requesting a permanent exclusion of pending orders from PR-1 compared to only a temporary exclusion of pending orders from OR-1.

Intermedia is not convinced that it would be too costly for Bell Atlantic - New York to change its systems to include all orders confirmed in a month. Intermedia could live with the reciprocal trunk exemption, if the time between a CLEC request for trunk augmentation and actual placement of a trunk order by Bell Atlantic - New York is measured. MCI opposes Bell Atlantic - New York's request to exclude orders that are not completed within the reporting month. It is concerned that the metric would not capture orders that are cancelled by customers because of unacceptably long offered intervals. MCI also opposes Bell Atlantic - New York's request to exclude reciprocal trunks, as discussed under OR-1. AT&T expresses similar views on these issues.

MCI also complains that Bell Atlantic - New York has begun to reject UNE-P orders made pursuant to intervals specified in MCI's interconnection agreement and is now recognizing only the intervals specified in the Carrier Guidelines. MCI notes that the Interim Carrier Guidelines

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specifically stated that they were not intended to replace or supersede the terms of interconnection agreements.

As noted above, Bell Atlantic - New York is proposing to permanently exclude pending orders from PR-1 compared to a temporary exclusion from OR-1. According to the company, its SORD reporting system captures information from orders when they are completed or cancelled and does not have the ability to capture information while orders are pending. Bell Atlantic - New York claims that it investigated the feasibility of creating a database capable of providing information associated with live orders, but that it would require a new, larger system with costs approaching \$20 million and taking years to develop.

As importantly, Bell Atlantic - New York maintains that there is no need to require this metric to be reported according to orders confirmed in a month rather than orders completed in a month in order to satisfy the CLECs' desire to count the offered intervals associated with orders that are eventually cancelled. This is because the offered intervals associated with cancelled orders are counted in this measurement. The offered interval associated with a cancelled order is counted in the month in which the cancellation occurs, which is not necessarily the same month the order was confirmed.

Regarding MCI's complaint that Bell Atlantic - New York has begun to reject UNE-P orders made pursuant to intervals specified in their interconnection agreement and is now recognizing only the intervals specified in the Carrier Guidelines, Bell Atlantic - New York acknowledges having made such a change but disputes MCI's claim that the intervals in the interconnection agreement for Basic Links/POTS Services apply to UNE-P. According to Bell Atlantic - New York, UNE-P

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is neither a Basic Link nor a resold POTS service, and UNE-P is provided to MCI pursuant to the Pre-Filing Statement and related tariff, not their interconnection agreement. In any case, Bell Atlantic - New York claims that the intervals in the interconnection agreement were imposed unfairly by the Commission during the arbitration proceedings, give preference to MCI compared to other CLECs, and should be replaced by the intervals contained in the final Carrier Guidelines in the next phase of the proceeding.

Proposed Resolution: Bell Atlantic - New York's request to not have to change the basis of this measurement to orders pending in a month is reasonable, given that all orders are captured in the measurement either when completed or cancelled. Bell Atlantic - New York should modify, however, the definition section of PO-1 to clarify that the offered intervals for cancelled orders are counted in the month in which the cancellations occur. Bell Atlantic - New York's request to exclude reciprocal trunks is also reasonable for the same reasons discussed under Issue 9.

As to MCI's request for clarification that the terms of its interconnection agreement are not superseded by the Carrier Guidelines, MCI's understanding is correct. The carrier working group agreed throughout the collaboration that the Carrier Guidelines may be invoked voluntarily, or as conditions of the agreements, in negotiating terms and conditions for interconnection. This understanding was embodied in the Interim Carrier Guidelines approved in February 1998. Approval of the February 1999 Carrier Guidelines does not negate that understanding.

PR-1 AVG. INTERVAL OFFERED and PR-2 AVG. INTERVAL COMPLETED
Issue 22 - Non-Parity Performance

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Background: KPMG concluded at page IV-229 of its June 1, 1999 report that Bell Atlantic - New York is not meeting the parity standard for PR-1 and PR-2, even after accounting for different retail and wholesale product and service mixes. Bell Atlantic - New York claims the differences are attributable to different product and service mixes and to the failure by some CLECs to "X code" orders where the requested intervals are beyond Bell Atlantic - New York's standard offered intervals. Bell Atlantic - New York agreed to provide KPMG with detailed explanation identifying the differences between the wholesale and retail results, as well as the status of its proposed solution to the "X code" problem. KPMG will evaluate Bell Atlantic - New York's response.

According to the Carrier Guidelines, Bell Atlantic - New York will report PR-1 and PR-2 in a more disaggregated manner than was available to KPMG. This additional disaggregation could facilitate KPMG's analysis, but Bell Atlantic - New York says it cannot begin such reporting until June 1999 after SORD programming work is completed. Bell Atlantic - New York says it can "manually pull data," but that automatic feed from SORD prevents errors and will be faster.

In a June 7, 1999 update to its affidavits in Case 97-C-0271, Bell Atlantic - New York provided the results of a special study it conducted to investigate and explain the reasons for the differences between the reported average provisioning intervals for retail and wholesale. Based on data purporting to demonstrate that CLECs have a higher tendency to place order types that are inherently more time-consuming to complete, and a lower tendency to "X" code orders where the requested interval is longer than the standard interval, Bell Atlantic - New York concludes that the reported

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performance results for PR-1 and PR-2 do not indicate non-parity service.

Proposed Resolution: This matter is under review in Case 97-C-0271 and will be resolved at a later date.

Issue 23 - New Lines vs. Total Lines

Background: KPMG stated at page IV-228 of its June 1, 1999 report that Bell Atlantic - New York uses counts of new lines rather than counts of total lines for metrics that are reported by line size. Total lines are more appropriate, according to KPMG, because many CLEC orders are for migrations, not new lines.

Proposed Resolution: Bell Atlantic - New York should add to the definition sections of PO-1 and PO-2,

"Sub-metrics reported according to line size groupings will be based on the total lines in the orders."

Issue 24 - Orders Received After 3PM

Background: Subsequent to the compliance filing, Bell Atlantic - New York proposed to delete from the definitions sections of PR-1 and PR-2 the statement, "All orders received after 3PM are considered received the next business day at 8AM." The company explained that this statement does not comport with its practice which is to count orders received by 5PM as being received that same business day.

Proposed Resolution: The CLECs have agreed to this change, and it should be reflected in the Carrier Guidelines.

**PR-4-06 % ON TIME PERFORMANCE - HOT CUT AND
PR-6-02 % INSTALLATION TROUBLES REPORTED
WITHIN 7 DAYS FOR LOOP HOT-CUTS**

Issue 25 - Additional Metrics and Standards

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Note: Issue 25 is under consideration in Cases 97-C-0139 and 97-C-0271 and will be presented to the Commission for resolution at a later time. The following description of the issue is provided for informational purposes only.

Background: In addition to PR-4-06: Percent On-Time Performance - Hot-Cuts, the CLECs sought to establish metrics for the percent of service lost from early cuts and the percent of service lost from late cuts. Bell Atlantic - New York believed PR-4-06: Percent On-Time Performance - Hot-Cuts would adequately measure early and late cuts, but CLECs questioned Bell Atlantic - New York's ability to code early cuts in a manner that would ensure inclusion in PR-4-06.

Bell Atlantic - New York was ordered to demonstrate, in its compliance filing and in the Carrier Guidelines, its ability to capture early cuts in PR-4-06. The company was also directed to begin to report PR-6-02 % Installation Troubles Reported Within 7 Days separately for loop hot-cuts.

Compliance Filing/CLEC Comments: Bell Atlantic - New York provided additional explanation of its hot-cut measurement process in the methodology section of PR-4 Missed Appointments. It sought modification, however, of the requirement to establish a new sub-metric for installation troubles associated with loop hot-cuts, stating that it cannot track hot-cut troubles separately from troubles on other types of loop installations, and that there is no reason to expect any differences in the quality of loop hot-cuts vs. other loop provisioning.

Staff in Case 97-C-0271 initiated meetings with the industry members for the purpose of improving the coordination between companies during hot-cuts and improving Bell Atlantic - New York's ability to identify and fix hot-cut troubles before orders are reported as complete. Agreement was reached

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by parties on improvements to the hot-cut coordination process, and these improvements have generated further thought and discussion about how to measure the timeliness and the quality of Bell Atlantic - New York's hot-cut performance and what standards should apply.

Bell Atlantic - New York now proposes to do away with PR-4-06 % On-Time Performance - Hot-Cuts and the 95% performance standard, which is based on orders, and replace it with the following three new metrics and performance standards, which would be based on lines:

Bell Atlantic - New York's Proposed Standard

PR-8-01 % Early Cuts (Lines)	Less than or equal to	3%
PR-8-02 % Late Cuts (Lines)	" " " " "	5%
PR-8-03 % Defective Cuts (Lines)	" " " " "	1%

According to Bell Atlantic - New York, these new metrics would reflect all of the missed appointments reflected in the current metric and would allow its performance to be reviewed in more detail than is currently the case. Also, the variations in the proposed performance standards would reflect Bell Atlantic - New York's perception of the differing impacts on customers of the different types of misses. According to Bell Atlantic - New York, defective cuts affect customer service the most seriously and thus would have the strictest performance standard.

Bell Atlantic - New York's proposal was reviewed with CLECs, and they had numerous questions, comments, and counterproposals. The points raised by the CLECs are summarized below.

- (a) In its proposed revisions of PR-8 metrics, Bell Atlantic - New York used such terms as service lost, service affecting, non-service affecting, and potentially the most customer affecting, to describe

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early cuts, defective cuts, and late cuts. CLECs seek to delete these descriptions, because all misses are service affecting to some degree.

- (b) CLECs want the performance standard to be a uniform 1% for all three metrics. They believe that early cuts, late cuts, and defective cuts can all be service affecting and create a lasting bad impression of the customer's first experience with the CLEC.
- (c) CLECs want to disaggregate % Early Cuts into those with Local Number Portability and those without Local Number Portability.
- (d) CLECs want to add PR-8-04 Average Duration of Service Interruption with start time triggered by CLEC notification or earlier if Bell Atlantic - New York can identify the interruption.
- (e) CLECs want to retain PR-4-06 % On-Time Performance - Hot-Cuts and tighten the standard from 95% to 98%.
- (f) CLECs want to report PR-8-01, -02, -03, and -04 on the basis of both "lines" and "orders," since they believe the information is available anyway.
- (g) At various places, the proposed Carrier Guidelines refer to hot-cut lines "scheduled" and to hot-cut lines "completed." CLECs wanted to use the word "completed" consistently. In addition, at least one CLEC wants to define "completed" as when "the CLEC accepts the order and issues an index number."
- (h) The last sentence in the definitions section states that the successful cut "includes" notification to the CLEC that the cut is completed. CLECs want to change the word "includes" to "requires." The same change is proposed in the description of PR-8-03.
- (i) In the calculation section of PR-8-02, CLECs want to change the word "upon" to "following" to better reflect that this metric is based on troubles reported by the CLEC after Bell Atlantic - New York has provided notification of completion.
- (j) In the methodology section, CLECs assert that the reference to Due Date Minus 1 should be changed to

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Due Date Minus 2 to comport with the agreed-upon hot-cut process.

- (k) CLECs question Bell Atlantic - New York reliance on WFA (Work Force Administration) to mechanize the performance calculations. They contend that WFA is a manual process, provides frame times only, and does not address defective cuts. Bell Atlantic - New York subsequently explained how defective cuts will be captured and recorded manually. CLECs assert that Bell Atlantic - New York's manual recording process is deficient, because it fails to capture defective cuts which result in service being restored back to Bell Atlantic - New York or result in orders being cancelled, supplemental orders issued as a result of a missed hot-cut, and misses associated with lost LSRs (Local Service Request). CLECs also criticize Bell Atlantic - New York for its apparent inability to correlate trouble reports resulting from hot-cuts with service orders. They seek major system changes to guarantee the capture of all missed hot-cuts and the ability to track orders using their own PONS (Purchase Order Numbers). Two CLECs want to revise the Carrier Guidelines to require Bell Atlantic - New York to include their PONS in Bell Atlantic - New York's WFA system.
- (l) In the exclusion section, CLECs seek clarification of the term "Additional Segments on orders (parts of a whole order are included in the whole)" and of what constitutes an order "completion." They are not sure what these terms mean in the context of measurements based on "lines."
- (m) CLECs question the basis for the standard cut-over windows (1 to 8 hours depending on line size) shown in the performance standard section which appeared for the first time in Bell Atlantic - New York's February 3, 1999 update of the Carrier Guidelines.
- (n) In the description and calculation sections of PR-8-03, a late cut is defined as being more than 30 minutes after close of the cut-over window. CLECs believe 30 minutes is unreasonably long.
- (o) At least one CLEC wants to add a sub-metric for % supplemented or cancelled orders at Bell Atlantic -

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New York's request due to concern that Bell Atlantic - New York sometimes asks CLECs to change or cancel their orders due to lack of facilities.

- (p) At least one CLEC wants cancelled orders to be included if a hot-cut occurs after the order was cancelled, or if the order was cancelled during or after a defective hot-cut.

Additionally, Bell Atlantic - New York was ordered to begin to report PR-6-02 % Installation Troubles Reported Within 7 Days separately for loop hot-cuts. The company seeks relief from this requirement on the grounds that it lacks the capability to report trouble reports associated with loop hot-cuts separately from trouble reports associated with other loop cutovers, and that that there is no reason for the trouble report rates to be different, because the only difference between hot-cuts and other loop cutovers is the timing of the work.

Proposed Resolution: These issues are under consideration in Cases 97-C-0139 and 97-C-0271 and will be presented to the Commission at a later time.

PR-4-07 % ON-TIME PERFORMANCE - LOCAL NUMBER PORTABILITY ONLY

Issue 26 - Direct Inward Dialing (DID) Numbers

Background: Bell Atlantic - New York was ordered to include a performance standard of 95% for this metric, and Bell Atlantic - New York included this standard in its compliance filing. Cablevision Lightpath subsequently raised a new issue, however, namely that Appendix E of the Carrier Guidelines does not specify a window for porting DID numbers and proposed a standard of 1,000 DID numbers in one hour. Appendix E describes the LNP process under two scenarios. Scenario 1 is when LNP occurs with a loop hot-cut, and Scenario 2 is when LNP occurs without a loop hot-cut.

Bell Atlantic - New York responded to Cablevision's

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desire for a DID standard by modifying the text of Scenario 1 to state that removal of DID line number translations for consecutive numbers will be completed within 1 hour of the frame due time, and that the interval for Centrex and non-consecutive DID numbers will be negotiated between Bell Atlantic - New York and the CLEC based upon the work activity required and translation work will be completed within 1 hour of the agreed upon frame due date. Scenario 1 was also revised to state that, when DID/Centrex numbers are being ported, calls to the ported numbers originating within the donor switch (Bell Atlantic - New York switch) and unqueried calls terminating at the donor switch will not complete until the switch translations are taken down, therefore both Bell Atlantic - New York and the CLEC must do the work at the scheduled time to minimize out-of-service.

After reviewing Bell Atlantic - New York's proposed revisions to Appendix E, Cablevision commented that Bell Atlantic - New York had only revised Scenario 1 (LNP with a loop hot-cut) and had not revised Scenario 2 (LNP without a loop hot-cut) which is how Cablevision typically requests LNP. Cablevision also sought to confirm that the revisions mean that, regardless of the quantity of numbers involved, all translation work will be completed within 1 hour of the frame due time for consecutive numbers and within 1 hour of the negotiated frame due time for non-consecutive numbers. Intermedia stated that it could accept the company's revised Appendix E, if it is modified to include the standard intervals associated with the return of the Firm Order Commitment (FOC) to the CLEC.

Proposed Resolution: The wording submitted by Bell Atlantic - New York indicates that the porting of DID numbers will be handled in the same manner in Scenario 2 (LNP without

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a loop hot-cut) as in Scenario 1 (LNP with a loop hot-cut), which means that all translation work will be completed within 1 hour of the frame due time for consecutive numbers and within 1 hour of the negotiated frame due time for non-consecutive numbers, consistent with Cablevision's interpretation. Staff has confirmed this understanding with Bell Atlantic - New York. The company should clarify this matter in the Carrier Guidelines.

Regarding Intermedia's request, there is no need to include the standard intervals associated with the return of the FOC to the CLEC in Appendix E, because the standard confirmation intervals are specified in the Carrier Guidelines under OR-1 Order Confirmation Timeliness. For the sake of consistency and clarity, however, Bell Atlantic - New York should change the reference in Appendix E from "FOC" to "LSRC."

PR-7 JEOPARDY REPORTS**Issue 27 - Notice Intervals**

Background: The CLECs proposed a standard of 100% at least 24 hours before due date and 48 hours if the problem is that there are no facilities. The Interim Carrier Guidelines showed 24 hours for resale and UNE and 2 days for interconnection trunks, but later versions of the Carrier Guidelines showed no such intervals.

Bell Atlantic - New York was ordered to correct the Carrier Guidelines to show a standard of 100% at least 24 hours before the due date and 48 hours if there are no facilities.

Compliance Filing/CLEC Comments: Bell Atlantic - New York complied with this requirement by including in PR-7 standards of 100% at least 24 hours before due date with

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facilities and 100% at least 48 hours before due date without facilities for Resale and UNE, and 2 days prior to due date for Interconnection Trunks. However, the company is seeking relief from the 24 hour and 48 hour notice requirements on the grounds that most jeopardy situations are not known until the due date, and because a literal reading of the standard would require the company to NOT provide notice of jeopardy situations on the due date.

MCI and AT&T counter that Bell Atlantic - New York is in sole control of its resources and should know if it is going to make the due date the next day. If resources are tight, the company can notify the CLEC of a jeopardy situation by e-mail or telephone call. Intermedia adds that the Commission should make clear that any attempts by Bell Atlantic - New York " to game the system" will result in penalties.

Proposed Resolution: As currently written, the 100% advance notice standard applies where the miss is known before the due date. The text is qualified by a footnote which requires that jeopardy notice be given as soon as it known on or before the due date. Thus, the company's concern that the standard would prevent it from giving jeopardy notices on the due date is not valid, and no further action is required.

Issue 28 - Missing Jeopardy Notices

Background: KPMG stated at page IV-65 of its April 19, 1999 report that CLECs do not receive jeopardy notices associated with missed installation (provisioning) appointments. According to KPMG, Bell Atlantic - New York believes it has to provide jeopardy notices only to CLECs who request them.

Proposed Resolution: The Carrier Guidelines specify the required intervals for jeopardy notices and give no indication

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that a CLEC must make an affirmative request in order to receive jeopardy notices. To eliminate the potential for confusion, Bell Atlantic - New York should add to the definition section of PR-7,

"CLECs are provided with jeopardy notices, unless they specifically agree or request, in writing, not to receive them."

Additional Background: Under the End User service quality standards, LECs must make an attempt to notify affected customers when they become aware that an installation appointment is going to be missed. Compliance with this requirement is not measured or reported. The End User service quality standards do not impose any notification requirements on LECs with respect to impending missed repair appointments, and Bell Atlantic - New York does not provide such notification to its customers. In Case 97-C-0271, CLECs sought to establish performance standards for installation jeopardy notices and for repair jeopardy notices. Using the principle of parity with retail, standards were adopted for installation jeopardy notices only, but compliance is not measured or reported.

% Completions Without Notice or < 24 Hours Notice

Issue 29 - Customer Miss Code

Background: CLECs sought this new metric and an absolute standard of less than 2%. Bell Atlantic - New York opposed the new measure but agreed to add a new "customer miss" code in the appendix to enable root cause analysis. One CLEC still wanted this metric to be defined as LCUG OP-12.

Bell Atlantic - New York was ordered to add a "customer miss" code and to report this item separately, in order to permit performance monitoring and root cause analysis.

Compliance Filing/CLEC Comments: It appeared that Bell

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Atlantic - New York had not complied with this requirement, because a customer miss code could not be found in the compliance filing. Bell Atlantic - New York later explained that it was unable to obtain a customer miss code in time for the compliance filing and instead filed placeholders in Appendix B of the compliance filing. The company now states that the customer miss code will be available in June, and that July will be the first month that the code can be used.

Proposed Resolution: Bell Atlantic - New York should comply with this requirement immediately.

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MR-1 MAINTENANCE OSS RESPONSE TIMEIssue 30 - The Performance Standard

Background: CLECs use Bell Atlantic - New York's RETAS (Repair Trouble Administration System) to access Bell Atlantic - New York's core factory systems for trouble reporting, testing, status, etc., while Bell Atlantic - New York's retail representatives have direct access to the core factory systems. MR-1 Maintenance OSS Response Time is defined in the Carrier Guidelines as the number of seconds from the issuance of a query to the receipt of a response by the requesting carrier. The response times for CLECs are the actual response times reported by RETAS. Bell Atlantic - New York did not initially have a way to measure the response times on the retail side.

The selection of a performance standard for MR-1 was deferred in Case 97-C-0139 pending Bell Atlantic - New York's development of a way to measure the retail response times, evaluation of the reported performance results, and consideration of whether there should be a parity standard (as for pre-ordering OSS response times) or an absolute standard.

Since December 1998, Bell Atlantic - New York has been using simulated queries generated by Sentinel/EnView to derive the retail response times for most of the sub-metrics in this category (retail measures for Status and Cancel are under development). During the first quarter of 1999, Bell Atlantic - New York reported the following results for retail and CLEC maintenance OSS response times.

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Bell Atlantic - New York Reported
Average Maintenance OSS Response Times
(Seconds)

<u>Average Retail/CLEC Type</u>	1/99 <u>Retail/CLEC</u>	2/99 <u>Retail/CLEC</u>	3/99 <u>Retail/CLEC</u>	
Create Trouble	10.6/12.5	9.4/13.2	9.0/15.5	
9.7/13.7 Status Trouble		UD/13.9	UD/10.1	UD/10.6
UD/11.5				
Modify Trouble	7.5/6.5	6.4/6.1	6.3/6.2	
6.7/6.3				
Cancel Trouble	9.7/10.4	7.9/10.1	7.6/10.2	
8.4/10.2				
Report History	UD/13.7	UD/13.6	UD/14.4	
UD/13.9 Test (POTS)		77.0/63.3	69.6/139.2	64.7/59.6
70.4/87.4				

Note: UD means Under Development.

In Case 97-C-0271, KPMG tested the response times from the perspective of a pseudo-CLEC. It examined the response times from when the query arrives at RETAS to when the response leaves RETAS (described as T2T7 at pages V-28-29 of KPMG's June 1, 1999 report). According to KPMG, this is the same interval that Bell Atlantic - New York uses to measure the CLEC response times. KPMG tested the response times under four different load conditions: Present Day (4Q98 wholesale base), YE99 Base (projected), YE99 Peak (projected), and Stress (1.5 times YE99 Peak). It concluded that the response times were satisfactory and that the performance would not degrade as a result of load increases (pages V-13-14 and V-39-44 of its report).

KPMG reported its test results separately for POTs and Special Services. However, it also combined the results for comparison to Bell Atlantic - New York's reported response times for CLECs. This comparison is provided below. The Bell Atlantic - New York retail response times are also shown in

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the chart.

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Comparison of KPMG Experienced and
BA Reported CLEC Maintenance OSS Response Times
(Seconds)

	Present Day	YE99 Base	YE99 Peak	
Stress	<u>Load</u>	<u>Load</u>	<u>Load</u>	
Load				
Create Trouble				
KPMG Experience	6.5	7.6	7.4	8.0
CLEC (BA reported 1Q99)	13.7			
Retail (BA reported 1Q99)	9.7			
Status Trouble				
KPMG Experience	8.9	9.4	9.3	9.1
CLEC (BA reported 1Q99)	11.5			
Retail (BA reported 1Q99)	Under Development			
Modify Trouble				
KPMG Experience	5.0	4.0	6.5	N/A
CLEC (BA reported 1Q99)	6.3			
Retail (BA reported 1Q99)	6.7			
Close Trouble				
KPMG Experience	5.9	5.1	4.8	4.0
CLEC (BA reported 1Q99)	10.2			
Retail (BA reported 1Q99)	8.4			
Report History				
KPMG Experience	12.4	13.3	12.9	13.2
CLEC (BA reported 1Q99)	13.9			
Retail (BA reported 1Q99)	Under Development			
Test Trouble - POTS				
KPMG Experience	73.5	72.0	69.8	72.4
CLEC (BA reported 1Q99)	87.4			
Retail (BA reported 1Q99)	70.4			

For every type of maintenance OSS activity except Test Trouble, KPMG experienced better response times than the CLEC results reported by Bell Atlantic - New York. Indeed, except for Test Trouble, KPMG's times were better than the retail times reported by Bell Atlantic - New York. When questioned

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about this, KPMG advised that the times reported by Bell Atlantic - New York for Create Trouble were inflated, because the company was experiencing a problem with its "STARMEM" system. KPMG believed the problem was being corrected and that the times reported by Bell Atlantic - New York for Create Trouble would improve and approximate KPMG's experience. KPMG indicated that it was conducting further research into the reasons for the other discrepancies.

Staff communicated this information to Bell Atlantic - New York and CLECs during a meeting on June 3, 1999. The group did not reach consensus on performance standards for maintenance OSS response times. It was clear that more information was needed about the differences in the response times.

Proposed Resolution: Bell Atlantic - New York should investigate and provide the parties with a written report on the reasons for the different response times experienced by KPMG, CLECs, and retail. The report should also address the status of Bell Atlantic - New York's efforts to improve the CLEC and/or retail response times, the amount of improvement expected, and when the improvements will be realized, as well as the status of Bell Atlantic - New York's efforts to measure and report retail response times for Status Trouble and Report History which are still missing. This information will provide a basis for future consideration by parties of performance standards for MR-1. It is recommended that the response times experienced by KPMG under present day load be used as the performance standards for MR-1 until December 31, 1999.

MAINTENANCE METRICS**Issue 31 - Special Services**

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Background: KPMG stated at page V-72 of its June 1, 1999 report that Bell Atlantic - New York does not publish maintenance results for UNE Special Services due to a claim that there is no regulatory requirement to report on services ordered through tariff that CLECs chose to use for these services. Staff believes KPMG is referring to Special Access services ordered through FCC tariff which the Commission addressed in its February 16, 1999 Order and has asked KPMG to clarify this point.

Proposed Resolution: Staff will continue to try to clarify this matter with KPMG.

MR-3 MISSED REPAIR APPOINTMENTS

Issue 32 - CPE, Found OK, Test OK Troubles

Background: During the collaborative meetings, the CLECs had objected to Bell Atlantic - New York's exclusion of troubles coded as CPE, Found OK, and Test OK troubles from MR-2 Network Trouble Report Rate. They were concerned that these exclusions could enable Bell Atlantic - New York to manipulate the CLEC network trouble report rate by improperly coding network troubles to these categories. Bell Atlantic - New York responded by proposing a new sub-metric: MR-2-05 % CPE, Found OK, and Test OK Trouble Report Rate to enable CLECs to identify any differences between the wholesale and retail report rate for CPE, Found OK, and Test OK troubles. The CLECs found this acceptable, and this new sub-metric was included in the Carrier Guidelines.

Intermedia contends that CLECs had raised similar concerns regarding MR-3: Missed Repair Appointments and MR-5 Repeat Trouble Reports. For MR-3: Missed Repair Appointments, Intermedia says it would be satisfied, if Bell Atlantic - New York would include any appointments for CPE, Found OK, and

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Test OK troubles that are identified as such after the scheduled repair appointment. According to Intermedia, this would remove any incentive for Bell Atlantic - New York personnel to make % Missed Repair Appointments for network troubles look better than it really is, by miss-coding troubles to CPE, Found OK, and Test OK.

Bell Atlantic - New York opposes Intermedia's proposal to include missed appointments associated with CPE, Found OK, and Test OK troubles in MR-3: Missed Repair Appointments. According to Bell Atlantic - New York, CLECs often fail to test their portion of the network before sending a trouble report to Bell Atlantic - New York, and this makes it more difficult for Bell Atlantic - New York to locate the source of the trouble. Bell Atlantic - New York feels it should not be held responsible for a missed appointment, if the trouble is eventually determined to be in the CLEC's network. Intermedia disagrees, contending a repair appointment is a repair appointment regardless of the eventual determination of the cause. If the CLEC errs by sending Bell Atlantic - New York a trouble report for a problem that is really in its own network, the CLEC must compensate the company for the cost of determining that the trouble is not in Bell Atlantic - New York's network. This does not excuse Bell Atlantic - New York from meeting its appointment, according to Intermedia.

For MR-5 Repeat Trouble Reports, Intermedia believes Bell Atlantic - New York had agreed to include CPE, Found OK, and Test OK troubles which were subsequently found to be network troubles, and should modify the compliance filing accordingly. Bell Atlantic - New York responds that it did agree to change the definition of repeat reports to classify any trouble, regardless of the original disposition code that repeated as a code 3, 4, or 5, as a repeat report and states that this

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change has been fully implemented and reflected in the performance reports.

Proposed Resolution: The Trouble Report Rate associated with CPE, Test Ok, and Found OK troubles (MR-2-05) will be reported by Bell Atlantic - New York for the purpose of performing root cause analysis. We see no reason why % Missed Appointments associated with CPE, Found OK, and Test OK troubles should not be reported for the same purpose. Whether there should be a performance standard requires further discussion by the parties, because it is not clear yet what additional work Bell Atlantic - New York has to perform, if any, when the CLEC fails to properly test its network before submitting a trouble report to Bell Atlantic - New York. Even if it is true that Bell Atlantic - New York needs more time to determine that a problem is not in its own network than to locate a problem in its network, a compensating factor is that Bell Atlantic - New York does not have to fix problems that are not in its network.

Regarding MR-5 Repeat Trouble Reports, Bell Atlantic - New York should modify the definition section of MR-5 to make it clear that any trouble, regardless of the original disposition code, that repeated as a code 3, 4, or 5, will be classified as a repeat report.

MR-5 REPEAT TROUBLE REPORTS

Issue 33 - Methodology

Background: KPMG stated at page V-65 of its June 1, 1999 report that Bell Atlantic - New York uses two approaches for % Repeat Reports < 30 days, one based on regulated lines, and the other based on regulated and unregulated lines. KPMG says it could duplicate the second approach but not the first approach, and indicated it would provide further explanation.

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Staff has confirmed with Bell Atlantic - New York that it uses two systems to score repeat trouble reports. One method is based on a TREAT system which considers only "regulated" reports (excludes CPE troubles) and considers a trouble report a repeat, if it was "received" within 30 days of the clear date of a previous trouble report. The other method is based on a NORD system which counts all types of trouble reports and considers a trouble report a repeat if it was "cleared" within 30 days of the clear date of a previous trouble report. It is still not clear, however, why two different systems - one based on regulated services and receipt date, and the other based on all reports and cleared date - are being used.

Proposed Resolution: Bell Atlantic - New York should provide the parties with a written explanation of the two different methods and the reasons therefor, and the parties should attempt to resolve this matter in the next phase.

Bl-1 TIMELINESS OF DAILY USAGE FEED**Issue 34 - CLEC Returns of Daily Usage Feeds**

Background: KPMG states at page VI-53 of its June 1, 1999 report that performance standards have not been defined for CLEC returns of Daily Usage Feeds due to billing errors (except for a 2 week OBF standard for providing killer records). KPMG is correct that there are no performance metrics or standards for CLEC returns of Daily Usage Feeds due to billing errors. This subject was not raised by CLECs, presumably because it was relatively unimportant to them.

Proposed Resolution: No further action is required, given the circumstances presented.

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Bl-3 BILLING ACCURACY - CARRIER BILL**Issue 35 - The Metric**

Background: The CLECs wanted Bell Atlantic - New York to measure and report billing accuracy - invoice/carrier bill. Bell Atlantic - New York proposed to report the difference of total monies billed and adjustments due to bill errors divided by total monies billed. Some parties were receptive to this proposal but wanted Bell Atlantic - New York to report both the magnitude and frequency of billing errors.

Bell Atlantic - New York was ordered to implement its proposal and also measure and report the magnitude and frequency of billing errors.

Compliance Filing/CLEC Comments: Bell Atlantic - New York failed to modify the Carrier Guidelines to add a measure of the frequency of billing errors as required by the Commission's Order. The company subsequently acknowledged its omission and added a new metric Bl-3-02 % Billing Adjustment - Number of Adjustment (number of adjustments for billing errors as a percentage of number of bills). This new metric together with Bl-3-01 % Billing Adjustments - Dollars Adjusted (dollars adjusted for billing errors as a percentage of total dollars billed) will enable parties to monitor the magnitude and frequency of errors in the carrier invoices.

Proposed Resolution: Bell Atlantic - New York is now in compliance with the February 16, 1999 order.

Issue 36 - The Performance Standard

Background: There are no performance standards for Bl-3-01 % Billing Adjustments - Dollars Adjusted or Bl-3-02 % Billing Adjustments - Number of Adjustments. In its February 16, 1999 Order, the Commission directed the parties to consider the need for a standard.

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Parties' Comments: The parties recognize that Bl-3-01 and Bl-3-02 are indirect measures of billing accuracy in that they reflect CLECs' claims of billing errors and Bell Atlantic - New York's willingness to make adjustments. The possibility of setting a standard based on parity with retail was discussed but was not pursued because of the significant differences between carrier bills and retail bills in terms of volume and content. The CLEC positions are varied and include a proposal for an absolute standard of 98% for Bl-3, as well as the view that there should not be any standard. At least one CLEC believes OR-6 Order Accuracy and its 95% performance standard is a reasonable surrogate for billing accuracy (if the order is wrong, the bill is wrong). Another CLEC urges specific sampling of carrier bills to determine errors. Finally, Bell Atlantic - New York indicated that it has some new ideas based on recent work in other states and will present them at a later date.

Proposed Resolution: As long as billing accuracy is measured in relation to Bell Atlantic - New York's agreement to make bill adjustments, it does not make sense to attach a performance standard to the measure. In principle, bills should be always be accurate and should be corrected when they are not. A performance standard for billing accuracy would be meaningful, only if billing accuracy is measured directly, such as by periodic audits of Bell Atlantic - New York's billing systems or by sampling CLECs' bills and verifying them back to the account records. These approaches have not been pursued to date because of their cost and complexity. As at least one CLEC notes, there is not a compelling need to pursue these approaches, because the accuracy of carrier bills is closely related to service order accuracy which is directly measured and is subject to a 95%

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standard.

This matter may be developed further in the next phase. To help the carrier working group assess if a standard is needed and what it should be, Bell Atlantic - New York should conduct a sampling of carrier and retail bills in the same manner as it will be sampling service order accuracy. This sampling process should begin immediately. The company should present the results of this audit and whatever new ideas it has developed in other states to the carrier working group for consideration. Otherwise, no further action is recommended at this time with respect to a performance standard for carrier bill accuracy.

There is another matter. In the performance standard section of Bl-3, Bell Atlantic - New York has included (in lieu of a performance standard) three statements which describe the company's practices with respect to the timeliness of the Daily Usage Feed. These statements appear to be misplaced in that they pertain to the Daily Usage Feed and have nothing to do with a performance standard for Bl-3. This material should be moved to Bl-1 Timeliness of Daily Usage Feed, and it should be made clear in the performance standard section of Bl-3 that this metric does not currently have a performance standard.

OD-1 OPERATOR SERVICES - SPEED OF ANSWER

Issue 37 - Report Dimensions

Background: For OD-1 Operator Services - Speed of Answer, performance has been reported in the aggregate for retail and CLEC traffic on the grounds that operator services speed of answer involves "process parity" such that Bell Atlantic - New York's operator call centers handle all traffic on a first come, first served basis.

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Bell Atlantic - New York now advises that it shifted a majority of CLEC traffic to an operator service center in Massachusetts last summer in order to protect CLECs from the effects of an impending employee strike in New York. Since then, the operator services center in Massachusetts has been handling most of the facility-based CLEC calls, as well as some interexchange carrier, independent telephone company, and Bell Atlantic - New York retail traffic. According to Bell Atlantic - New York, the New York operator service center handles most of the Bell Atlantic - New York retail traffic, reseller and UNE-P CLEC traffic, and some independent telephone company traffic. Bell Atlantic - New York indicates that the types of traffic handled by the New York and Massachusetts centers may change from time to time.

In recognition of the shift of most facility-based CLEC traffic to the Massachusetts operator service center, Bell Atlantic - New York is now proposing to disaggregate the reporting of OD-1 in two dimensions, one named "Bell Atlantic - New York/CLEC Aggregate" and the other named "CLEC Aggregate [center]." This proposal was circulated to the CLECs on June 4, 1999, and no comments were received.

Proposed Resolution: The additional reporting proposed by Bell Atlantic - New York will provide performance information that is not currently available and should be allowed for that reason. The names of the new report dimensions are misleading, however. The "BA/CLEC Aggregate" report will represent the average response time of the New York operator service center, which handles some Bell Atlantic traffic, some CLEC traffic, and some other traffic as well. Also, the "CLEC Aggregate [center]" report will represent the average response time of the Massachusetts operator service center which also handles some Bell Atlantic traffic, some

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CLEC traffic, and other traffic as well. To avoid this confusion, the names of the report dimensions should be changed from "Bell Atlantic - New York/CLEC Aggregate" to "New York Operator Service Center" and from "CLEC Aggregate [center]" to "Massachusetts Operator Service Center." Also, to the extent the centers handle different types of traffic, the differences should be clearly noted in OD-1 of the Carrier Guidelines.

NP-1 % FINAL TRUNK GROUP BLOCKAGE**Issue 38 - Exclusions**

Background: Bell Atlantic - New York is allowed to exclude from NP-1 trunks blocked due to CLEC network failure and due to other causes specified in the Carrier Guidelines, but it must notify the affected CLEC's operational trunk staff and obtain concurrence before making such an exclusion. At a carrier meeting on June 3, 1999, Bell Atlantic - New York explained that it would like to change the method of notification from verbal to electronic in order to make the process quicker and more reliable. On June 4, Bell Atlantic - New York circulated proposed wording changes to the exclusions section of NP-1 designed to effectuate this change, and none of the parties opposed it.

Proposed Resolution: The Carrier Guidelines should be modified to reflect this change.

NP-2 COLLOCATION PERFORMANCE**Issue 39 - Definition of Completion**

Background: CLECs had disagreed with the NP-2 definitions, because the intervals were tied to forecasting per Bell Atlantic - New York's tariff filing. CLECs also wanted the completion date for this metric to be when the

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collocation arrangement is accepted by the CLEC without exception, rather than when the physical work has been completed by Bell Atlantic - New York. The Commission concluded that the tariff will control, and that CLECs may seek regulatory review if they believe a collocation arrangement has been erroneously reported as completed.

Compliance Filing/CLEC Comments: Subsequent to the compliance filing, MCI sought to have the completion of a collocation arrangement defined as when the collocation facility is suitable for use by a CLEC and the cable assignment information necessary to use the facility has been provided by Bell Atlantic - New York. Bell Atlantic - New York agreed to make this change and submitted proposed wording to effectuate it.

In addition, AT&T proposed on June 4, 1999 to expand the definition and reported sub-metrics of NP-2 in order to track augment applications as well as new applications. According to AT&T, augment applications are increasing in number and need to be tracked separately.

Proposed Resolution: Bell Atlantic - New York's proposed wording was reviewed with the CLECs, and agreement was reached. This change should be reflected in the Carrier Guidelines.

AT&T's proposal to expand NP-2 to include and separately report augment applications was raised late in the process and should be referred back to the parties for further discussion.

REMEDIES**Issue 40**

Background: The working group could not agree on the issue of performance liability. Some participants wanted

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penalties to be associated with each measure and related to the affected competitor. Two parties, Intermedia and MCI, submitted proposals. The Commission declined to adopt performance liability measures for the Carrier Guidelines. The Commission noted that parties may seek clarification and assistance from the Commission and receive appropriate relief, that penalties may be included in any interconnection agreement between the competitor and incumbent, and that Bell Atlantic - New York may be subject to adjustments for poor service quality in Case 97-C-0271.

Compliance Filing/CLEC Comments: MCI continues to seek financial remedies in Case 97-C-0139. In the alternative, MCI urges the Commission to require remedies for poor performance in Case 97-C-0271.

Proposed Resolution: MCI provided no additional information to warrant modification of the Commission's determination of this matter.

ADDITIONAL REPORTING PROPOSED BY Bell Atlantic - New York Issue 41

Background: On June 4, 1999, Bell Atlantic - New York circulated a proposal to further disaggregate the reporting for:

PR-1-09 Average Interval Offered - Total, and
PR-2-09 Average Interval Completed - Total,

such that EEL Backbone and EEL Loop will be reported separately from UNE Interoffice Facilities, and to further disaggregate the reporting for:

PR-6-01 % Installation Troubles Reported Within 30 Days,
MR-2-03 Network Trouble Report Rate - Central Office,
MR-2-05 % CPE/TOK/FOK Trouble Report Rate,
MR-4-01 Mean Time to Repair - Total,
MR-4-03 Mean Time to Repair - Central Office Trouble,
MR-4-08 % Out of Service Over 24 Hours, and

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MR-5-01 % Repeat Reports within 30 Days,
such that Complex services will be reported separately from Resale and UNE, POTS and Special Services.

Bell Atlantic - New York is proposing to disaggregate existing reports into additional levels of detail. Performance for EELS, currently reported under IOF, will be broken out from IOF and reported separately, and IOF will be reported exclusive of EELS. Performance for Complex services, currently reported under POTS and Specials, will be broken out from POTS and Specials and reported separately, and POTS and Specials will be reported exclusive of Complex services.

CLECs concurred with this proposal but also proposed additional reporting disaggregation of their own. Unfortunately, these counterproposals were offered too late to be factored into this analysis.

Proposed Resolution: Bell Atlantic - New York should provide the additional level of reporting it proposed, and CLECs may propose additional levels of disaggregation in the next phase.

MISSING PERFORMANCE REPORTING

Issue 42

Background: During the course of this proceeding, some of the metrics have been "under development," definitions have been modified, and new metrics have been added. These changes have not been fully implemented by Bell Atlantic - New York yet. Consequently, the performance reports specified in the Carrier Guidelines are not complete.

In the compliance filing, Bell Atlantic - New York identified some of the metrics as new or under development for 1999 but did not specify when reporting would begin for these items. AT&T urged the Commission to require Bell Atlantic -

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New York to begin reporting on all ordered metrics by April 1, 1999.

Staff asked Bell Atlantic - New York to identify when it would be able to report each missing metric and to describe the factors necessitating the delays and Bell Atlantic - New York's efforts to expedite the start of reporting. In response, Bell Atlantic - New York described four phases of additional reporting with completion of the last phase in March or April 2000. The company also noted that the reports for Service Order Accuracy would begin in May 1999 (based on April's first full month of data) and that the reports for Billing Accuracy would be delayed to some unspecified time in the future due unanticipated programming requirements. Bell Atlantic - New York provided little information about the factors necessitating the delays and no information about any efforts to expedite the reporting.

Staff repeated its request for more explanation and justification of the delays and also asked the company to modify the Carrier Guidelines to show the planned reporting date for each new metric, so there would be no confusion. Bell Atlantic - New York responded by providing a spreadsheet listing each new or changed metric, showing the currently scheduled report date (month and year), and containing brief descriptions of the reasons for the delays but no indications of any efforts to expedite reporting.

In addition, Staff in Case 97-C-0271 has been developing a comprehensive chart listing, side-by-side, all of the carrier metrics and reportable products associated with each of the 271 checklist items, the metrics that Bell Atlantic - New York is relying upon to support its 271 application, the metrics that are included in the 271 Performance Assurance Plan (critical and mode of entry), and any failures to meet a

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performance standard and the statistical significance of each failure, by month. For each metric not being reported, the chart will show the date when reporting will begin and identify the reason for the delay.

It has not been possible to complete this chart, because the monthly performance reports provided by Bell Atlantic - New York in Case 97-C-0139 lack the metric identifiers needed to correlate the reported results with the reportable products specified in the Carrier Guidelines. The monthly performance reports generally use the identifiers associated with the February 1998 Interim Carrier Guidelines rather than the newer and more numerous identifiers used in the later versions of the Carrier Guidelines. Bell Atlantic - New York has indicated that it will correct this situation but has not done so. As for metrics that are not reported yet, the planned implementation dates sometimes change without explanation. Consequently, it is not always clear if a changed implementation date is simply a typographical error, a correction of a previous typo, or an actual change.

Proposed Resolution: Bell Atlantic - New York should provide the monthly performance data in the same order and format, and using the same report dimensions and metric and sub-metric identifiers, as set forth in the Carrier Guidelines. The performance data should be provided for the months January through May 1999, and updated monthly. Where the reported data in one month reflects a change to the metric (i.e., a change to the way the metric is defined, measured, counted, or calculated) compared to the previous month, the data should be footnoted and the change identified. Where data is not reported due to no business activity in a particular month, the data cell should be labelled "NA" for no activity. Where data is not reported due to a metric being

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under development, the data cell should be labelled "UD" for under development, and the company should identify the date when reporting will begin, along with explanation of the need for the delay and the company's efforts to expedite reporting, as described below.

For metrics that have absolute standards, Bell Atlantic - New York should report monthly the numbers of observations in the numerator and denominator used to derive the reported performance results. The inclusion of the numbers of observations will make the reporting more consistent with parity-based metrics and assist in evaluating the company's compliance with the performance standards set forth in the Carrier Guidelines.

Bell Atlantic - New York should also provide and maintain an appendix to the Carrier Guidelines which shows, for each reportable product, metric and sub-metric, the status of Bell Atlantic's compliance with the reporting requirements set forth in different versions of Carrier Guidelines and applicable Commission orders. The purpose of this document is to assure that all parties understand the definition and standard used by Bell Atlantic - New York in the monthly, carrier-to-carrier performance reports. This appendix should contain the following information, retroactive to September 1998:

- (a) The first date a metric is reported, the applicable definition and standard referenced to a specifically dated Carrier-to-Carrier Guideline.
- (b) Any subsequent change to the definition and/or standard shall contain the identical information as in Item (a), and shall be listed adjacent to Item (a) in the Appendix.
- (c) In instances where full compliance with Carrier Guidelines is delayed, and approved by the Commission, this appendix will contain the identical

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information as Item (a), an explanation as to the need for the delay, company efforts to expedite reporting, and when full compliance will occur. This information will be listed adjacent to the information in Item (a) in the appendix.

The company should use the attached draft template to provide this appendix.

Finally, the company should not change the specified implementation dates, except to advance them, without prior notification and consultation with the Administrative Law Judge and the parties.

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Metric Availability: Carrier-to-Carrier and 271 Order

Metric Number

Metric Description		Cklst	Product	C2C Rpt	Partial	Final	271 Affdt	Comment
Order Confirmation Timeliness								
OR-1-01	13 Avg LSRC Time - Flow Through	Resale	POTS	Interim		6/30/00	Interim Part K	LSOG4: Confirmed and Resends
	13S	Resale	Specials	Interim			Not Filed	LSOG4: Confirmed and Resends
	13	UNE	POTS	Interim		6/30/00	Interim Part K	LSOG4: Confirmed and Resends
	13S	UNE	Specials	Interim			Not Filed	LSOG4: Confirmed and Resends
Order Confirmation Timeliness								
OR-1-02	14 % On Time LSRC - Flow Through	Resale	POTS	Interim		6/30/00	Interim Part K	LSOG4: Confirmed and Resends
	14S	Resale	Specials	Interim			Not Filed	LSOG4: Confirmed and Resends
	14S	UNE	Specials	Interim			Not Filed	LSOG4: Confirmed and Resends,

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14		UNE	POTS	Interim	6/30/00	Interim Part K	LSOG4: Confirmed and Resends
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Order Confirmation Timeliness

OR-1-03	Avg LSRC Time < 10 Lines (E)	Resale	Spec. Othr	Not Available	6/30/00	Not Filed	LSOG4: Confirmed and Resends,
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8		Resale	POTS	Interim	6/30/00	Interim Part K	LSOG4: Confirmed and Resends
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		Resale	Complex	Not Available 6/30/99	6/30/00	Not Filed	LSOG4: Confirmed and Resends
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8A		Resale	Complex	Interim			LSOG4: Confirmed and Resends,
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		Resale	Spec. DS1	Not Available 6/30/00	6/30/00	Not Filed	LSOG4: Confirmed and Resends,
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		Resale	Spec. DS3	Not Available 6/30/00	6/30/00	Final Part M	LSOG4: Confirmed and Resends,
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8S		Resale	Specials	Interim		Interim Part K	SUPERCEDED
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		Resale	Spec. DS0	Not Available 6/30/00	6/30/00	Not Filed	LSOG4: Confirmed and Resends,
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