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**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

In the Matter of )  
 )  
Application by SBC Communications Inc., )  
The Ohio Bell Telephone Company, d/b/a ) CC Docket No. \_\_\_\_\_  
Ameritech Ohio, And Southwestern Bell )  
Communications Services, Inc. d/b/a )  
Ameritech Long Distance for Provision of )  
In-Region InterLATA Services in Ohio )

**AFFIDAVIT OF SALVATORE T. FIORETTI  
ON BEHALF OF AMERITECH**

**STATE OF ILLINOIS** )  
 )  
**COUNTY OF COOK** )

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I, Salvatore T. Fioretti, being of lawful age and duly sworn upon my oath, do hereby depose and state as follows:

1. My name is Salvatore T. Fioretti. My business address is 2000 W. Ameritech Center Drive, Location 4G48, Hoffman Estates, IL 60196. I am employed by SBC Services, Inc. (“SBC Services”) in the position of Director of Performance Measures for The Ohio Bell Telephone Company d/b/a Ameritech Ohio or Ameritech (“Ameritech Ohio”) and the affiliated operating companies (collectively, “Ameritech”).<sup>1</sup> In this position, I am responsible for the development and implementation of Ameritech’s performance measurement system. This system allows the Federal Communications Commission (“FCC”), the Department of Justice (“DOJ”), state regulators such as the Public Utilities Commission of Ohio (“Ohio Commission” or “PUCO”), and competitive local exchange carriers (“CLECs”) to monitor and evaluate Ameritech’s performance in providing facilities and services to itself and to Ohio CLECs in a nondiscriminatory manner consistent with its obligations under the Telecommunications Act of 1996 (the “1996 Act”). In addition, I am responsible for providing periodic reports on Ameritech’s performance to state and federal regulatory agencies and for investigating complaints regarding Ameritech’s satisfaction of its obligations to CLECs.

**EDUCATIONAL BACKGROUND AND PROFESSIONAL EXPERIENCE**

2. Since June, 1999, I have been responsible for the processes and systems used by SBC Services and its predecessor (Ameritech Information Industry Services) to measure and report on the performance of its operations support systems (“OSS”), and the functions of

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<sup>1</sup> The Ohio Bell Telephone Company, an Ohio corporation, is a wholly owned subsidiary of Ameritech Corporation, which owns the former Bell operating companies in the states of Michigan, Illinois, Wisconsin, Indiana, and Ohio. Ameritech Corporation is a wholly owned subsidiary of SBC Communications Inc. Ohio Bell offers

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ordering, pre-ordering, provisioning, maintenance and billing. I have presented our proposals and performance results to state commissions and in face-to-face meetings with AT&T, MCI, and Sprint as well as with other carriers. Finally, I have participated in numerous collaborative workshops on performance with state commissions and competing carriers throughout the Ameritech region.

3. Prior to assuming my present position as Director of Performance Measures, I worked as the Director of Service - National Accounts from August 1996 to June 1999. In that position, I dealt with the day-to-day operational issues that CLECs encountered. In addition, I participated in the development of Ameritech's performance measurement plan and assisted in formulating the comments and proposals of Ameritech in PUCO Case Nos. 98-1082-TP-AMT and 00-942-TP-COI.
4. Prior to August 1996, I was a member of Ameritech's corporate Information Technology organization and managed the development and implementation of its OSS and measurement processes and systems. Overall, I have 23 years of telecommunications industry experience with Ameritech in a broad range of positions, from network installation and maintenance, to Information Technology development and implementation.
5. I earned a Bachelor of Business degree from Western Illinois University in 1978 and the degree of Masters in Business Administration from the Keller Graduate School, Chicago, Illinois, in 1988.

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telecommunications services and operates under the names "Ameritech" and "Ameritech Ohio" pursuant to trade name registrations with the state of Ohio.

**PURPOSE AND SCOPE OF AFFIDAVIT**

6. My affidavit has two purposes. First, I describe the performance measures and standards that Ameritech has implemented to demonstrate its ongoing compliance with the competitive checklist established by Section 271 of the Telecommunications Act of 1996 (“1996 Act”). As detailed below, Ameritech reports performance data pursuant to over 160-detailed metrics approved by the Ohio Commission. These performance measurements were developed through a collaborative process and cover the pre-ordering, ordering, provisioning, maintenance and repair, and billing functions Ameritech performs in the course of providing wholesale services to competing LECs. For most of these performance measurements, Ameritech’s performance with respect to competitors is compared against either an analogous retail function or a benchmark performance level. Ameritech’s actual performance results will be addressed in a future affidavit. Likewise, the accuracy of that performance data (*e.g.*, whether it was properly summarized and calculated in accordance with the definitions described herein) will be verified against underlying transactions as part of a test of Ameritech’s OSS by KPMG Consulting, an independent third party.
  
7. The second purpose of this affidavit is to summarize the Performance Assurance Plan Ameritech has implemented in Ohio as directed by the Ohio Commission in Case No. 98-1082-TP-AMT. The performance measures herein are part of a broader performance measurement system, including a self-effectuating remedy plan. The Ohio Commission has approved Ameritech Ohio’s implementation of remedies that are consistent with the approach used in Texas which provides for automatic, self-executing remedies to be paid

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to participating CLECs and the State of Ohio in the event of certain performance failures. In addition to the remedy plan, the FCC's conditions for approval of the SBC-Ameritech merger establish a system of payments to the U.S. Treasury for performance shortfalls, effective with September 2000 data.

8. This affidavit is not intended to describe the actual performance achieved by Ameritech and reported in the monthly performance reports. A subsequent filing will provide the details of Ameritech's actual performance for each of the checklist items. This subsequent filing will include three consecutive months of performance data reporting Ameritech's compliance with the performance measures as required by the Ohio Commission's orders in Case No. 00-942-TP-COI

### **PERFORMANCE MEASUREMENTS PURPOSE, ROLE AND REGULATORY BACKGROUND**

9. Prior to describing the performance measurements and remedy plan implemented by Ameritech, I summarize their purpose, role and regulatory background.
10. As part of its Section 271 application, Ameritech must demonstrate that it is offering interconnection, access to unbundled network elements, and wholesale services on a nondiscriminatory basis. Previous FCC orders addressing section 271 applications have elaborated on this statutory standard. First, for those functions the Bell Operating Company ("BOC") provides to competing carriers that are analogous to the functions a BOC provides to itself in connection with its own retail service offerings, the BOC must provide access to competing carriers in "substantially the same time and manner" as it

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provides to itself.<sup>2</sup> Thus, where a retail analogue exists, Ameritech must provide access that is equal to (*i.e.*, substantially the same as) the level of access that Ameritech provides to itself, its customers, or its affiliates, in terms of quality, accuracy, and timeliness.<sup>3</sup> For those functions that have no retail analogue, Ameritech must demonstrate that the access it provides to competing carriers would offer an efficient carrier a “meaningful opportunity to compete.”<sup>4</sup>

11. As established in prior section 271 orders, the FCC has found that performance measurements and remedies provide valuable evidence regarding a BOC’s compliance or noncompliance with individual checklist items. For example, in its order approving Bell Atlantic’s application for long distance relief in New York, *In re Application by Bell Atlantic New York for Authorization Under Section 271 of the Communications Act To Provide In-Region, InterLATA Service in the State of New York*, 15 FCC Rcd. 3953 (1999) (“*Bell Atlantic New York Order*”), the FCC observed that “the fact that a BOC will be subject to performance monitoring and enforcement mechanisms would constitute probative evidence that the BOC will continue to meet its section 271 obligations and that its entry would be consistent with the public interest.” *Id.* ¶ 429.
12. Similarly, in approving the application of Ameritech’s affiliate Southwestern Bell Telephone Company (“SWBT”) to provide in-region interLATA services in Texas, the FCC observed that “[p]erformance measurements are an especially effective means of providing us with evidence of the quality and timeliness of the access provided by a BOC

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<sup>2</sup> *SWBT Texas Order*, 15 FCC Rcd at 18373, para. 44; *Bell Atlantic New York Order*, 15 FCC Rcd at 3971, para. 44.

<sup>3</sup> *Bell Atlantic New York Order*, 15 FCC Rcd at 3971, para. 44; *Ameritech Michigan Order*, 12 FCC Rcd at 20618-19.

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to requesting carriers.” *In re Application by SBC Communications Inc. et al. to Provide In-Region, InterLATA Services in Texas*, 15 FCC Rcd 18,354, ¶ 53 (2000) (“*SWBT Texas Order*”). The FCC expressly approved the “clearly defined performance measurements and standards” developed by the Public Utility Commission of Texas (“Texas PUC”) and used by SWBT to demonstrate its compliance with the competitive checklist. *Id.* ¶ 5. As I describe in further detail below, Ameritech uses the same performance measurements and standards that were developed in Texas and approved by the FCC, with adaptations (and several additional measurements) developed by Ameritech and Ohio CLECs in collaborative workshops overseen and approved by the Ohio Commission.

13. As the FCC has held, however, a determination of whether the statutory standard is met is ultimately a judgment that must be made based on the Commission’s expertise in promoting competition in local markets and in telecommunications regulation generally.<sup>5</sup> For that reason the FCC has not established, nor do they believe it appropriate to establish, specific objective criteria for what constitutes “substantially the same time and manner” or a “meaningful opportunity to compete.”<sup>6</sup> Rather, as the FCC has held, whether this standard is met can only be decided based on an analysis of specific facts and circumstances. Therefore, the FCC evaluates each application on a case-by-case basis and considers the totality of the circumstances to determine whether the nondiscrimination requirements of the 1996 Act are met.

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<sup>4</sup> *Id.*

<sup>5</sup> *SWBT Texas Order*, 15 FCC Rcd at 18374, para. 46; *Bell Atlantic New York Order*, 15 FCC Rcd at 3972, para. 46.

<sup>6</sup> *Id.*

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14. Thus, although performance measurements provide valuable evidence regarding a BOC's compliance or noncompliance with individual checklist items, the FCC does not view any particular metric as wholly dispositive of checklist compliance. Nor do established performance standards represent absolute maximum or minimum levels of performance necessary to satisfy the competitive checklist. Rather, the ultimate determination of whether Ameritech's performance is consistent with the statutory requirements is a contextual decision based on the totality of the circumstances.
15. For example, the FCC has held that, in some instances, it may find statistically significant differences in certain performance measurements, but conclude that such differences do not warrant a finding of checklist noncompliance. In such cases, the FCC may find that the performance differences are slight, or occur in isolated months, and thus suggest only an insignificant competitive impact. Furthermore, where there are multiple performance measurements associated with a particular checklist item, the FCC would consider the performance demonstrated by all the measurements as a whole. Accordingly, a disparity in performance for one measure, by itself, may not provide a basis for finding noncompliance with the checklist. The reported performance data may also be impacted by factors beyond a BOC's control, a finding that would make the FCC less likely to hold the BOC wholly accountable for the disparity.
16. In short, performance measurements are not a substitute for the 14-point competitive checklist. Rather, the FCC uses performance measurements as valuable evidence with which to inform its judgment as to whether a BOC has complied with the checklist requirements.

**AMERITECH'S PERFORMANCE MEASUREMENT SYSTEM**

17. Ameritech's performance measures have been designed to assist the parties, and regulatory bodies like the FCC and Ohio Commission, in evaluating and monitoring Ameritech's compliance with the competitive checklist and with the contractual obligations set forth in interconnection agreements. Each month, Ameritech measures and reports its performance of certain functions (*e.g.*, the speed with which it provisions access to resold services) for a given requesting carrier, for requesting carriers as a whole, and for Ameritech's retail operations where appropriate.
  
18. Each of Ameritech's performance measurements is typically accompanied by a stated performance standard. Many wholesale functions correspond to an analogous function in Ameritech's retail operations. In those cases, the performance standard for assessing wholesale performance is one of "parity" with the performance provided Ameritech's retail operations. On the other hand, where Ameritech does not provide an analogous retail function, a "benchmark" performance standard has been established. For example, because only CLECs use an industry-standard "interface" to place orders, target response times have been set for the various functions unique to this interface. These benchmarks were established as a consequence of the combined input of Ameritech and Ohio CLECs following extensive collaborative proceedings. Finally, certain other performance measures are "diagnostic" in nature. For instance, PM 9 (Percent Rejected Orders) has been designated a diagnostic measure because rejected orders may be caused by either the CLEC or Ameritech. Data generated under such measurements may later prove informative in determining whether a performance standard would be useful or necessary and, if so, what performance standard should apply.

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19. The performance measurements and standards described below in this affidavit and in the “User Guide” a/k/a “Performance Measurements Business Rules” (Attachment A to this affidavit), represent the culmination of efforts over a two year period by Ameritech (working with the Ohio Commission, other state commissions, the FCC, and CLECs), to develop, implement, and continually improve a holistic system for performance measurement and reporting.
  
20. Over that period, Ameritech has added a large number of performance measures, with guidance from the Ohio Commission, from the FCC, and from collaborative workshops attended by Ohio CLECs, to work towards agreement on what it is to be measured. These performance measures are refined on an ongoing basis, with separate measurements for individual checklist items (*e.g.*, resale, unbundled network elements) and with separate categories for different products, services, customer types (*e.g.*, residential, business), and geographic areas within each checklist item as appropriate. The applicable calculations, definitions, and rules have been set forth in detail in the User Guide (Attachment A). Ameritech’s performance data are made available to the Ohio Commission and any interested CLEC in Ohio, and are readily auditable.
  
21. Thus, beyond clearly and precisely identifying the level of performance required for each measure (and every additional submeasure), Ameritech’s performance measurement system ensures that any inadequate performance is identified and, if appropriate, sanctioned. The business rules that accompany each of Ameritech’s Version 1.6\_012501 performance measurements precisely define what service activity is being measured, what is included and excluded from the measurement, how to calculate the measurement, whether it is evaluated against a parity or benchmark standard, and if the latter, defines

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the relevant benchmark. The performance measurements and associated business rules are referenced in an Ameritech interconnection agreement amendment, and are generally offered to all CLECs.

22. The Ohio Commission has recognized Ameritech's extensive efforts and progress in the area of performance measurement and (as described below) has approved Ameritech's performance measures, standards, and business rules.

### **THE FCC'S AMERITECH MICHIGAN 271 ORDER**

23. In 1997, the FCC reviewed the status of Ameritech Michigan's performance measures, as part of ruling upon Ameritech Michigan's 271 application. The FCC "acknowledge[d] the efforts to date of the State of Michigan and Ameritech in opening that state's local exchange markets to competition" (§ 2), and observed that "Ameritech has committed to measuring and reporting its performance for a number of OSS-related activities in order to demonstrate its compliance with the Act's nondiscrimination requirement" (§ 157). Nevertheless, the FCC denied Ameritech Michigan's application and identified a group of seven additional performance measures it deemed necessary for future applications: (1) average installation intervals for resale, (2) average installation intervals for unbundled loops; (3) comparative performance information for unbundled network elements; (4) service order accuracy and percent flow through; (5) held orders and provisioning accuracy; (6) bill quality and accuracy; (7) and repeat trouble reports for unbundled network elements. *Michigan 271 Order* (§ 212). Ameritech has since addressed each of these measures in Michigan as well as Ohio.

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24. As discussed below in the sections describing Checklist Items 2, 4, and 14, Ameritech's Performance Measures now include a computation of the Average Installation Interval, with separate calculations for resale and for unbundled loops (Performance Measures 27, 43, 55, 55.1, 55.2).
25. Ameritech has also implemented a full range of measures geared to producing comparative performance information for unbundled network elements. These are described in the sections discussing Checklist Items 2, 4, and 5.
26. Next, Ameritech has implemented performance measures for service order accuracy (Performance Measure 9) and for flow-through (Performance Measures 13 and 13.1). These are described below in the section on Checklist Item 2.
27. Ameritech measures "held orders" by the Average Delay Days computation (Performance Measures 31-32, 48-49 and 61-62) described in the sections on Checklist Items 4 and 14.
28. Meanwhile, Ameritech measures provisioning accuracy primarily by using the rate of Installation Trouble Reports (Performance Measures 35, 46, and 59): troubles reported within 30 days of installation. The FCC endorsed this approach in its April 17, 1998 Notice of Proposed Rulemaking ("NPRM") on performance measures (CC Docket No. 98-56, RM 9101), noting that the rate of installation troubles "will provide information about whether the incumbent LEC processed the order accurately," while at the same time serving as "a less burdensome measurement than measuring order accuracy, which requires an incumbent LEC to compare the original account profile and order sent by the competing carrier to the account profile following completion of the order." NPRM, ¶

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68. In addition, the FCC's *New York 271 Order* (§ 183) considered data on installation troubles to be more probative in assessing provisioning reliability than data on "order accuracy." As the FCC explained, "we find that Bell Atlantic demonstrates adequate performance with respect to order accuracy and order rejection for resale services. First, the Carrier-to-Carrier data indicate that Bell Atlantic has consistently provided service with very low levels of reported installation troubles, as compared to the service it provides its own customers ... [W]e disregard Bell Atlantic's low reported performance for service order accuracy."
29. In addition to the measurements for installation troubles, Ameritech reports on "provisioning accuracy" for mechanized orders, by comparing the features on each order to the update of the customer's record that follows provisioning. These are discussed in more detail in the section describing Checklist Item 2.
30. Performance Measures 14, 15, and 17 address billing accuracy and are detailed in the section describing Checklist Item 2.
31. Finally, Performance Measure 69 determines the rate of repeat trouble reports for unbundled network elements as described in the section describing Checklist Items 2 and 4.

### **THE OHIO COMMISSION'S APRIL 8, 1999 OPINION AND ORDER APPROVING THE MERGER OF SBC AND AMERITECH**

32. On April 8, 1999, the Ohio Commission approved the merger of SBC and Ameritech in Case No. 98-1082-TP-AMT. As a condition of its approval, the Ohio Commission's Opinion and Order adopted a Stipulation and Recommendation dated February 23, 1999,

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(“February 23 Stipulation”) which, among other things, required Ameritech Ohio to implement the performance measures and their associated standards and remedies, as long as economically and technically feasible, that SWBT had agreed to implement in Texas. As of the date of the February 23 Stipulation, SBC had agreed to implement 105 such performance measures and standards, which were attached to the February 23 Stipulation as Appendix 1. Ameritech further agreed that additional measurements or standards agreed to in Texas would also be reviewed in a collaborative process for implementation in Ohio. The Ohio Commission found that “the OSS provisions of the stipulation will bring a significant number of OSS improvements, measurements, and standards/benchmarks to Ohio” and that “[t]hese OSS improvements, measurements, and standards/benchmarks will benefit [CLECs] and their customers.” April 8, 1999 Order, Case No. 98-1082-TP-AMT, at 11.

33. The Texas performance measures and standards were developed through an extensive collaborative process held among the Texas PUC, SWBT, AT&T, MCI and several other CLECs. In its *SWBT Texas Order*, the FCC attached significant weight to the results of this collaborative process, noting in particular that “the Texas Commission ensured that its section 271 review process was open to participation by all interested parties” (¶3). Elsewhere in its order, the FCC stated it “strongly encourage[s] this type of process, because it allows the technical details that determine how the metrics are defined and measured to be worked out with the participation of all concerned parties” (¶54). The Texas collaborative process eventually resulted in 128 performance measures, which are listed on Attachment B. Of these, six were determined to be infeasible for implementation in the Ameritech region during collaborative workshops in Ohio and

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Illinois. They appear on Attachment B as measure nos. 3, 87 through 90, and 116. Five of the six measures related to interim number portability, a service that does not exist in the Ameritech region due to Ameritech's region-wide implementation of long-term number portability, which is discussed in further detail below and in the affidavit of Mr. Mondon. The sixth deals with SWBT's "EASE" system, which has not been deployed in the Ameritech region. As a result, Ameritech did not propose that those six measurements be implemented in Ohio.

34. Pursuant to the February 23 Stipulation, representatives of the Ohio Commission's Staff, OCC, interested CLECs and Ameritech formed an Ohio-specific industry collaborative to review and oversee the implementation of the Texas performance measures as well as the associated standards, benchmarks, and remedies. The full collaborative met on December 1, 1999, January 26, February 24-25, April 4-5, May 8-9, June 21-22, July 19-20, August 31, September 1, September 28, and October 24-25, 2000. Conference calls to discuss progress on specific issues were held on October 4, and December 18, 2000. Over the course of these collaborative proceedings, the parties agreed to certain modifications requested by competing LECs. Further, Ameritech agreed to report several additional measurements, over and above those developed in Texas. These are listed on Attachment A as measure numbers 13.1, 34.1, 51.1, 55.1, 64.1, 114.1, 115.1, 115.2, MI-1 through MI-5, and MI-8 through MI-16.
35. On June 1, 2000, the Ohio Commission issued an Entry establishing Case No. 00-942-TP-COI as the forum for its review of Ameritech Ohio's compliance relative to the requirements of Section 271 of the 1996 Act. In that Entry, the Ohio Commission determined that it was appropriate "to incorporate the adopted Texas Performance

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Measurements, as worked through the Performance Measures Collaborative,” into Case No. 00-942-TP-COI.

36. As envisioned by the June 1, 2000 Entry, the parties continued in their collaborative efforts to address new performance measures, further modifications to existing performance measures, and the reporting for new products or services as applicable. On July 7, 2000, Ameritech Ohio, on behalf of collaborative participants, filed a Joint Progress Report describing current issues and agreements reached by the parties. By entry dated August 24, 2000, the Ohio Commission agreed with the collaborative participants’ joint recommendation that any “additions, deletions, and changes to the Texas baseline Performance Measurements and Remedy Plan that are agreed to by the collaborative shall be included in the third-party test”, and it ordered that any “unresolved issues regarding Performance Measurements and the Remedy Plan shall be raised on or before October 9, 2000” for resolution by the Ohio Commission.
37. On October 10, 2000, the collaborating parties filed a Second Joint Progress Report. The parties attached to the report a proposed Master Test Plan, Version 1.3, the Texas baseline Performance Measurements, as amended by agreement in the collaborative, and the corresponding Remedy Plan based on the Texas remedy plan, as required by the Ohio Commissions approval of the February 23 stipulation in PUCO Case No. 98-1082-TP-AMT. Many of the amendments dealt with reporting and performance standards for advanced services. These changes were consistent with those adopted in similar performance measurement reviews held in the spring and summer of 2000 before the Texas PUC, whose resulting measurements (*i.e.*, SWBT Version 1.7) were adopted by the state commissions in Texas, Kansas, Missouri and Oklahoma and then relied on by

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the FCC in its *Kansas/Oklahoma 271 Order*. Several new performance measures were added in this phase of the collaborative. They are listed on Attachment A as measure numbers 1.2, 5.1, 6.1, 55.2, 94.1, 104.1 and WI 1-9. The parties also agreed to eliminate three measures (nos. 84-86) related to operator services and directory assistance, on the grounds that the other measures for those services were deemed sufficient. Also on October 10, 2000, certain CLECs petitioned the Ohio Commission for resolution of unresolved performance measure and remedy plan issues. The CLECs raised 16 issues regarding performance measures and also asked that the Ohio Commission adopt a new remedy plan to replace Ameritech Ohio's remedy plan based upon the Texas remedy plan.

38. On January 16, 2001, the parties filed a Joint Motion and Third Joint Progress Report. The Motion indicated that the parties had reached agreement on all performance measure issues identified in the Joint CLEC Petition and asked the Ohio Commission to approve amendment of this petition to account for the resolution of these issues. The parties agreed to add measures 21.1, 24.1, 55.3, 70.1, 70.2, to replace measures WI 4-8 with CLEC W1, 4, 5, 6, 7, 8, 9, and 11, and to modify measures 60 and 61.
39. By Entry dated December 7, 2000, the Ohio Commission ordered that the Master Test Plan, Version 1.3, be adopted as the baseline test plan for third party testing in Ohio. By adopting the Master Test Plan as proposed by the collaborative participants, the Ohio Commission authorized the Test manager to use, at the commencement of the test, the most current version of the performance metrics agreed to by the collaborative and any additional measures otherwise approved by the Commission. See Master Test Plan at 15, III.F.1.3. Those performance metrics are listed on Attachment A.

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40. The Ohio Commission granted the CLECs' motion to amend their October 10, 2000 Petition on January 25, 2001. Among the issues remaining in dispute were Issue 16 (Performance Measure Remedy Plan) and Issue 17 (Special Access Services). The Commission has not yet rendered a decision on special access and the parties remain in dispute even though just recently the FCC held once again that "...the provision of interstate access services is not a checklist compliance item." Connecticut 271 Order, ¶ 50, note 116.
41. On June 8, 2001, Ameritech and the CLECs filed a Joint Motion for Approval of Amended Performance Measurements, which sought approval from the Ohio Commission of amendments to Performance Measures 1, 2, 4, 55.2, 114.1, 115.1, and 115.2. Performance Measures 1, 2, and 4 were amended to include additional disaggregation levels to reflect the March 2001, Ordering and Pre-Ordering release making the performance measures consistent with the comparable performance measures developed for Texas, Version 1.7. Performance Measures 55.2, 114.1, 115.1, and 115.2 were amended to include disaggregations for the Frame Due Time ("FDT") process, which was deployed June 18, 2001. These amendments were submitted to the Ohio Commission as required by the approved Master Test Plan.

### **SUMMARY OF AMERITECH'S CURRENT PERFORMANCE MEASURES**

42. As a result of the collaborative proceedings, Ameritech's performance measurement plan consists of over 160 performance measurements. The User Guide document (Attachment A) provides the detailed definitions and rules for these measurements. There can be no legitimate dispute that these measurements adequately capture Ameritech's wholesale performance for Ohio CLECs - the core measures developed as a consequence of the

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Texas collaboratives have been relied on by the FCC in granting prior 271 relief and have also been adopted for use in several states. The only material differences are the enhancements represented by additional state-specific measures.

43. Consistent with the *SWBT Texas Order* (§94), Ameritech's performance measurements address "each of the three modes of competitive entry envisioned by the 1996 Act - competitor-owned facilities, unbundled network elements, and resale", along with several other checklist items. So that Ameritech, the Ohio Commission, the FCC, and requesting carriers can better assess Ameritech's performance, Ameritech reports transactions applicable to each checklist item separately as appropriate. In many cases, Ameritech provides a separate performance measurement: For example, Ameritech has separate measurements for the average time it takes to install resale POTS (Performance Measure 27), unbundled network elements (Performance Measure 55), and interconnection trunks for competitor-owned facilities (Performance Measure 78). In other cases, Ameritech provides a single performance measure, but divides that measure into separate categories or "disaggregations". For example, Performance Measure 5, which addresses the time it takes Ameritech to acknowledge receipt of a valid order with a Firm Order Confirmation, has separate categories for resale, unbundled network elements, and interconnection trunks. As you would expect, most of the measurements for a given checklist item are similar to measurements for other checklist items.

44. Many of Ameritech's performance measures are further divided into reporting categories for different product and service types within each checklist item, and for different geographic locations within Ohio. For example, the Average Installation Interval for unbundled network elements (Performance Measure 55), which measures the average

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days to complete a requesting carrier's orders, is calculated separately for different elements and types of elements (*e.g.*, 2-wire analog loops, 4-wire digital loops, unbundled local switching) to provide a more refined and informative presentation. In all, Ameritech's performance measures comprise almost 1,800 reporting categories for wholesale products and services, in 163 performance measures.

45. Attachment A contains a detailed description of the calculation and measurement categories for each performance measure. It also describes the applicable "business rules" or definitions for the measurement calculation (*e.g.*, when the measurement "clock" starts and stops), and for any transactions that are excluded from the calculation. As the FCC has noted, clearly articulated business rules help "ensure that the reporting mechanism provides a benchmark against which new entrants and regulators can measure performance over time to detect and correct any degradation of service rendered to new entrants." *Bell Atlantic New York Order* (§ 438).
46. Nearly identical performance measures have been approved other state commissions in the Ameritech region and very similar sets by the FCC (in Texas, Oklahoma, and Kansas).

## **FCC APPROVAL**

47. As noted above, when the FCC approved SWBT's application to provide long-distance service in Texas, it specifically noted that "the Texas Commission . . . developed clearly defined performance measurements and standards." *SWBT Texas Order* (§ 3). The FCC similarly endorsed SWBT's performance measures in Kansas and Oklahoma (which carried forward changes implemented pursuant to the Texas PUC's six-month

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performance measurements review) “a broad range of clearly defined performance measures and standards.” *Kansas/Oklahoma 271 Order* (§ 3). These SWBT measurements and standards served as the model for Ameritech’s current performance measurement system. The performance measurements and standards used in Ameritech’s Version 1.6\_012501 are in part based on and correspond to Version 1.7 of the SWBT plan, which is the basis of the measurements currently in use in Texas, Kansas and Oklahoma.

48. Further, the FCC approved a subset (36 measures) of Ameritech’s measures in connection with its review of the SBC/Ameritech merger, which closed on October 8, 1999. Ameritech agreed to implement and produce two months of data on 23 measures within 90 days of the merger closing date, throughout the five-state Ameritech region. Then, within 150 days of the closing date, Ameritech agreed to implement and provide two months of data on 13 additional measures. The FCC’s merger conditions contain a detailed explanation of each of the FCC-approved measures, including measurement definitions, calculations, and business rules. These rules can be accessed on Appendix C, Attachment A of the SBC Ameritech Merger Order, available on the FCC’s Internet site at [http://www.fcc.gov/Bureaus/Common\\_Carrier/Orders/1999/fc99279c.doc](http://www.fcc.gov/Bureaus/Common_Carrier/Orders/1999/fc99279c.doc).
49. Ameritech has completed its implementation of the FCC-approved measures. The FCC subsequently has required that modifications be made for most of these measurements based on Texas Version 1.7, and implemented throughout the Ameritech region for merger performance measurement compliance purposes.

**AMERITECH'S COMMITMENT TO CONTINUOUS IMPROVEMENT**

50. As is apparent from the above discussion of the development of Ameritech's performance system, performance measurement is an ongoing and continuously developing process. The local telecommunications market is dynamic, so the products and services offered by Ameritech (and the business needs of requesting carriers) change over time. Ameritech, with the input of the Ohio Commission, the FCC, and requesting carriers in the collaborative process, has developed a performance measurement system that fits the current mix of products and services, and demonstrates Ameritech's compliance with the competitive checklist. Ameritech has also made a commitment to ongoing improvement of that plan to keep pace with business and regulatory developments.
51. Ameritech has committed to ongoing reviews, to take place every six months, with competing carriers as a group. This six-month review process is similar to that used by SWBT. The first of these six-month reviews began on June 5, 2001 and is currently in progress. In addition, Ameritech's account team members continue to meet with carrier representatives on an ongoing basis to discuss performance results, along with any concerns with respect to performance measurement and reporting. Ameritech anticipates that its measurements will evolve to take into account developments in the Ohio telecommunications industry. Ameritech will thus continue to refine its performance measurement system (to add new measurements, to delete unnecessary measurements, to break out additional measurement categories in existing measurements, and to modify performance standards/benchmarks) so that it keeps current with business and regulatory developments, and so that it continues to strike a good balance between the benefit of additional performance data and the cost of obtaining that data.

**AMERITECH'S PERFORMANCE MEASUREMENT PLAN ADDRESSES EACH OF THE PERTINENT SECTION 271 COMPETITIVE CHECKLIST ITEMS**

**CHECKLIST ITEM 1 - INTERCONNECTION**

52. Section 271(c)(2)(B)(i) of the Act requires a section 271 applicant to provide “[i]nterconnection in accordance with the requirements of sections 251(c)(2) and 252(d)(1).” In turn, section 251(c)(2) requires an incumbent LEC to provide interconnection (1) “at any technically feasible point within the carrier’s network”; (2) that is “at least equal in quality to that provided by the local exchange carrier to itself”; and (3) “on rates, terms, and conditions that are just, reasonable, and nondiscriminatory, in accordance with the terms of the agreement and the requirements of [section 251] and section 252.”
53. The separate affidavits of Messrs. Alexander and Deere describe the methods by which Ameritech provides interconnection “at any technically feasible point,” and Ameritech’s corresponding contractual obligations.

**Interconnection That Is “At Least Equal in Quality”**

54. With regard to the second element, interconnection that is “at least equal in quality,” the FCC’s rules require Ameritech to meet “the same technical criteria and service standards” that are used for its own interoffice trunks. *Bell Atlantic New York Order* (¶ 64). The FCC looks to “trunk group blockage and transmission standards” to assess compliance with these criteria. *Id.*
55. **Call Blockage** (Performance Measures 70 and 70.1). Ameritech’s principal measurement for interconnection performance is the rate of blockage on call attempts

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from Ameritech customers that are to be routed to and terminated on CLEC networks, as compared to the blockage rate for traffic that both originates and terminates on Ameritech facilities. This appears as Performance Measure number 70 on Attachments A and B. A call attempt is “blocked” when a customer is unable to complete a call on that attempt due to network congestion.

56. The call blockage measure represents a significant improvement over the trunk blockage statistics reviewed in connection with Ameritech’s 1997 application under section 271. Trunk blockage reports are not designed to measure overall service quality, but rather to assess the effectiveness of one network component (a trunk group) in supporting network engineering objectives. For this reason, trunk blockage reports do not track calls to their ultimate destination to determine if they were completed. Moreover, trunk blockage reports do not and reasonably cannot reflect the actual volume of traffic involved, nor do they reflect traffic handled during non-busy hours of the day.
57. Call blockage rates reflect the actual volume of calls that are being completed for both interconnection facilities and retail interoffice facilities. Thus, call blockage not only depicts that blockage may be occurring, but also reflects the actual volume and source of traffic that is affected. The call blockage rate also adjusts for calls that are re-routed and successfully completed over other facilities. Further, call blockage captures all traffic of all carriers during all hours of the day during the study period.
58. Ameritech reports this data separately for trunks that connect end offices and for trunks that connect tandem offices to end offices. However, call blockage does not occur in trunks that connect end offices, because end office trunks are designed to overflow to

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tandem trunk groups if end-office trunks are not available. Ameritech supplements this measure with Performance Measure 70.1, Trunk Blocking Exclusions, which lists for diagnostic purposes those items excluded from the call blockage measurement count. This measurement originated in the Texas 6-month review.

59. The FCC has also endorsed the call blockage measure in the SBC Ameritech merger order, in FCC Performance Measure 15. And in its *SWBT Texas Order* (§ 67), the FCC relied upon “call blockage” data in finding that SWBT satisfied the “equal-in-quality” requirement for interconnection.
60. **Trunk Blockage** (Performance Measures 70.2, 71 and 72). In addition to the measure of call blockage, Ameritech also reports trunk blockage, specifically the rate of common transport trunk groups that experience trunk blockage in excess of 2 percent (Performance Measure 71), along with the rate of blockage experienced in those trunk groups, to show how close or how far the trunk groups are from the 2 percent threshold (Performance Measure 72). Like the call blockage measure above, the Performance Measure for common transport blockage has been approved by the FCC (FCC Performance Measure 20). Further, Ameritech agreed to add a measurement that originated in the Illinois collaborative sessions and measures the percent of trunk blockage based on trunk groups (Performance Measure 70.2).

### **Terms and Conditions That Are “Just, Reasonable and Nondiscriminatory”**

61. The FCC has said the requirement of “just, reasonable, and nondiscriminatory” terms and conditions “means that an incumbent LEC must provide interconnection to a competitor in a manner no less efficient than the way in which the incumbent LEC provides the

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comparable function to its own retail operations.” *Bell Atlantic New York Order* (¶ 65).

In assessing checklist compliance, the FCC looks to the time involved in provisioning interconnection, in repairing “troubles” that affect interconnection trunks, and in processing and provisioning requests for collocation space. *Id.* ¶¶ 65-66. *See also SWBT Texas Order* (¶¶ 63-64).

### **Interconnection Provisioning**

62. **Average Installation Interval** (Performance Measure 78). Performance Measure 78 computes the average interval, in days, for installation of interconnection trunks. Consistent with the *SWBT Texas Order* (¶ 71), data for requesting carriers is evaluated against a 20-day benchmark established in the Texas collaborative. However, Ameritech reports the installation interval for trunks used for 911 access (Checklist Item 7) in a separate measurement category. Ameritech also has separate categories for SS-7 links and operator services/directory assistance trunks.
63. **Missed Due Dates** (Performance Measures 73 and 75). Performance Measure 73 computes the percentage of orders completed after the due date, where the reason for delay is attributable to Ameritech. Comparative data are provided for wholesale and Ameritech interoffice facility trunks.
64. Performance Measure 75 supplements this measure by computing the percentage of orders that are completed more than 30 days after the due date. This helps the reader assess the length, not just the rate, of delays in provisioning interconnection trunks. It also helps the reader determine whether the average length of delay (described in the next paragraph) is skewed by a few older orders.

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65. **Average Delay Days** (Performance Measure 74). For those orders that are not completed until after the due date, Performance Measure 74 computes the Average Delay Days (the average number of days beyond the due date required to complete past-due orders) for delays attributable to Ameritech.
66. The FCC has endorsed the performance metrics of Bell Atlantic and of SWBT, which both use the Average Delay Days measure described here. *Bell Atlantic New York Order* (§ 196 n.627); *SWBT Texas Order* (§ 73). In addition, the FCC approved the Average Delay Days measures in its SBC-Ameritech merger conditions.
67. This paragraph intentionally left blank
68. **Call Attempts Blocked** (Performance Measure 70). In addition to the three measures of installation timeliness above, any material, service-affecting delays in provisioning trunks would lead to blockage of call attempts between the parties' networks and would thus be captured in a *fourth* measure: the measure of Call Attempts Blocked, described in the preceding section.

### **Interconnection Repair**

69. **Average Trunk Restoration Interval** (Performance Measures 76 and 77). The purpose of these measurements is to allow a CLEC to assess whether the interconnection trunks between its network and Ameritech's network are repaired in a time frame comparable to Ameritech's own interoffice trunks. There are separate calculations for service affecting trunk groups (Performance Measure 77) and interconnection trunks generally (Performance Measure 76). The benchmark interval for restoring service-affecting trunk groups is 1 hour for tandem trunks, 2 hours for all other trunks. The benchmark for

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interconnection trunks is nondiscrimination. Performance Measure 77 has been approved by the FCC (FCC Performance Measure 14) in connection with the SBC-Ameritech merger.

70. **Call Attempts Blocked** (Performance Measure 70). In addition to the measure of timeliness, any material, service-affecting delays in repairing trunks would lead to blockage of call attempts between the parties' networks and would thus be captured in the measure of Call Attempts Blocked, described above.

### Collocation

71. **Percentage of Requests Processed Within Established Timelines** (Performance Measure 109). Performance Measure 109 calculates the percentage of physical collocation requests that are processed within tariff timelines. This calculation also includes virtual collocations and collocation additions to provide a more informative and comprehensive measure. The FCC relied upon data for this performance measurement, along with the two other collocation measurements described in this section, when it concluded that SWBT "has demonstrated that its collocation offering in Texas satisfies the requirements of sections 271 and 251 of the Act." *SWBT Texas Order* (§ 73).
72. **Percentage of Missed Collocation Due Dates** (Performance Measures 107-108). Performance Measure 107 determines the percentage of firm collocation orders not completed by the committed due date. The FCC has approved this measure (FCC Performance Measure 17) in its merger conditions and in the *SWBT Texas Order* (§ 73)
73. To supplement this measure, Performance Measure 108 measures the "Average Delay Days" (the average number of days that past-due orders remain past due before being

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completed) for past-due collocation arrangements. This is similar to the “Average Delay Days” measure I described above for interconnection trunks (Performance Measure 74). The FCC relied upon performance data for this measure in its *SWBT Texas Order* (§ 73).

74. **Average Time to Provide a Collocation Arrangement** (Performance Measure MI-4).

This measurement assesses the time from receipt of a firm collocation order to the date that Ameritech provides notice informing the CLEC that collocation work is complete.

This measure was required as a result of the collaborative process that occurred in Michigan, and goes beyond the performance measurements developed in the Texas collaborative.

### **CHECKLIST ITEM 2 - ACCESS TO NETWORK ELEMENTS:**

#### **Operations Support Systems (OSS)**

75. “Operations support systems” are the systems, databases, and personnel that an incumbent LEC uses to serve its customers. *SWBT Texas Order* (§ 92). The FCC has held that an incumbent LEC must provide requesting carriers with access to its OSS, both as part of its duty to provide access to unbundled network elements (Checklist Item 2), and its duty to offer resale services without discriminatory or unreasonable conditions or limitations (Checklist Item 14). *Id.* § 93. Further, access to OSS affects compliance with other checklist items. *Id.*

76. Several other affidavits discuss the details of electronic and manual processes related to OSS: Mr. Cottrell describes the various electronic systems and interfaces offered by Ameritech; Mr. Brown describes manual processes in the Local Service Center and Local Operations Center; Mr. Foster describes processes relating to high-capacity services; and

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Ms. Kagan describes processes related to billing. Performance measurements, meanwhile, demonstrate the results of actual commercial usage of OSS by requesting carriers, which the FCC considers “[t]he most probative evidence that OSS functions are operationally ready.” *Id.* ¶ 98. As I show below, Ameritech’s performance measures address all five of the OSS functions identified by the FCC — pre-ordering, ordering, provisioning, maintenance, and billing — and provide additional general information as to OSS availability and performance. Further, these measures address all three methods of competitive entry described in the 1996 Act: (1) interconnection, (2) unbundled network elements, and (3) resale.

### Pre-Ordering

77. **Average Response Time** (Performance Measures 1, 2 and 57). Pre-ordering refers to the process by which CLEC and Ameritech retail customer representatives alike obtain information to place an order. There are three Performance Measures that address the speed at which Ameritech’s systems respond to pre-ordering inquiries.
  
78. Performance Measure number 1 computes the Average Response Time for OSS Pre-Order Interfaces. The average response time experienced by CLEC representatives is compared to a benchmark established through the Texas collaborative process and measured to the tenth of a second: for example, 4.5 seconds for requests for telephone numbers, 4.7 seconds for address verification, and 6.6 seconds for customer service records. These intervals were demonstrated to be nondiscriminatory based on the analysis performed in the Texas collaborative proceedings. In its *SWBT Texas Order* (¶ 162), the FCC “accept[ed] the Texas Commission’s determination regarding these time intervals, which were established with input from competing carriers, and conclude[d]

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that performance satisfying these benchmarks would provide competing carriers a meaningful opportunity to compete.” *See also Kansas/Oklahoma 271 Order* (§ 134). Further, the FCC approved this measure, and the associated benchmarks, in its merger conditions (FCC Performance Measurement 2).

79. Supplementing the “average response time” measure, Performance Measure 2 measures the percentage of pre-order responses received within specified time intervals. For each type of pre-order inquiry, Performance Measure 2 sets two benchmark intervals: the first for processing 90 percent of responses, and the second for processing 95 percent. Note that these benchmark intervals differ from the benchmark intervals for the average response time discussed above. This is because the expected average response time will, almost by definition, be lower than the response time within which 90 or 95 percent of all inquiries are processed.
80. Performance Measure 57 addresses the response time for manually processed inquiries related to “make-up” information, which is pertinent to ordering unbundled loops for Digital Subscriber Line services. I discuss Performance Measure 57 in more detail under Checklist Item 4 (unbundled loops) below.
81. **Percent Time-out Transactions** (Performance Measure MI-10). Above and beyond the pre-ordering measurements that were approved by the Texas Commission and the FCC, Ameritech has agreed to report two new measurements. The first, Performance Measure MI-10, measures the percentage of pre-order inquiries that are “timed out”: that is, returned to the requesting carrier without a response. (Like many software applications, Ameritech’s pre-ordering interface is programmed to return CLEC inquiries if no

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response is received within a specified interval, typically two minutes, so that the requesting carrier can re-submit its request promptly.) There is no benchmark at present for this measure; rather, it is a “diagnostic” measurement, which the parties can review to identify potential areas for discussion and future improvement.

82. **Rejected Queries** (Performance Measure MI-16). This performance measure calculates the percentage of pre- order queries that are rejected. Rejections that are attributable to the requesting carrier (*i.e.*, because the data input by the requesting carrier is incorrect) are excluded, as Ameritech is not responsible for the errors of requesting carriers. Rather, the purpose of this measurement is to identify potential problems, if any, with Ameritech’s pre-ordering interfaces. At present, this is also a diagnostic measurement.

### Ordering

83. Requesting carriers submit orders electronically, through a batch processing interface or gateway, which uses standard Electronic Data Interchange (“EDI”) formats. Carriers may also submit orders via a Graphical User Interface, similar to the LEX system used in the SWBT region. Some carriers submit orders manually, for example by facsimile.
84. Ameritech’s order interface and service representatives check orders for format and content. Orders that are improperly formatted, or that do not contain necessary data, are returned to the requesting carrier with a rejection notice. Once a properly formatted order passes the edit checks in the ordering interface, Ameritech provides the requesting carrier with a notice confirming the receipt of a firm order. This notice is commonly referred to as a “Firm Order Confirmation” or “FOC.”

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85. During the course of provisioning orders, Ameritech sends “jeopardy notices” if a situation arises that might cause Ameritech to miss the installation date quoted on the FOC. Upon completion of the order, Ameritech sends an electronic completion notice to the requesting carrier via the EDI gateway. Ameritech also sends a “loss notification” to the end user’s previous carrier, if that carrier is not Ameritech.
86. The measures described in this section address the speed at which Ameritech issues the above order status notices, along with certain measures that address the quality of carrier orders and order processing. I discuss performance measures related to the actual provisioning of carrier orders in the next section.
87. As I describe below, all of these status notices are unique to the wholesale environment. They reflect the fact that requesting carriers, unlike retail personnel, access Ameritech’s systems through standard interfaces. These interfaces allow requesting carriers to use standard formats, instead of having to specially train personnel and redesign systems to interact with Ameritech’s unique legacy systems (and also to interact with the different systems of other regional BOCs). Thus, the benchmarks for these measures are not based on a direct “parity” test (because there is no direct retail analogue) but are designed to afford efficient competitors a meaningful opportunity to compete.

### *Timeliness of Order Status Notices*

88. **Rejection Notices** (Performance Measures 10, 10.1, 10.2, 10.3, 11, 11.1, 11.2, and 95). The purpose of these measurements is to assess the amount of time it takes Ameritech to notify the competing carrier that an order has been rejected, so that the CLEC may correct that order. In its *Bell Atlantic New York Order*, the FCC affirmed the New York

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commission's conclusion that "there are no retail analogues" for this ordering function. *Bell Atlantic New York Order* (§ 160 n.490). Thus, as the FCC reiterated in its *SWBT Texas Order* (§§ 170, 174), and in its *Kansas/Oklahoma 271 Order* (§ 141), the relevant test is whether Ameritech provides rejection notices quickly enough to allow an efficient competitor a meaningful opportunity to compete.

89. Eight Performance Measures address this objective. First, Ameritech calculates the overall average interval in which it returns rejection notices. Ameritech's performance measures provide for separate reporting of this average interval for manual and electronic processes, to reflect the inherent differences in speed between such processes. Performance Measure 11 assesses the overall Mean Time to Return Mechanized Rejects for orders that are rejected automatically by Ameritech's electronic systems. Performance Measure 11.1 calculates the mean interval for orders that are submitted electronically but rejected manually, *i.e.* upon review by an Ameritech service representative. Performance Measure 11.2, meanwhile, measures the mean interval for orders that are submitted manually and reviewed and rejected manually. And Performance Measure 95 calculates the average interval that applies to orders for long-term number portability ("LNP"), a separate checklist item (Checklist Item 11) that I describe below.
90. In addition to the measures of the overall average interval described in the preceding paragraph, Performance Measures 10.1, 10.2 and 10.3 compute the percentage of mechanized rejections returned within a "benchmark" interval. Performance Measure 10.1 calculates the percentage of electronically-submitted/electronically-rejected orders returned within one hour of receipt measured against a benchmark of 97 percent.

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Performance Measure 10.2 calculates the percentage of electronically-submitted/manually-rejected orders returned within five hours of receipt, again with a benchmark of 97 percent. And Performance Measure 10.3 reports the percentage of manually-submitted/manually-rejected orders returned within five hours, also with a benchmark of 97 percent.

91. Finally, Performance Measure 10 focuses on a subset of the overall interval for processing rejections: the time required to transmit notice of rejection to the requesting carrier, once Ameritech has determined that the order should be rejected. This differs from the previous measures, because those measures include the time involved in identifying the error in the requesting carrier's order. It measures the percentage of rejections issued within one hour of the time that Ameritech finds that the order should be rejected. The benchmark is set at 97 percent of rejections within one hour. This measure provides additional information that can be used to analyze any potential problems suggested by the overall rejection notice interval (Performance Measures 10.1-10.3): for example, it might indicate whether or not there is a problem in the electronic gateway that Ameritech uses to transmit rejection notices.
92. In its *SWBT Texas Order* (¶¶ 174-175), and *Kansas/Oklahoma 271 Order* (¶¶ 141-142), the FCC reviewed benchmarks identical to those used by Ameritech, and found them sufficient to allow competing LECs a meaningful opportunity to compete. Further, Ameritech's benchmarks are more stringent than those found sufficient and "strict" by the FCC in its *Bell Atlantic New York Order*. There, the benchmarks specified that Bell Atlantic would provide 95 percent of mechanized rejection notices within two hours of submission (as compared to Ameritech's standard of 97 percent within one hour), and 95

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percent of manually processed rejection notices under ten lines within 24 hours of submission (as compared to Ameritech's benchmark of 97 percent within 5 hours). *Bell Atlantic New York Order* (§§ 160 and 180).

93. **Firm Order Confirmations** (Performance Measures 5-6, 94 and 94.1). The purpose of the measurements described here is to assess the amount of time Ameritech takes to send Firm Order Confirmations or "FOCs" to the requesting carrier. As with the rejection notices described above, the FCC's *Bell Atlantic New York Order* upheld the New York commission's conclusion that "there are no retail analogues" for order confirmations, and found that benchmarks "established in a collaborative proceeding" provide a sufficient basis for assessing performance. *Bell Atlantic New York Order*, (§ 160 n.490). *See also SWBT Texas Order* (§171 n.460) ("In this instance, as in the *Bell Atlantic New York Order*, we are not presented with a retail analogue for order confirmation notices, and thus assess whether the process and performance offered by the applicant enables an efficient competitor a meaningful opportunity to compete."); *Kansas Oklahoma 271 Order* (§ 137 n.376).

94. Performance Measure 5 measures the percentage of FOCs returned within the following benchmark intervals:

- 95 percent within 2 hours for electronic FOCs (for example, resale, residential, business) on orders that flow through Ameritech's interface (I discuss flow-through below);
- 95 percent within 5 hours for electronic FOCs (for example, resale, residential, business) on orders that do not flow through;
- 95 percent within 24 hours for manual orders, and for certain orders, such as complex business resale orders of 1-200 lines; and

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- 95 percent within 48 hours for certain orders, including complex business resale orders greater than 200 lines.
95. The FCC approved Performance Measure 5 and the associated benchmarks, in connection with its approval of the SBC-Ameritech merger and in approving SWBT’s long-distance applications for Texas (*SWBT Texas Order* (¶¶ 171-172)) and Kansas and Oklahoma (*Kansas/Oklahoma 271 Order* (¶ 138)). Further, Ameritech’s benchmarks are consistent with those found “reasonable” by the FCC in its *Bell Atlantic New York Order*. The New York benchmarks required Bell Atlantic to provide 95 percent of mechanized confirmation notices within two hours of submission (the same benchmark Ameritech uses for orders that flow through, and only slightly shorter than Ameritech’s five-hour standard for orders that do not flow through), and 95 percent of manually processed confirmation notices under ten lines within 24 hours of submission (which is more lenient than Ameritech’s benchmark of 95 percent within 24 hours for orders under 200 lines). *Bell Atlantic New York Order* (¶¶ 160 and 180).
96. Performance Measure 94 provides this same type information for LNP orders and LNP with a Loop. Benchmarks are similarly set at levels from 5 to 48 hours.
97. Performance Measure 5.1 calculates the percentage of FOCs returned within benchmark intervals for orders for Digital Subscriber Line (“DSL”) services.
98. Performance Measure 6 calculates the overall average time to return FOCs, with separate reporting by product or service type (including resale POTS and complex business orders). Performance Measure 6.1 provides the same calculation for DSL orders and 94.1 provides this information for LNP and LNP with Loop orders.

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99. Performance Measure 5.2 calculates the number of Unsolicited FOCs by reason code. Unsolicited FOCs are those which are initiated by Ameritech without action by the CLEC in situations when Ameritech modifies information on an order. This measurement is diagnostic, as it is intended to monitor these processes to ensure proper processing on Ameritech's part.
100. **Jeopardy Notices** (Performance Measures MI-1 and MI-2). After inputting an order, Ameritech's retail service representatives can inquire as to its status by calling Ameritech's network personnel. If the retail representative makes such an inquiry, he or she would learn if there is any condition in scheduling that might place Ameritech in "jeopardy" of missing the order due date. Representatives of requesting carriers can access the same functions, and obtain the same information, either by calling Ameritech's service center or by using the Voice Response Unit there.
101. In addition, Ameritech takes the affirmative step of issuing "jeopardy" notices to competing carriers through the electronic ordering interface. This occurs four times each day. However, Ameritech's network personnel often resolve the jeopardy without having to miss or reschedule the due date. Thus, even where a jeopardy notice is issued, it does not mean that Ameritech has given up on resolving the problem, nor does it necessarily mean that the due date will be missed. All it means is that there is a reasonable possibility the due date will be missed.
102. In some cases, Ameritech determines that the due date will not be met and issues a revised FOC to inform the CLEC of the issue and of the revised due date. By agreement

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with CLECs participating in the Michigan and Ohio collaboratives, these FOCs are counted as jeopardy notices in all of the Ameritech states.

103. These jeopardy notices are issued only to CLECs -- Ameritech's retail representatives *do not* receive a jeopardy notice and *do not* even know of a jeopardy unless they inquire as to the order's status.
104. Ameritech reports two measures designed to assess the rate and timeliness of jeopardy notices on CLEC orders: the percentage of jeopardy notices issued within 24 hours of the due date, and the overall percentage of orders receiving jeopardy notices. The performance measures developed in the Texas collaborative did not initially address the timeliness of jeopardy notices. Ameritech, however, still reports the measures for wholesale orders. These measures appear on Attachment A as Performance Measures MI-1 and MI-2.
105. Keep in mind, however, that Ameritech's active issuance of jeopardy notices, and thus the related performance measures on such notices, go above and beyond the performance data required by the FCC in assessing checklist compliance. As described above, the FCC approved SWBT's long-distance application in Texas, even though SWBT's performance measures did not address jeopardy notices. Further, the FCC held that Bell Atlantic had provided nondiscriminatory access to its OSS, even though competitors alleged that Bell Atlantic was not even providing them with jeopardy notices, because Bell Atlantic (like Ameritech) allows requesting carriers to inquire as to order status and thus learn if there is any "jeopardy" of missing the due date. *Bell Atlantic New York Order* (¶ 185). As the FCC explained, Bell Atlantic provides nondiscriminatory access

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“because it allows competing carriers to access order status and ‘jeopardy’ information, to the extent that it is available, in substantially the same time and manner as Bell Atlantic’s retail operations can access such information.” *Id.* Thus, the rate and speed at which Bell Atlantic provided *active* jeopardy notices was irrelevant (in fact, the FCC found that Bell Atlantic had satisfied the long- distance checklist even though it did not actively provide jeopardy notices at all for most orders). *Id.* In the FCC’s words, “we do not require Bell Atlantic to establish a system for creating and delivering jeopardy notifications to competing carriers that is superior to the system Bell Atlantic has for its own retail representatives or customers.” *Id.*

106. **Completion Notices** (Performance Measures 7, 7.1, 8, and MI-12.) When Ameritech’s field personnel finish the work involved in provisioning an order (for an Ameritech end user or for a requesting carrier), they update the applicable work force scheduling systems. These systems send updates in batches to the electronic ordering and provisioning systems. After the update is processed, the order is registered as “complete” (via the order status designation “3C”) in Ameritech’s electronic systems. For orders placed by requesting carriers, Ameritech issues a mechanized notice of completion to the requesting carrier via the EDI gateway.
107. Ameritech does not provide completion notices to its own retail representatives, who must instead take steps on their own to access Ameritech’s electronic systems and determine order status. Accordingly, Ameritech measures its wholesale performance against benchmarks established in the Texas collaborative proceeding, which are sufficient to allow an efficient competitor a meaningful opportunity to compete. The *SWBT Texas Order* (¶ 187) “accept[ed] the Texas Commission’s approach.” The use of a

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benchmark is also consistent with the *Bell Atlantic New York Order* (§ 187 n. 591), in which the FCC upheld the state commission’s finding that “order completion notification lacks a retail analogue.”

108. Performance Measure 7.1 computes the percentage of completion notices returned within one day of the completion of physical work. The benchmark is 97 percent. The FCC found that this standard “allows competing LECs a reasonable opportunity to compete.” *SWBT Texas Order* (§ 188) *Kansas/Oklahoma 271 Order* (§ 150). Moreover, the FCC has approved Performance Measure 7.1 in its merger conditions (FCC Performance Measure 4d). Finally, the one-day benchmark is consistent with the *Bell Atlantic New York Order*, which approved Bell Atlantic’s benchmark (95 percent by noon the next day following work completion) as “a reasonable and appropriate measure of work completion notification timeliness.” *Bell Atlantic New York Order* (§ 190).
109. Performance Measure 8 measures the overall average interval between the time an order is registered as complete in Ameritech’s electronic systems and the time Ameritech issues a completion notice for that order. Meanwhile, Performance Measure 7 calculates the percentage of completion notices issued within 1 hour of completion in Ameritech’s ordering and provisioning systems. The benchmark rate is 97 percent within 1 hour.
110. This benchmark is comparable to Bell Atlantic’s standard of 95 percent of notices by noon of the next business day following completion in Bell Atlantic’s billing systems, which the FCC found “to be a reasonable and appropriate measure of whether Bell Atlantic provides timely notification that a service order has been recorded as complete in Bell Atlantic’s billing systems.” *Bell Atlantic New York Order* (§ 189). If anything,

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Ameritech's benchmark is more strict, because Ameritech uses a one-hour benchmark from the time the order is fully processed and deemed complete by Ameritech Service Order Negotiation ("ASON"), the electronic system that coordinates order provisioning. Bell Atlantic, on the other hand, measures the time from *billing* completion to the completion notice. Billing completion is the time that the order passes through the various downstream billing systems and updates the customer database. Billing completion occurs after the order is processed by the ordering and provisioning systems; thus, Ameritech starts the one-hour clock earlier in the process.

111. To supplement the measures of work completion and electronic completion described above, Ameritech provides information regarding the speed of update for Ameritech's billing systems. As wholesale and retail orders alike are posted for update, these billing systems perform a series of edit checks, which verify information such as the customer's billing address. Performance Measure MI-12 determines the time Ameritech takes to clear exceptions noted in the billing update process. Wholesale performance is compared to retail. CLECs have agreed to this proposal in the Michigan collaborative, and it was adopted in each of the Ameritech states.
112. **Loss Notifications** (Performance Measure MI-13). In many cases, the orders processed by the above procedure are designed to transfer an end user's local telecommunications service from Ameritech to a competing LEC. As competition for local service continues to grow in Ohio, an increasing number of end users move their local service business from one competing LEC (the "losing carrier") to a second competing LEC (the "new carrier"). In that case, upon completion of the order, Ameritech sends the losing carrier a

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“loss notification” to inform it that the customer has moved to another competing LEC.

The losing carrier can then arrange to stop billing the end user.

113. Performance Measure MI-13 determines the percentage of loss notifications issued to the losing carrier within one hour after the related completion notice is sent to the new carrier. The benchmark is 95 percent within one hour. Ameritech agreed to develop and report this measure in the course of the Michigan collaborative proceedings and subsequently implemented this measurement in each of the Ameritech states.

### Order Quality

114. **Order Flow Through** (Performance Measures 13 and 13.1.) The term “flow through” is used to describe CLEC orders that pass through Ameritech’s ordering interface, and into Ameritech’s “back office” or “legacy” provisioning systems, *without* a need for manual intervention. Certain orders, typically complex ones, are not designed to flow all the way into and through the legacy systems from the electronic interface. Certain other order types are designed to flow through, but nevertheless all of them do not flow all the way through for some reason (for example, because the requesting carrier prepared the order incorrectly). For orders that do not flow through, an Ameritech service representative reviews the order, determines the reason or reasons it did not flow through, and then keys part or all of the order directly into the legacy systems.
115. **Order Process Percent Flow Through** (Performance Measure 13) calculates the rate of flow-through for orders that are designed to flow through. The FCC has approved this measure (FCC Performance Measure 3) and relied on the related data in its *SWBT Texas Order* (¶ 180) and *Kansas/Oklahoma 271 Order* (¶¶ 144-145).

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116. The benchmark is based on comparison to Ameritech’s retail operations. Specifically, retail performance is assessed by the percentage of retail orders that are designed to flow through, but go into an error condition after they are entered into Ameritech’s systems. Although this retail statistic does provide a comparative reference, it is not at all a direct or perfect retail analogue. In fact, as the FCC noted in its *Bell Atlantic New York Order* (§ 166 n.511), there is *no* “credible retail analogue” for wholesale flow-through data. As I mentioned above, the term “flow-through” refers to CLEC orders that pass through the electronic interface and the downstream “legacy” systems without need for typing by an Ameritech service representative. By contrast, *no* Ameritech retail orders pass through an interface; rather, *all* Ameritech retail orders are typed by an Ameritech representative. Thus, to use Bell Atlantic’s word, the term “flow-through” is a “misnomer” for retail systems. *Bell Atlantic New York Order* (§ 178 n.561).
117. Performance Measure 13.1 calculates the rate of flow-through with respect to all orders, not just those that are designed to flow through. This is solely a “diagnostic” or informational measure. Certain orders do not flow through, and should not flow through. For instance, manual intervention with respect to certain complex orders is needed to ensure the proper timing and coordination of tasks (such as the numerous possible features and variations of a Centrex system). By design, these orders do not flow through Ameritech’s systems. If CLECs decide, for their own business reasons, to submit orders that are not designed to flow through, and the orders do not flow through, that does not mean there is a problem. To the contrary, lack of flow-through in such circumstances means that the systems are working as designed. Thus, although some CLECs have advocated a “total flow-through” measurement along the lines of Performance Measure

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- 13.1, the FCC has not decided whether this methodology is appropriate. *See SWBT Texas Order* (¶ 180 n.490). And although Ameritech reports such “total flow-through” data for informational purposes, Ameritech maintains that the measurement of orders designed to flow through, as calculated by Performance Measure 13, is more informative.
118. Regardless of which measurement one reviews, it is appropriate to keep flow-through data in context. All orders received electronically are ultimately processed electronically, whether they come from CLECs or from Ameritech’s own retail personnel. While some CLEC orders require manual intervention by Ameritech, that limited intervention does *not* entail end-to-end processing of orders by hand. When a CLEC order does not “flow through,” an Ameritech service representative keys it directly into the downstream provisioning systems — just as Ameritech does for all of its own retail orders. And from that point, the CLEC order is processed in the same way, by the same systems, as a comparable Ameritech retail order.
119. Moreover, the FCC has made clear that flow-through data “are not so much an end in themselves, but rather are a tool used to indicate a wide range of possible deficiencies in a BOC’s OSS.” *Bell Atlantic New York Order* (¶ 162). Thus, a BOC’s “overall ability to return timely order confirmation and rejection notices, accurately process manually handled orders, and scale its systems is more relevant and probative for analyzing [its] ability to provide access to its ordering functions than a simple flow-through analysis.” *Id.*
120. **Rejected Orders** (Performance Measure 9). Performance Measure 9 calculates the rate of CLEC orders that fail to meet edit checks and are returned to the CLEC with a

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rejection notice. This is a diagnostic measure, and thus has no benchmark. Rejections are most often driven by the CLECs themselves, when they submit improper or incomplete orders. Thus, the rate of rejection can often vary widely for different carriers. As a result, this measure primarily relates to CLEC performance errors and Ameritech's ability to detect them. As the FCC found in its *Bell Atlantic New York Order* (§ 183), "this wide variation in individual rates strongly implies that the ability of a competing carrier to submit accurate orders significantly affects the rate at which its orders are rejected." Ameritech should not be held responsible for CLEC errors. Rather, Ameritech's responsibility is to return those errors to the CLEC so that they may be corrected, and that responsibility is addressed by the Average Rejection Notice Interval measures above.

121. The FCC agreed with this analysis in its *SWBT Texas Order*, when it observed (§ 176) that "the Texas Commission did not establish a reject rate standard, and neither has this Commission previously engaged in a parity or direct benchmark analysis of a carrier's overall reject rate." Instead, the FCC has "indicated that we will not hold a BOC accountable for rejects that occur for reasons within a competing LEC's control." *Id.* See also *Kansas/Oklahoma 271 Order*, (§ 145) ("This Commission has not, to date, engaged in a parity or direct benchmark analysis of a carrier's overall reject rate.") For the same reason, Bell Atlantic's performance metrics — which, like the Performance Measures, were developed in a collaborative proceeding, and which were approved by the New York commission and by the FCC — do not set a benchmark for this measure.

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### Provisioning

122. **Average Installation Interval** (Performance Measures 27, 43, 55, 55.1, and 55.2).

These measurements compute the average length of time it takes Ameritech to complete orders for requesting carriers. The FCC urged Ameritech to develop such measurements in its 1997 *Ameritech Michigan 271 Order* (§§ 166, 212). Performance Measure 27 computes the average interval, in days, for installation of resale POTS, while Performance Measure 43 addresses resale specials and combinations of unbundled network elements. I discuss these measures in more detail below in Checklist Item 14, Resale. Meanwhile, Performance Measure 55 covers unbundled network elements, Performance Measure 55.1 addresses DSL loops, and Performance Measure 55.2 addresses orders that request both loops and Long-term Number Portability. All of these calculations exclude orders for which the customer requests installation later than the first available date offered by Ameritech, as specified by the *Ameritech Michigan 271 Order* (§ 170).

123. This paragraph intentionally left blank.

124. This paragraph intentionally left blank.

125. This paragraph intentionally left blank.

126. **Percentage of Installations Completed In Specified Number of Days** (Performance Measures 28, 44 and 56). In addition to the average installation interval, Performance Measures 28, 44 and 56 determine the percentage of installations completed within a pre-set number of business days (for example, 5 business days for resale POTS). This helps the reader assess how many orders are completed within a given period of time, as

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opposed to the average installation interval for all orders (which could be skewed by a few orders that are either way above or below the average). Performance Measure 28 covers the percentage for resale POTS, Performance Measure 44 addresses the percentages for resale specials and combinations of unbundled network elements, and Performance Measure 56 deals with unbundled network elements.

127. **Missed Due Dates** (Performance Measures 29-30, 45, 47, 58 and 60). These measure the percentage of orders completed after the due date, where the reason for delay is attributable to Ameritech. Comparative data are provided for wholesale and any applicable retail analogues, and are broken down into categories by order type, just as is done for the Average Installation Interval.
128. Performance Measures 29, 45, and 58 evaluate the percentage of Missed Due Dates caused by Ameritech. For example, if Ameritech does not have the force to meet the given load of service orders on a particular day, the missed due date is coded by Ameritech as “force and load” miss, attributable to Ameritech. This measure provides insight into the overall percentage of missed due dates that are attributable to Ameritech.
129. In addition, Performance Measures 30, 47, and 60 provide information on the percentage of Missed Due Dates caused by a lack of facilities available to fill the order. For example, Ameritech’s electronic systems might assign facilities to fill an order and confirm a due date predicated on those facilities; subsequently, however, the field technician might find that the assigned facilities require repairs. The previously confirmed due date might then be missed due to the time required to complete the additional work, which was not anticipated at the time the due date was established.

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These measures can provide insight into the cause and duration of any delays in filling orders. The missed due dates addressed by these measures are also included in the above generic measures for missed due dates; they are simply broken out here to facilitate further reference.

130. **Held Order Measurement: Average Delay Days** (Performance Measures 31-32, 34.1, 48-49, 51.1, 61-62, and 64.1). These measures focus on past-due orders and the time it takes to clear them. Performance Measures 31, 48, and 61 measure the “Average Delay Days” (that is, the average number of days beyond the due date required to provision the order) for orders missed due to lack of facilities. Performance Measure 31 addresses resale POTS orders; Performance Measure 48 deals with resale specials (along with certain combinations of unbundled network elements), and Performance Measure 61 covers unbundled network elements. Meanwhile, Performance Measures 32 (resale POTS), 49 (resale specials and certain UNE combinations), and 62 (unbundled network elements) address the Average Delay Days for orders delayed for any reasons that are attributable to Ameritech.
131. The above measures address orders that are completed during the month. Ameritech reports Average Delay Days separately for orders that are canceled during the month, by Performance Measures 34.1 (resale POTS), 51.1 (resale specials and UNE combinations), and 64.1 (unbundled network elements). These would capture situations where provisioning delays lead the requesting carrier to cancel the order. For past-due orders (if any) that are neither completed nor canceled, but remain pending at month-end, Ameritech has committed to review any issues on a carrier-to-carrier, order-by-order basis upon request.

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132. Bell Atlantic's performance metrics, which have been endorsed by the FCC, use the Average Delay Days measure. *Bell Atlantic New York Order* (§ 196 n.627). In addition, the FCC approved the Average Delay Days measure in its SBC-Ameritech merger conditions (FCC Performance Measure 2a).
133. **Missed Due Dates > 30 Days** (Performance Measures 33, 50 and 63). These measures supplement the measure of average delay days, by calculating the percentage of orders completed during the month that were more than 30 days past the due date. These help assess whether the average "delay days" is driven by a few orders that remain open for long periods, as opposed to general issues that delay more orders. Ameritech reports separate Performance Measurements for resale POTS (no. 33), resale specials and UNE combinations (no. 50), and unbundled network elements (no. 63).
134. **Count of Orders Canceled After Due Date** (Performance Measures 34, 51 and 64). In some cases, delays in provisioning an order may lead the requesting carrier to cancel the order. Ameritech reports the number of such cancellations each month that are attributable to Ameritech-caused delays, via Performance Measures 34 (resale POTS), 51 (resale specials and UNE combinations), and 64 (unbundled network elements). These are diagnostic measurements.
135. **No Access** (Performance Measure 36 and WI-1). Provisioning certain orders requires access to the customer's premises to complete installation. In some cases, Ameritech attempts to provision an order, but the end user does not allow access to his or her premises (*e.g.*, the end user was not at home for the scheduled installation appointment). The above measures of provisioning time all exclude orders for which Ameritech was

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unable to obtain access, because any delays in provisioning are attributable to the end user rather than to Ameritech. Performance Measure 36 captures the rate of “no access” orders for resale POTS as a percentage of total orders processed while Performance Measure WI-1 does the same for unbundled loops. These measures are diagnostic, and are designed to assist both parties in identifying areas to improve procedures and communication (*i.e.* so that Ameritech better communicates appointment dates to the requesting carrier, or the carrier better communicates those dates to its end users).

136. **Installation Trouble Reports/New Service Failures** (Performance Measures 35, 46 and 59). These measures help assess the accuracy and quality of order provisioning, by showing the rate of new installations reporting “trouble” within 30 calendar days of installation. These trouble reports are known as “installation trouble reports” or “new service failures.” The FCC’s *Bell Atlantic New York Order* (§ 183) and *SWBT Texas Order* (§§ 196-197, 274) found this information to be highly probative in assessing an incumbent LEC’s performance in reliably processing carrier orders.
137. Performance Measure 35 measures the rate of troubles within 30 days of installation on resale POTS, while Performance Measure 46 measures the rate of troubles within 30 days of installation on resale specials and UNE combinations, and Performance Measure 59 addresses the same rate for unbundled network elements. The benchmark for these measures is based on a comparison to comparable facilities used in Ameritech’s own retail operations. As I described earlier, the Texas collaborative approved a 10-day interval for installation troubles. Ameritech agreed to use a 30-day interval instead, at the request of CLECs in the Michigan collaborative and subsequently implemented this calculation in each Ameritech state

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138. **Mechanized Provisioning Accuracy** (Performance Measure 12). This provides an additional measure of the accuracy of provisioning for mechanized orders. It compares the features on each mechanized order, as submitted by the requesting carrier, to the features that update the customer database when Ameritech completes provisioning. The standard for performance is based on comparison to Ameritech's retail orders.

### **Repair and Maintenance**

139. Ameritech offers requesting carriers an electronic interface, known as Electronic Bonding and Trouble Administration ("EBTA"), for submitting maintenance requests, which are also known as "trouble reports." There are two methods by which a requesting carrier may use this interface: (1) T1M1, an industry standard application-to-application interface method, and (2) a Graphical User Interface or "GUI," a personal-computer-based tool, designed to assist smaller CLECs that have less complicated computer applications. CLECs may also contact Ameritech service representatives either by phone or by fax. The following performance measures address the timeliness and quality of Ameritech's repair and maintenance functions.
140. **Mean Time to Restore** (Performance Measures 39, 52 and 67). These measurements allow a CLEC to assess whether its customers' services are repaired in a time frame comparable to that of Ameritech's retail customers. Performance Measure 39 calculates the measure for resale POTS service, Performance Measure 52 covers resale specials and Performance Measure 67 addresses unbundled network elements. The benchmark for these intervals is nondiscrimination. These Performance Measures have been approved by the FCC in connection with the SBC-Ameritech merger, and the FCC relied on the related data in its *SWBT Texas Order* (§ 207).

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141. To supplement these measures, Performance Measures 40 (resale) and 68 (unbundled network elements) determine the percentage of “out of service” troubles that are cleared within 24 hours.
142. These measures assess the time for the actual repair work. Performance Measure MI-14, described below, addresses the time involved in notifying the requesting carrier that repairs are complete.
143. **Missed Repair Commitments** (Performance Measures 38 and 66). These also measure the timeliness with which Ameritech performs repair and maintenance work. Where the previous measures address the overall average time to restore service, and the percentage completed within 24 hours, Performance Measures 38 (resale) and 66 (unbundled network elements) compare the time required to complete repairs to the estimated due date. These measures have been endorsed by the FCC in its merger conditions (FCC Performance Measure 10a and 10b).
144. **Notice of Repair Completion** (Performance Measure MI-14). When Ameritech resolves trouble reports that were submitted electronically, its electronic systems automatically notify the requesting carrier of completion via the EBTA interface. Some carriers, however, choose to submit trouble reports manually, by phone or facsimile. Ameritech typically sends maintenance completion notices for such manual submissions at a single time — for example, a single fax or e-mail in the morning following the work completion that lists repairs completed the previous day.
145. Performance Measure MI-14 computes the percentage of such completion notices that are returned within an agreed benchmark interval (measured from the time the physical repair

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work is complete) that was established in the Michigan collaborative: 1 hour for electronically submitted trouble reports, and 24 hours for manually submitted trouble reports. Ameritech reports these intervals separately for resale, unbundled local loops, and the UNE platform. This measure was developed in the Michigan collaborative and adopted by the Ohio collaborative, and goes beyond the measures used by SWBT in Texas.

146. **Trouble Report Rate** (Performance Measures 37, 54 and 65). These measurements assess whether CLEC customers experience more frequent incidents of trouble than Ameritech’s end users, which may in turn indicate differences in the underlying quality of the network components. Performance Measure 37 addresses resale POTS, Performance Measure 54 covers resale specials and UNE combinations, and Performance Measure 65 deals with unbundled network elements. The benchmark is “parity” -- Attachment A, the User Guide, defines the retail performance figures to be used for comparison. The FCC approved these measures in its merger order (FCC Performance Measure 13a and 13c) and relied on the related data in its *SWBT Texas Order* (§ 209).
147. **Repeat Trouble Reports** (Performance Measures 41, 53 and 69). Performance Measures 41 (resale POTS), 53 (resale specials and UNE combinations) and 69 (unbundled network elements) calculate the rate of repeat troubles — facilities that require a repeat maintenance visit within 30 days of being repaired by Ameritech — to help assess the quality of maintenance efforts. These measures are compared to the appropriate analogues for retail operations. They are included in the group specified by the FCC as a condition for merger approval (FCC Performance Measures 11a and 11c). In the *SWBT Texas Order* (§ 209), the FCC relied in part on these performance measures

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to “conclude that [SWBT] provides nondiscriminatory access to its maintenance and repair functions.”

### Billing

148. **Daily Usage** (Performance Measures 16, 19 and 20). Performance Measure 19 assesses the timeliness with which Ameritech provides requesting carriers with their customers’ usage records. CLECs in turn use this information to bill their end users. This measure calculates the percentage of usage records delivered within 6 business days. The benchmark level of performance is 95 percent.
149. Ameritech’s 6-day benchmark is the same as the benchmark approved by the FCC in its *SWBT Texas Order*. There, the FCC found (§ 211) that SWBT’s benchmark for delivering daily usage files (95 percent within 6 business days), is an “appropriate measure of SWBT’s ability to provide competing carriers with usage data in substantially the same time and manner that SWBT provides such information to itself.”
150. Performance Measure 16 supplements the measure of timeliness by computing the accuracy of the usage records transmitted. It measures the percentage of usage records transmitted correctly, that is, in the correct file format and in a complete file. Performance Measure 20 measures the percentage of usage that is unbillable due to incomplete information.
151. **Billing Timeliness** (Performance Measure 18). Performance Measure 18 reports the percentage of monthly carrier bills not delivered within 6 business days of the scheduled billing date. The target level of compliance is 95 percent. There are separate reporting categories for resale bills, processed by the Ameritech Electronic Billing System

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(“AEBS”), and network element bills, processed by the Carrier Access Billing System (“CABS”). Note that the measure, as originally developed in Texas, addressed only resale bills. Ameritech added the category for network element bills. The measure and the benchmark for resale bills were approved by the FCC in its merger conditions (FCC Performance Measure 18). Further, the 6-day interval for network element bills is shorter than the 10-day benchmark approved by the FCC in its *Bell Atlantic New York Order* (¶ 227 and n.724).

152. **Bill Quality and Accuracy** (Performance Measures 14, 15 and 17). In its 1997 *Ameritech Michigan 271 Order* (¶ 212), the FCC stated that it expected Ameritech to provide performance data relating to “bill quality and accuracy.” Ameritech’s Performance Measures add three tests for these criteria. Performance Measure 14 reflects the results of monthly billing audits, and computes the percentage of bill elements that are not corrected prior to their release. The monthly audit checks the accuracy of rates and the calculation of charges for usage and non-usage items. Performance Measure 15 calculates the percentage of accurate and complete formatted mechanized bills, determined by reconciling the hard copy bill to the electronic bill, and verifying the accuracy of other billing information such as billing addresses, carry-forward of previous balances, and bill credits. Finally, Performance Measure 17 addresses billing completeness: It measures the percentage of service orders provisioned in the applicable billing period that are included in that period’s bill. This measure also helps assess whether service orders (and specifically, the time they are completed) are accurately reflected in the billing systems.

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### General OSS Measures

153. In this section, I describe performance measures that encompass all five of the OSS functions.
154. **OSS Interface Availability** (Performance Measure 4). This measures the percentage of time that each of the electronic OSS interfaces offered by Ameritech are actually available to receive and process transactions, as a percentage of scheduled available time. (Regular downtime is necessary for overnight system maintenance and periodic software updates. Ameritech does not schedule routine maintenance during normal business hours.) The benchmark level of performance is 99.5 percent availability.
155. **Average Interface Outage Notification** (Performance Measure MI-11). This complements the previous measure, which assesses the amount of unscheduled downtime for Ameritech's electronic interface. This measure calculates the average time it takes Ameritech to inform requesting carriers of such downtime once it is discovered.
156. **Speed of Answer** (Performance Measures 21-26). These measurements provide information as to the time it takes Ameritech's service centers to answer voice calls from competing carriers. Performance Measures 21 and 24 measure the Average Speed of Answer for the Local Service ordering center and the Local Operations Center (which handles network element provisioning and maintenance), respectively. The benchmark is based on a comparison to retail calls. The affidavit of Mr. Brown discusses the Local Service and Operations Centers and the work they perform.
157. To supplement the measures for the average speed of answer, Performance Measures 22 and 25 measure the percentage of calls answered within 20 seconds by the ordering

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center (measure no. 22), and the Local Operations Center (measure no. 25). As with the average speed of answer, retail performance sets the benchmark.

158. In addition to measuring its performance on calls that reach its service centers, Ameritech measures the percentage of calls that are unable to reach the service center due to a busy signal. Performance Measure 23 deals with calls to the ordering center, while Performance Measure 26 measures the rate of busy signals at the Network Element Control Center.
159. Performance measures 21.1 and 24.1 measure the average hold time in these centers. These measurements are diagnostic at this time.
160. **Change Management** (Performance Measure MI-15). “Change management” refers to Ameritech’s procedures for allowing CLECs to obtain notice of, participate in, and test updates and modifications to electronic systems and programs. The FCC considers a BOC’s change management process as part of its evaluation of the access that the BOC provides requesting carriers to its OSS. It considers (1) whether the BOC has in place an adequate plan for change management, and (2) “whether the BOC has demonstrated a pattern of compliance with this plan.” *SWBT Texas Order* (¶ 108).
161. Mr. Cottrell’s affidavit describes Ameritech’s change management plan, and the collaborative process by which it was developed. Performance Measure MI-15 is designed to assess Ameritech’s pattern of compliance with that plan. It measures the percentage of system and program changes for which Ameritech provides advance notice to CLECs in accordance with the change management plan. There are separate categories for “introductions” (changes that introduce a new interface), “changes” to

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existing interfaces, and “retirements” of previous interfaces, as each of these categories is subject to a separate notice interval. This measurement was added in the Michigan collaborative and adopted by the Ohio collaborative, and thus goes beyond the performance measurement plan developed and found adequate in Texas.

### **CHECKLIST ITEM 3 - POLES, DUCTS, CONDUITS AND RIGHTS OF WAY**

162. Percentage of Requests Processed Within 35 Days, Average Days Required to Process a Request and Structure Requests Completed Outside of Interval (Performance Measures 105-106 and MI-5, respectively) Section 271(c)(2)(B)(iii) requires BOCs to provide “[n]ondiscriminatory access to the poles, ducts, conduits, and rights-of-way owned or controlled by the [BOC] at just and reasonable rates in accordance with the requirements of section 224.” Section 224(f)(1) states that “[a] utility shall provide a cable television system or any telecommunications carrier with nondiscriminatory access to any pole, duct, conduit, or right-of-way owned or controlled by it.” Section 224(f)(2) permits a utility providing electric service to deny access to its poles, ducts, conduits, and rights-of-way, on a nondiscriminatory basis, “where there is insufficient capacity and for reasons of safety, reliability and generally applicable engineering purposes.” Ms. Stanek’s affidavit describes Ameritech’s obligations with respect to poles, ducts, and rights-of-way, and the efforts Ameritech has made to fulfill those obligations.
163. Three Performance Measures address the timeliness with which Ameritech responds to carrier requests for access to poles, ducts, conduits, and rights-of-way, which are collectively known as “structure.” Performance Measure MI-5 focuses on the time it takes Ameritech to provide requesting carriers information as to its existing structure, so that the carrier can decide where and how to seek access to that structure. It measures the

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percentage of carrier requests completed outside a standard time interval, with separate categories based on the type of information requested: (1) requests to view or copy records, (2) requests for a “field survey” or physical check of manholes or poles to determine if there is available space to attach the requesting carrier’s facilities, and (3) “make ready” work to prepare the structure for attachment or occupancy by the requesting carrier. Ameritech agreed to report this information in the Michigan collaborative and subsequently implemented it in each Ameritech state; in turn, the CLEC participants in those collaboratives agreed that this would be a diagnostic measure.

164. Performance Measures 105 and 106, meanwhile, address carrier requests for access to structure. Performance Measure 105 presents the percentage of carrier requests that are processed within 35 days. The benchmark rate for this measure is 90 percent. (By definition, Ameritech does not request access to its own poles, ducts, conduits, and rights-of-way. Thus, there is no direct retail analogue for comparison.) Performance Measure 106, meanwhile, calculates the overall average time for Ameritech to respond to carrier requests.
165. Ameritech’s performance measures for poles, ducts, conduits and rights of way go above and beyond the guidelines set by the FCC in its 1998 NPRM on performance measurement. The NPRM does not set forth performance measures for this checklist item.

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### CHECKLIST ITEM 4 – UNBUNDLED LOCAL LOOPS

166. Section 271(c)(2)(B)(iv) of the 1996 Act requires a BOC to provide access to “Local loop transmission from the central office to the customer’s premises, unbundled from local switching or other services.”
167. Ameritech reports a large number of performance measures to assess and maintain access to Unbundled Local Loops (UNE Loops). As I discussed earlier, the FCC considers the availability of Operations Support Systems as a component of Ameritech’s performance with respect to the offering of other checklist items such as UNE Loops. Thus, most of the performance measures that I described under OSS (Checklist Item 2) also bear on Ameritech’s performance with respect to UNE Loops. Ameritech’s performance measures cover all the major OSS functions, pre-ordering, ordering, provisioning, maintenance, and billing.
168. As an unbundled network element, a UNE Loop is typically combined with other network elements in the provision of a telecommunications service. Because Ameritech does not provide standalone UNE Loops as a retail product, there is no retail analogue. Thus, the FCC has explained that “the BOC must offer access sufficient to allow an efficient competitor a meaningful opportunity to compete.” In assessing whether the BOC meets the standard, the FCC first considers “whether appropriate standards for measuring OSS have been adopted by the relevant state commissions or agreed upon by the BOC in an interconnection agreement or during the implementation of such an agreement” *Bell Atlantic New York Order* (¶ 86). Ameritech’s performance standards for

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UNE Loops are based either on benchmarks or, in some cases, on “pseudo” retail analogues (*i.e.* a comparison to a similar, but not the same retail offering).

169. The performance measurements described in this section reflect disaggregations based on product types such as 2-wire analog loops, 2-wire digital loops, and DS1 loops. Also reflected in several measurements are advanced services such DSL (Digital Subscriber Line) and Line Sharing.

### **Pre-Ordering**

170. As described under OSS, Performance Measure 1 computes the Average Response Time for OSS Pre-Order Interfaces, as compared to benchmarks established through the Texas collaborative process and measured to the tenth of a second. Performance Measure 2 measures the percentage of pre-order responses received within specified time intervals. Note that both of these measurements are broken down into separate categories (each with its own tailored benchmark) for each type of pre-ordering inquiry. Thus, there are separate measurement categories for inquiries that provide information to requesting carriers that specifically relates to ordering unbundled network elements and UNE loops.
171. Further, Ameritech has separate measures geared specifically to pre-ordering unbundled loops for advanced services (*i.e.* the various Digital Subscriber Line or “DSL” services). Requesting carriers seeking to provide such services can obtain information as to the “qualification,” or ability to support DSL, of a desired loop or loops, such as the length and gauge of the copper wire, the existence of bridged taps or load coils which will affect the DSL service. These methods provide access to the same information that is available to Ameritech’s affiliate operations. Performance Measure 57 measures the average time

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it takes Ameritech to respond to such qualification inquiries. The benchmark is nondiscrimination or “parity” between wholesale and affiliate inquiries. Performance measure 1.2 represents the accuracy of this information provided back to the CLEC.

### Ordering

172. The Performance Measures related to ordering Unbundled Local Loops are the same as those identified in my discussion of Checklist Item 2, OSS.

### Timeliness of Order Status Notices

173. **Rejection Notices** (Performance Measures 10, 10.1, 10.2, 10.3, 11, 11.1, 11.2, and 95.)

The following measurements assess the time it takes Ameritech to notify the competing carrier that an order has been rejected, so that the CLEC may correct that order:

- Performance Measure 10: Percentage of Mechanized Rejects Returned within One Hour of Receipt Of The Reject in the MOR System;
- Performance Measure 10.1: Percent Of Mechanized Rejects Returned Within One Hour Of Receipt of the Order;
- Performance Measure 10.2: Percent of Manual Rejects Received Electronically and Returned Within Five Hours;
- Performance Measure 10.3: Percent Manual Rejects Received Manually and Returned Within Five Hours;
- Performance Measure 11: Mean Time to Return Mechanized Rejects;
- Performance Measure 11.1: Mean Time to Return Manual Rejects that are Received via an Electronic Interface;
- Performance Measure 11.2: Mean Time to Return Manual Rejects that are Received through the Manual Process.

174. In its *Bell Atlantic New York Order*, the FCC affirmed the New York commission’s conclusion that “there are no retail analogues” for this ordering function. *Bell Atlantic New York Order* (¶ 160 n.490). Thus, the relevant test is whether Ameritech provides

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rejection notices quickly enough to allow an efficient competitor a meaningful opportunity to compete.

175. **Firm Order Confirmations** (Performance Measures 5-6). Performance Measures 5 and 5.1 (DSL) measure the percentage of FOCs returned within benchmark intervals, such as 5 hours for electronic FOCs. Performance Measures 6 and 6.1 calculate the overall average time to return FOCs, with separate measurement categories for each type of unbundled network element. As with the rejection notices described above, the FCC’s *Bell Atlantic New York Order* upheld the New York commission’s conclusion that “there are no retail analogues” for order confirmations, and found that benchmarks “established in a collaborative proceeding” provide a sufficient basis for assessing performance. *Bell Atlantic New York Order* (¶ 160 n.490).
176. **Jeopardy Notices** (Performance Measures MI-1 and MI-2). Performance Measure MI-2 calculates the percentage of jeopardy notices issued within 24 hours of the due date, while Performance Measure MI-1 addresses the overall percentage of orders receiving jeopardy notices.
177. **Completion Notices** (Performance Measures 7, 7.1, and 8). Performance Measure 7.1 computes the percentage of mechanized completions returned within one day of “work completion” — the completion of physical work, with a benchmark rate of 97 percent. Performance Measure 7 calculates the percentage of completion notices issued within 1 hour of the time the related orders are registered as “complete” in Ameritech’s electronic systems, also with a benchmark rate of 97 percent. Performance Measure 8 measures the average interval between the completion of an order in Ameritech’s ordering and

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provisioning systems, and the time the requesting carrier receives notice of completion.

Each of these measurements has a separate category that specifically addresses unbundled network element orders.

178. As noted above, there is no retail analogue for completion notices. Thus, Ameritech measures its wholesale performance against benchmarks established in the Texas collaborative proceeding, which are sufficient to allow an efficient competitor a meaningful opportunity to compete.
179. To provide additional information, Performance Measure MI-12 determines the time orders take to clear exceptions noted in the billing update process, which occurs after the order is completed in Ameritech's electronic ordering and provisioning systems. This process is assessed using a parity comparison to Ameritech's retail operations.
180. **Loss Notifications** (Performance Measure MI-13). Performance Measure MI-13 computes the percentage of loss notifications (which Ameritech provides to the carrier that "loses" a customer) issued within one hour after the related completion notice is sent to the new carrier. The benchmark is 95 percent within one hour. There are separate measurement categories to address unbundled loops and the unbundled network element "platform."
181. **Facility Modification** (Performance Measures WI-9, CLEC W6 – CLEC W9 and CLEC W11). In the Third Joint Progress Report of January 16, 2001, Ameritech and collaborative participants described the OSS enhancements and process improvements that have been resolved as a result of collaborative sessions in several states. In this

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report, Ameritech agreed to revise its facility modification process in Ohio and to add several corresponding performance measures.

182. Performance Measure WI-9 calculates the percentage of orders that go through the facility modification process, as compared to total orders. Several additional performance measures are designed to enforce Ameritech's compliance with the intervals established in the Facility Modification process. CLEC-W1 addresses the average delay from the original confirmed due date to the actual date that the service order is completed. CLEC-W6 assesses the percentage of Form A (Facility Modification Notification) issued within 24 hours of the original FOC. CLEC-W7 evaluates the percentage of Form B (Complex Facility Modification Notification), Form C (Integrated Digital Loop Carrier (IDLC) and Remote Switching Unit (RSU) Notification), Form D (Facility Update Notification – Good News Notice), and Form E (New Build Notification), within 72 hours of Form A. CLEC-W8 evaluates the percentage of revised Firm Order Confirmations that are sent within 24 hours of Form A. CLEC-W9 calculates the percentage of quotes (to modify plant served via IDLC or RSU) that are returned to CLECs within 30 days and compares it to a 95% benchmark. CLEC-W11 evaluates Ameritech's overall performance with respect to missed due dates on orders that are involved in the Facility Modification Process (for forms B, C, and D). This measurement is modeled after performance measure 58, Percentage of Ameritech Caused Missed Due Dates for UNEs.

### Order Quality

183. **Order Flow Through** (Performance Measures 13 and 13.1). Performance Measure 13 calculates the rate of orders that “flow through” (*i.e.*, proceed electronically all the way

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through the interface and Legacy systems) as a percentage of orders that are designed to flow through. Performance Measure 13.1 is a diagnostic measure that calculates the rate of flow-through with respect to all orders, not just those that are designed to flow through. Each of these measurements has separate categories to specifically address unbundled loops and UNE combinations.

184. **Rejected Orders** (Performance Measure 9). Performance Measure 9 calculates the rate of CLEC orders that fail to meet edit checks and are returned to the CLEC with a rejection notice. This is a diagnostic measure, and thus has no benchmark.

### Provisioning

185. **Average Installation Interval** (Performance Measures 27, 43, 55 and 55.1). In its 1997 *Ameritech Michigan 271 Order* (§ 212), the FCC stated that it expected Ameritech to provide performance data showing average installation intervals for unbundled loops. Performance Measure 55 computes the average interval, in days, for installation of individual unbundled network elements (with separate categories for each element type, including various types of loops, such as analog or digital, 2-wire or 4-wire). The FCC has held that “the ordering and provisioning of unbundled network elements” are “functions that have no retail analogue.” *Ameritech Michigan 271 Order* (§ 141). Thus, Ameritech compares its installation performance against benchmarks, tailored to each element and product type, that were set in the Texas collaborative: for example, three days for 2-wire loops of 1-10 lines. Attachment A contains a complete list of the applicable benchmarks.

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186. Performance Measure 55.1 calculates the average interval for installation of Digital Subscriber Line (“DSL”) loops. The benchmark is based on a comparison to Ameritech’s affiliate, which obtains DSL loops in the same way that CLECs do.
187. **Percentage of Installations Completed In Specified Number of Days** (Performance Measures 28, 44 and 56). Performance Measure 56 covers the percentage for individual network elements, while Performance Measure 28 and 44 address the percentage for combinations. The various benchmark intervals for each element and type of element are listed in Attachment A.
188. **Missed Due Dates** (Performance Measures 29, 30, 45, 47, 58 and 60). Performance Measures 29 and 45 (combinations) and 58 (individual elements) compute the Percent Ameritech Caused Missed Due Dates for unbundled network elements. Performance Measures 30 and 47 (combinations) and 60 (individual elements) provide information on the percentage of Missed Due Dates caused by a lack of facilities available to fill the order. Comparative data are provided for wholesale and retail orders, and are broken down into categories by order type. (As described above, there is no retail analogue for the overall time required to provision unbundled network elements, because Ameritech does not provide such elements to itself or to retail customers. Ameritech does, however, use “due dates” for retail service and the percentage of missed due dates can be compared between retail and wholesale.) The FCC included Performance Measures 29 (combinations) and 58 (individual elements) among the measurements specified in its conditions for merger approval (FCC Performance Measures 4a and 4c).

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189. **Coordinated Conversions or “Hot Cuts”** (Performance Measures 114, 114.1, 115, 115.1, 115.2 and MI-3). Ameritech provides requesting carriers access to unbundled loops in two ways. First, it provides access to a “new” loop (*i.e.*, a line for which Ameritech does not presently serve the customer). Performance Measure 58, described in the preceding paragraph, contains a separate category for missed due dates on such loops. The second method for provisioning loops involves the conversion of an active loop, a process that is often described as a “coordinated cutover” or “hot cut.” Performance Measure 114.1 measures the percentage of “hot cuts” that are completed within benchmark intervals established in the Texas collaborative: 90 percent within 1 hour for orders of less than 10 lines, and 90 percent within 2 hours for orders of 10-24 lines. Performance Measure MI-3 is quite similar: It measures the percentage of hot cuts started within one hour of the scheduled start time.
190. Performance Measure 115 calculates the percentage of delayed coordinated cutovers, where the length of the delay exceeds a benchmark interval, and where Ameritech causes the delay. (Because coordinated cutovers, by definition, involve coordinated activities by both carriers and/or by third party vendors engaged by the requesting carrier, the only delays for which Ameritech should be held responsible are those caused by Ameritech.) The benchmarks are: (1) no more than 8 percent delayed over 30 minutes, (2) 2 percent over one hour and (3) 1 percent over two hours.
191. Performance Measure 115.1 calculates the percentage of Provisioning Trouble Reports for Coordinated Hot Cut circuits. These Provisioning Trouble Reports are reports taken either on the day of conversion or prior to noon the next business day of the conversion.

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This is a diagnostic measure. Performance Measure 115.2 works in concert with 115.1 to assess the Mean Time to Restore a Provisioning Trouble Report.

192. Performance Measure 114 calculates the percentage of *premature* disconnections that occur 10 minutes or more before the scheduled cutover, with a benchmark of less than 2 percent. The FCC has called for this measure to be implemented throughout the Ameritech region (FCC Performance Measure 16).
193. **Average Delay Days** (Performance Measures 32-33, 48-49 and 61-62). Performance Measures 32 and 48 (UNE combinations) and 61 (individual UNEs) measure the average number of days beyond the due date required to provision orders, for which the due date was missed due to lack of facilities. Performance Measures 33 and 49 (combinations) and 62 (UNEs) address the Average Delay Days for orders delayed for any reasons that are attributable to Ameritech. These measures address orders completed during the month; Performance Measures 34.1 and 64.1 perform the same analysis for UNE orders that are canceled during the month.
194. **Missed Due Dates > 30 Days** (Performance Measures 33, 50 and 63). Performance Measure 63 calculates the percentage of loop orders completed during the month that were more than 30 days past the due date, while Performance Measures 33 and 50 provide the same data for UNE combinations.
195. **Count of Orders Canceled After Due Date** (Performance Measures 34, 51 and 64). Performance Measures 34 and 51 (UNE combinations) and 64 (unbundled network elements) are diagnostic measurements that report the number of order cancellations each month that are attributable to Ameritech-caused delays.

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196. **Installation Troubles** (Performance Measures 35, 46, 59 and CLEC-W5). Performance Measure 59 measures the rate of troubles within 30 days of installation on unbundled network elements, while Performance Measures 35 and 46 measure the rate of troubles within 30 days of installation on certain UNE combinations. The benchmark for these measures is based on a comparison to facilities used in Ameritech's own retail operations. Attachment A describes the pertinent analogues.
197. A component of the Wisconsin A-AA agreements, as documented in the January 16, 2001 Third Joint Progress Report, was the clarification of policy with respect to placing and moving the Network Interface Device (NID) during the provisioning of Unbundled Local Loops. Performance measure CLEC-W5, Percentage of Protectors not moved after Technician Visit, was added to evaluate this process. This measurement is similar to Performance Measure 59 discussed above, but identifies only those cases where installation troubles were specifically coded to the movement of protectors or NIDs.
198. **Mechanized Provisioning Accuracy** (Performance Measure 12). As noted above, this measure compares the features on each mechanized order to those that update the customer database when Ameritech completes provisioning.

### **Repair and Maintenance: Timeliness**

199. As I described earlier, Ameritech has several performance measurements that address the timeliness of repair and maintenance activities. Of those measures, the following (Performance Measures 39, 52, 66, and 67) are focused on the repair and maintenance of unbundled network elements:

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- Mean Time to Restore (Performance Measures 39 and 52 (combinations) and 67 (UNEs);
- Missed Repair Commitments (Performance Measures 38 (combinations) and 66 (UNEs).
- Percent Out of Service Restored Within 24 Hours (Performance Measures 40 and 68).

### **Quality**

200. Performance Measures 37, 41, 53, 54, 65 and 69 (described under OSS) address the quality of repair and maintenance services. Performance Measures 37 and 54 (combinations) and 65 (UNEs) assess the frequency of “trouble” reports. Performance Measures 41 and 53 (combinations) and 69 (UNEs) calculate the rate of repeat troubles: facilities that require a repeat maintenance visit within 30 days of being repaired by Ameritech.

### **Billing**

201. **Daily Usage Timeliness and Accuracy** (Performance Measures 16 and 19). Performance Measure 19 determines the percentage of usage records delivered within a 5-day benchmark interval. Performance Measure 16 supplements the measure of timeliness by measuring the percentage of usage records transmitted correctly, that is, in the correct file format and in a complete file. This applies only to the UNE platform and Unbundled Local Switching.
202. **Timeliness and Accuracy of Carrier Bills** (Performance Measures 14 and 18). UNE bills are processed through the Carrier Access Billing System (“CABS”).
203. **Billing Timeliness** (Performance Measure 18). UNE bills are processed by the Carrier Access Billing System (“CABS”). Performance Measure 18, which reports the

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percentage of monthly bills not delivered within 6 business days of the scheduled billing date, has a separate category for CABS bills. The target level of compliance is 95 percent.

204. **Bill Quality and Accuracy** (Performance Measures 14, 15 and 17). Performance Measure 14 reflects the results of monthly billing audits, and computes the percentage of bill elements that are not corrected prior to their release. Performance Measure 15 calculates the percentage of accurate and complete formatted mechanized bills. Finally, Performance Measure 17 measures the percentage of service orders provisioned in the applicable billing period that are included in that period's bill.

### **CHECKLIST ITEM 5 – UNBUNDLED LOCAL TRANSPORT**

205. Section 271(c)(2)(B)(v) of the 1996 Act requires a BOC to provide “Local transport from the trunk side of a wireline local exchange carrier switch unbundled from switching or other services.”

### **Ordering**

206. Performance Measures 5, 6, WI-9, CLEC-W6, CLEC-W9 and CLEC-W11 address ordering performance and include disaggregations for Unbundled Dedicated Transport. Performance Measures 5 and 6 provide for the measurement of Firm Order Confirmations (FOCs). Performance Measure 5 evaluates the percentage of FOCs for Unbundled Dedicated (Local) Transport DS1 that are issued in less than 1 business day, and for DS3 Dedicated Transport in less than 5 business days. The benchmark is 95 percent. Performance Measure 6 evaluates the average response time for Unbundled Local (Dedicated) Transport for both DS1s and DS3s. As I mentioned above,

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Performance Measures WI-9, CLEC-W6, CLEC-W7, CLEC-W9, and CLEC-W11 evaluate the facility modification process; they contain separate categories for Unbundled Local (Dedicated) Transport. WI-9 evaluates the percentage of Unbundled Local (Dedicated) Transport orders that are processed via the facility modification process. CLEC-W6 assesses the percentage of Form A (Facility Modification Notification) issued within 24 hours of the original FOC. CLEC-W7 evaluates the percentage of Form B (Complex Facility Modification Notification), Form C (Integrated Digital Loop Carrier (IDLC) and Remote Switching Unit (RSU) Notification), Form D (Facility Update Notification – Good News Notice), and Form E (New Build Notification), within 72 hours of Form A. CLEC-W8 evaluates the percentage of revised Firm Order Confirmations sent within 24 hours of Form A. CLEC-W9 calculates the percentage of quotes (to modify plant served via IDLC or RSU) that are returned to CLECs within a 30-day interval. CLEC-W11 evaluates Ameritech’s overall performance with respect to missed due dates relative to orders involved in the Facility Modification Process (for forms B, C, and D).

### **Provisioning**

207. Performance Measures 55, 56, 58, 59, 60, 61, 62, 63, 64, and 64.1 are provisioning measures as described in Checklist Item 4, Unbundled Local Loops. Each contains a separate disaggregation for Unbundled Local Transport. They are:

- Performance Measure 55, Average Installation Interval;
- Performance Measure 56, Percentage of Installations Completed Within a Specified Number of Days;
- Performance Measure 58, Percent of Ameritech Caused Missed Due Dates;

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- Performance Measure 59, Percent Trouble Reports Within Thirty Days of Installation;
- Performance Measure 60, Percent of Ameritech Caused Missed Due Dates Due to Lack of Facilities;
- Performance Measure 61, Average Delay Days for Missed Due Dates Due to Lack of Facilities;
- Performance Measure 62, Average Delay Days for Ameritech Caused Missed Due Dates;
- Performance Measure 63, Percent Ameritech Caused Due Dates > 30 Days;
- Performance Measure 64, Count of Orders Canceled After the Due Date Which Were Caused by Ameritech;
- Performance Measure 64.1, Average Delay Days for Ameritech Caused Canceled Orders - UNE.

### **Maintenance**

208. Performance Measures 65, 67, 68, 69 are the same maintenance measures I described in Checklist Item 4, Unbundled Local Loops, but they also have a disaggregation specifically for Unbundled Local Transport. They are:

- Performance Measure 65, Trouble Report Rate;
- Performance Measure 67, Mean Time to Restore;
- Performance Measure 68, Percent Out of Service < 24 Hours
- Performance Measure 69, Percent Repeat Reports.

### **Billing**

209. Performance Measures 14, 15, 17, and 18 are the same measurements described in OSS (Checklist Item 2) and Unbundled Local Loops (Checklist Item 4). They apply to Unbundled Local Transport, as it is one of the products billed out of Ameritech's CABS billing system. They are:

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- Performance Measurement 14, Billing Accuracy;
- Performance Measurement 15, Percent of Accurate and Complete Formatted Mechanized Bills;
- Performance Measurement 17, Billing Completeness
- Performance Measurement 18, Billing Timeliness, Wholesale Bill.

### **CHECKLIST ITEM 6 – UNBUNDLED LOCAL SWITCHING**

210. Section 271(c)(2)(B)(vi) of the 1996 Act requires a BOC to provide “Local switching unbundled from transport, local loop transmission, or other services.”

#### **Ordering**

211. Ameritech reports performance on Firm Order Confirmations for Unbundled Local Switching in Performance Measures 5 and 6. Performance Measure 5 evaluates Firm Order Confirmations for Switch Ports against a benchmark of 2 hours for those orders submitted electronically and processed electronically, 5 hours for orders submitted electronically and processed manually, and 24 hours for those orders submitted manually, while Performance Measure 6 reports the Average Interval in which Firm Order Confirmations are returned.

#### **Provisioning**

212. Performance Measures 55, 56, 58, 59, 60, 61, 62, 63, 64 and 64.1 include disaggregations and standards for Analog Switch Ports, ISDN BRI Ports, and DS1 Trunk Ports. They are, otherwise, the same performance measurements reported for Checklist Item 4, Unbundled Local Loops.

- Performance Measure 55, Average Installation Interval;

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- Performance Measure 56, Percent installations Completed Within a Specified Number of Days;
- Performance Measure 58, Percent Ameritech Caused Missed Due Dates;
- Performance Measure 59, Percent Trouble Reports within 30 Days of Installation;
- Performance Measure 60, Percent Ameritech Caused Missed Due Dates Due to Lack of Facilities;
- Performance Measure 61, Average Delay Days for Missed Due Dates Due to Lack of Facilities;
- Performance Measure 62, Average Delay Days for Ameritech Caused Missed Due Dates;
- Performance Measure 63, Percent Ameritech Caused Missed Due Dates > 30 Days;
- Performance Measure 64, Count of Orders Canceled After the Due Date Which were Caused by Ameritech;
- Performance Measure 64.1, Average Delay Days for Ameritech Caused Canceled Orders – UNE.

### **Maintenance**

213. Performance Measures 65, 67, and 69 include disaggregations for Analog Trunk Ports and ISDN BRI Ports. Again, these are the same performance measurements described in the section for Checklist Item 4, Unbundled Local Loops:

- Performance Measure 65, Trouble Report Rate;
- Performance Measure 67, Mean Time to Restore
- Performance Measure 69, Percent Repeat Reports.

### **Billing**

214. Performance Measures 14, 15, 17, and 18 are the same measurements described in OSS (Checklist Item 2) and Unbundled Local Loops (Checklist Item 4). They apply to

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Unbundled Local Switching, as it is one of the products billed out of Ameritech's CABS billing system. They are:

- Performance Measurement 14, Billing Accuracy;
- Performance Measurement 15, Percent of Accurate and Complete Formatted Mechanized Bills;
- Performance Measurement 17, Billing Completeness
- Performance Measurement 18, Billing Timeliness, Wholesale Bill.

### **CHECKLIST ITEM 7 - 911 AND E911 ACCESS, DIRECTORY ASSISTANCE SERVICES, AND OPERATOR SERVICES**

215. Section 271(c)(2)(B)(vii)(I) of the 1996 Act requires a BOC to provide “[n]ondiscriminatory access to . . . 911 and E911 services.” In the *Michigan 271 Order* (¶ 256), the FCC found that “section 271 requires a BOC to provide competitors access to its 911 and E911 services in the same manner that a BOC obtains such access.” The FCC elaborated that a BOC “must maintain the 911 database entries for competing LECs with the same accuracy and reliability that it maintains the database entries for its own customers.” *Id.* And for facilities-based carriers, the BOC must provide “unbundled access to [its] 911 database and 911 interconnection, including the provision of dedicated trunks from the requesting carrier’s switching facilities to the 911 control office at parity with what [the BOC] provides to itself.” *Id.*
216. Ameritech measures its provision of 911 trunks as a separate category within its measure of the average installation interval for interconnection trunks (Performance Measure 78) which I described under Checklist Item 1 above. In this section, I discuss four performance measures dedicated solely to Ameritech’s maintenance of the 911 database. These measures address (a) the timeliness with which Ameritech processes updates to the

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911 database; (b) the rate of errors in 911 database updates; and (c) the timeliness with which Ameritech resolves such errors.

### *Timeliness of Database Updates*

#### 217. **Average Time Required to Update 911 Database** (Facility Based Providers)

(Performance Measure 104). The FCC's 1998 NPRM tentatively proposed two alternative approaches for assessing the timeliness of 911 database updates: measuring the percentage of updates processed within a specific time frame, or measuring the overall average speed of processing. This measure, initially developed in the Texas collaborative proceedings, takes the second approach. It identifies the average time to update the 911 database from when the data processing starts to when processing is complete and records are updated. The benchmark is "parity" between updates submitted by facilities-based carriers, as compared to Ameritech retail updates, which include both resale and retail operations. (Ameritech and resale carriers alike use the NENA industry standards for format and content of 911 updates. The version in use does not identify the presence of a reseller, so Ameritech's systems cannot separate out resale from retail data.)

#### 218. **The Average Time to Unlock the 911 Record** (Performance Measure 104.1). This measure identifies the timeliness in which Ameritech unlocks the 911 data base record such that it can be updated by the CLEC. Updates to 911 records are only accepted from the "owner" of the record; therefore, it is important that these records be transferred to the correct service provider. This measurement is currently diagnostic.

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### Accuracy of 911 Database Updates

219. **Percent Accuracy for 911 Database Updates** (Performance Measure 103). This measures the rate of errors in 911 database update files, by comparing the CLEC data with the Ameritech data to determine if there were errors in the processing of the data. . The benchmark is “parity” with retail operations. As with order rejections, Ameritech is not responsible, and should not be held responsible, for errors made by the CLEC or its agent, nor should it be punished for finding CLEC errors. The FCC’s *Ameritech Michigan 271 Order* agreed (§ 260 n.672) that “it is not our intention to hold Ameritech responsible for errors made by its competitors.”

### Timeliness of Error Resolution

220. **Average Time to Clear Errors** (Performance Measure 102). This measures the average time it takes to clear an error once it is detected. The benchmark is “parity.”

### Operator Services

221. When an end user calls for operator service, Ameritech’s automatic call distributor (“ACD”) automatically submits that call to the next available operator on a first come, first served basis. Once a CLEC customer’s call is submitted to the ACD, the system is unaware of the source of the call, and processes all calls on the same nondiscriminatory basis.
222. Ameritech has three performance measures that address the speed and quality of operator services. Performance Measure 81 determines the percentage of operator service calls that are answered within a series of benchmark intervals ranging from 1.5 seconds to 25

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seconds. Performance Measure 82, meanwhile, calculates the overall average speed of answer.

223. In some cases, an end user might hang up while waiting for an operator. Performance Measure 83 captures the percentage of such abandoned calls, if any, to total operator services calls.
224. All of the above measures are calculated at the aggregate level, for all calls by CLEC and retail customers alike. Calls cannot be segregated by carrier, or for comparison between wholesale and retail, because Ameritech's systems do not and cannot differentiate between carriers. The best possible protection against discrimination is the technical impossibility of doing so. It would be counterproductive for Ameritech to redesign its systems, incur significant expense, and thus effectively create the ability to discriminate where no such capability even exists today, simply to prepare a report. Thus, separate measurements of operator service for CLECs and Ameritech are not needed. Indeed, the Michigan Public Service Commission has held that Ameritech need not measure operator services at all: "without the ability to distinguish between callers that are end user customer of the ILEC and those that are end user customers of the CLEC, there can be no lack of parity in treatment. As long as this lack of ability to distinguish exists, measuring the answer speed would provide a quality of service assessment, rather than offering any assistance in determining parity." Order, MPSC Case No. U-11830 (May 27, 1999), at 36.

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### **Directory Assistance**

225. As with operator services, Ameritech measures the percentage of directory assistance calls that are answered within a series of benchmark intervals (Performance Measure 79) as well as the overall average speed of answer (Performance Measure 80). Ameritech also reports the same measure for abandoned calls as it does for operator services. (Performance Measure 83, described above, has a separate category for directory assistance calls.) Consistent with the measures for operator service, these measures are reported at the aggregate level for all end users without differentiation by carrier.
226. Performance Measures 110-113 address the accuracy of information provided to Directory Assistance users, by measuring the speed and accuracy of updates to the Directory Assistance database. Performance Measure 110 measures the percentage of updates received from facilities-based CLECs and completed within 72 hours. The benchmark is 95 percent. Performance Measure 111, meanwhile, measures the average speed of update, with a benchmark of 48 hours.
227. Performance Measures 112 and 113 assess the reliability of Directory Assistance updates. Performance Measure 112 addresses manual updates, and measures the percentage of records updated in error. After updating the DA database, Ameritech sends a confirmation to the carrier that submitted the update. The carrier can then review the confirmation against the original update and report any error to Ameritech. Performance Measure 113 tackles electronic updates, and measures the percentage of updates that flow through Ameritech's ordering systems without manual intervention. The benchmark rate

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is 97 percent. The calculation excludes orders that are rejected due to error by the requesting carrier.

### **CHECKLIST ITEM 8 – WHITE PAGES DIRECTORY LISTINGS**

228. Section 271(c)(2)(B)(viii) of the 1996 Act requires a BOC to provide “[w]hite pages directory listings for customers of the other carrier’s telephone exchange service.” Performance Measure CLEC WI-4 is one of the performance measures identified in the Third Joint Progress Report of January 16, 2001. This measurement evaluates the accuracy of Ameritech’s processing of corrections to directory listings submitted by CLECs after the CLEC reviews a pre-publication report. This review process is documented at page 17 of the Third Joint Progress Report and described in further detail in the affidavit of Ms. Kniffen-Rusu. This measurement requires 99% of those corrections initially requested to be corrected in the final published directory, after the second CLEC review.

### **CHECKLIST ITEM 9 – TELEPHONE NUMBERS**

229. Section 271(c)(2)(B)(ix) of the 1996 Act requires a BOC to provide “nondiscriminatory access to telephone numbers for assignment to the other carrier’s telephone exchange service customers.”
230. Ameritech reports three performance measures intended to assess the availability of telephone numbers. All of these measures relate to the timeliness of provisioning and maintenance processes.
231. Every new NXX’s must be loaded into each Ameritech end-office and tandem switch in order that calls between the networks complete as designed. Call through testing to test

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numbers is conducted prior to the activation of the NXX in order to verify proper routing of calls and NXX's are typically activated (provisioned) in the switches prior to the effective date to ensure that calls are processed without delay. Performance Measures 117 and 118 relate to the provisioning processes. Performance Measure 117 evaluates the percentage of NXXs loaded and tested prior to the LERG (Local Exchange Routing Guide) effective date, while Performance Measure 118 reports on the average delay days (days after the due date) for NXX loading and testing.

232. Performance Measure 119 reports on the mean time to repair, which is based on a CLEC call to report trouble regarding newly opened NXX codes.

### **CHECKLIST ITEM 11 - NUMBER PORTABILITY**

233. Section 271(c)(2)(B)(xi) of the 1996 Act requires a BOC to comply with the FCC's number portability regulations, while section 251(b)(2) requires all LECs "to provide, to the extent technically feasible, number portability in accordance with requirements prescribed by the Commission." Number portability refers to the ability of end users to keep their existing telecommunications numbers, even if they switch from one telecommunications carrier to another, so long as they do not move to a different physical location. In other words, the end user's telephone number can be "ported" from one carrier to another.
234. As is further described in Mr. Mondon's affidavit, Ameritech has implemented long-term number portability ("LNP") throughout the state. As part of its implementation of the Performance Measures, Ameritech has implemented 11 measures to monitor its ongoing

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performance in providing LNP. These address both the timeliness and reliability with which Ameritech ports numbers to requesting carriers.

### **Provisioning**

235. Performance Measures 91-93, 96-97 and 99-101 evaluate the provisioning processes related to Local Number Portability.
236. First, Ameritech measures the percentage of “porting” requests implemented within industry guidelines (Performance Measure 91). (Ameritech, of course, does not “port” its numbers to itself; thus, there is no retail analogue for comparison.) These guidelines are set within technical workshops sponsored by the FCC. The present benchmark is 96.5 percent within 3 business days of order confirmation (for NXXs in which numbers have already been ported), or five business days (for NXXs that have no previously ported numbers). The due date for partial conversions of over 30 numbers is to be negotiated between carriers.
237. In addition, Ameritech reports the “Percentage of Customer Accounts Restructured prior to the LNP Due Date” (Performance Measure 93). For further information, Performance Measure 99 reports the “Average Delay Days” for orders missed (that is, the average number of days beyond the due date required to provision the LNP order). These are analogous to the measures for missed due dates and average delay days that I described in the preceding sections (Checklist Item 2, Network Elements) of this affidavit.
238. Two additional measures address the timeliness of number porting from the perspective of the end user. Performance Measure 100 measures the average time the end user’s line is out of service while the associated telephone number is being ported. Performance

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Measure 101, meanwhile, measures the percent of numbers for which service is restored within 60 minutes. The benchmark percentage is 96.5 percent.

239. To complement the measures of late conversions described above, Ameritech calculates the percentage of *premature* conversions. From the end user's perspective, premature disconnection can interrupt service just like untimely conversions do. Thus, Performance Measure 96 calculates the percentage of LNP disconnections that occur 10 minutes or more before the scheduled cutover, with a benchmark of 2 percent.

240. To further supplement these measures, Ameritech reports further detail on two activities that affect the time of processing LNP requests. Performance Measure 97 addresses the percentage of time that Ameritech applies the "10-digit trigger" one day prior to the due date. The 10-digit trigger, also known as "Transitional Mechanism" or "Unconditional Trigger" is a code that causes all calls that reach the customer's original end office to "query" the LNP database, which determines whether the customer's number has been "ported" to another central office and obtains instructions to route the call accordingly. Application of the trigger helps ensure that, when the porting request is processed and completed, the calls are properly routed. Moreover, Performance Measure 92 computes the percentage of orders for which the end user's "old" carrier releases their subscription to the LNP administrator prior to the expiration of the second 9-hour timer.

241. Timeliness of LNP Status Notices (Performance Measures 94-95)

242. Three Performance Measures address the timeliness of status notices provided to requesting carriers during the number porting process. Performance Measure 94 determines the percentage of Firm Order Confirmations ("FOCs") returned within

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specified intervals for LNP orders, while Performance Measure 94.1 measures the average interval for FOCs. Performance Measure 95 measures the average interval for rejection notices. The benchmark is set at five business hours of the time the order is first received by Ameritech. I described these status notices in the discussion of Checklist Item 2, Network Elements.

### **Reliability of LNP Provisioning**

243. Performance Measure 98 helps assess the accuracy and quality of order provisioning, by showing the rate of LNP conversions reporting “trouble” within 30 calendar days of being ported. This measure is known as “installation trouble reports” or “new service failures.” The 30-day period was tentatively approved by the FCC in the 1998 NPRM, and agreed to by CLECs in the Ohio collaborative. The analogous measure for Interim Number Portability (PM 88) was approved by the Ohio Commission as part of its April 8, 1999 Opinion and Order approving the SBC/Ameritech merger. Note that the Texas collaborative approved a 10-day interval for installation troubles. Although Ameritech also maintains that 10 days are sufficient to capture any significant troubles related to provisioning, it has agreed to a 30-day interval at the request of CLECs in the Michigan collaborative and subsequently agreed to propagate the measurement across the Ameritech region. The benchmark is based on a comparison to Ameritech’s own retail operations.

### **CHECKLIST ITEM 14 - RESALE**

244. Section 271(c)(2)(B)(xiv) of the Act requires a BOC to make “[t]elecommunications services . . . available for resale in accordance with the requirements of sections 251(c)(4)

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and 252(d)(3).” Section 251(c)(4)(B) prohibits “unreasonable or discriminatory conditions or limitations” on resale.

245. Ameritech reports a large number of performance measures to assess and maintain nondiscriminatory performance for resale operations. As I discussed earlier, the FCC considers the availability of Operations Support Systems not only as a separate network element, but also as a component of Ameritech’s performance with respect to other checklist items such as resale. Thus, many of the performance measurements I described under OSS also bear on Ameritech’s resale performance. Ameritech’s Performance Measures for resale, cover all of the major OSS functions: pre-ordering, ordering, provisioning, repair and maintenance, and billing.
246. The FCC has explained that for resale OSS functions that have a retail analogue, a BOC must “provide access that permits competing carriers to perform these functions in ‘substantially the same time and manner’ as the BOC.” *Bell Atlantic New York Order* (¶ 85). Meanwhile, “[f]or OSS functions that have no retail analogue, the BOC must offer access sufficient to allow an efficient competitor a meaningful opportunity to compete.” *Id.* (¶ 86). In assessing whether the BOC meets that standard, the FCC first considers “whether appropriate standards for measuring OSS performance have been adopted by the relevant state commission or agreed upon by the BOC in an interconnection agreement or during the implementation of such an agreement.” *Id.*

### **Pre-Ordering**

247. Performance Measure 1 computes the Average Response Time for OSS Pre-Order Interfaces, as compared to benchmarks established through the Texas collaborative

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process and measured to the tenth of a second. Performance Measure 2 measures the percentage of pre-order responses received within specified time intervals. In addition to these measures of timeliness, Performance Measure MI-10 measures the percentage of “timed-out” pre-order inquiries, while Performance Measure MI-16 calculates the percentage of pre-order queries that are rejected.

### Ordering

#### Timeliness of Order Status Notices

248. **Rejection Notices** (Performance Measures 10, 10.1, 10.2, 10.3, 11, 11.1, 11.2, and 95).

The following measurements assess the time it takes Ameritech to notify the competing carrier that an order has been rejected, so that the CLEC may correct that order:

- Performance Measure 10: Percentage of Mechanized Rejects Returned within One Hour of Receipt Of The Reject in the MOR System;
- Performance Measure 10.1: Percent Of Mechanized Rejects Returned Within One Hour Of Receipt of the Order;
- Performance Measure 10.2: Percent of Manual Rejects Received Electronically and Returned Within Five Hours;
- Performance Measure 10.3: Percent Manual Rejects Received Manually and Returned Within Five Hours;
- Performance Measure 11: Mean Time to Return Mechanized Rejects;
- Performance Measure 11.1: Mean Time to Return Manual Rejects that are Received via an Electronic Interface
- Performance Measure 11.2: Mean Time to Return Manual Rejects that are Received through the Manual Process.
- Performance Measure 95: Average Response Time for Non-Mechanized Rejects Returned with Complete and Accurate Codes.

249. In its *Bell Atlantic New York Order*, the FCC affirmed the New York commission’s conclusion that “there are no retail analogues” for this ordering function. *Bell Atlantic*

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*New York Order* (¶ 160 n.490). Thus, the relevant test is whether Ameritech provides rejection notices quickly enough to allow an efficient competitor a meaningful opportunity to compete, and Ameritech assesses performance against a benchmark.

250. **Firm Order Confirmations** (Performance Measures 5-6). Performance Measure 5 measures the percentage of FOCs returned within benchmark intervals, such as 5 hours for electronic FOCs. Performance Measure 6 calculates the overall average time to return FOCs, with separate reporting by product or service type (including resale POTS and complex business orders). As with the rejection notices described above, the FCC’s *Bell Atlantic New York Order* upheld the New York commission’s conclusion that “there are no retail analogues” for order confirmations, and found that benchmarks “established in a collaborative proceeding” provide a sufficient basis for assessing performance. *Bell Atlantic New York Order* (¶ 160 n.490).
251. **Jeopardy Notices** (Performance Measures MI-1 and MI-2). Performance Measure MI-2 calculates the percentage of jeopardy notices issued within 24 hours of the due date, while Performance Measure MI-1 addresses the overall percentage of orders receiving jeopardy notices.
252. **Completion Notices** (Performance Measures 7, 7.1, and 8). Performance Measure 7.1 computes the percentage of mechanized completions returned within one day of “work completion” — the completion of physical work, with a benchmark rate of 97 percent. Performance Measure 7 calculates the percentage of completion notices issued within 1 hour of the time the related orders are registered as “complete” in Ameritech’s electronic systems, also with a benchmark rate of 97 percent. Performance Measure 8 measures the

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average interval between the completion of an order in Ameritech's ordering and provisioning systems, and the time the requesting carrier receives notice of completion.

253. As noted above, there is no retail analogue for completion notices. Thus, Ameritech measures its wholesale performance against benchmarks established in the Texas collaborative proceeding, which are sufficient to allow an efficient competitor a meaningful opportunity to compete.
254. To provide additional information, Performance Measure MI-12 determines the time orders take to clear exceptions noted in the billing update process, which occurs after the order is completed in Ameritech's electronic ordering and provisioning systems.
255. **Loss Notifications** (Performance Measure MI-13). Performance Measure MI-13 computes the percentage of loss notifications (which Ameritech provides to the carrier that "loses" a customer) issued within one hour after the related completion notice is sent to the new carrier. The benchmark is 95 percent within one hour.

### Order Quality

256. **Order Flow Through** (Performance Measures 13 and 13.1). Performance Measure 13 calculates the rate of orders that "flow through" (*i.e.* proceed electronically all the way through the interface and Legacy systems) as a percentage of orders that are designed to flow through. Performance Measure 13.1 is a diagnostic measure that calculates the rate of flow-through with respect to all orders, not just those that are designed to flow through.

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257. **Rejected Orders** (Performance Measure 9). Performance Measure 9 calculates the rate of CLEC orders that fail to meet edit checks and are returned to the CLEC with a rejection notice. This is a diagnostic measure, and thus has no benchmark.

### Provisioning

#### Timeliness of Provisioning

258. **Average Installation Interval** (Performance Measures 27 and 43). These measurements compare the average length of time it takes Ameritech to complete resale orders for requesting carriers with the average length of time it takes to complete comparable retail orders. Ameritech's implementation of these measures is consistent with the FCC's 1997 *Michigan 271 Order* (§ 166), in which the FCC stated: "[I]n order to demonstrate nondiscriminatory access to OSS functions, Ameritech must demonstrate that it is provisioning resale orders within the same average installation interval as that achieved by its retail operations."
259. Performance Measures 27 and 43 compute the average interval, in days, for installation of resale POTS and resale specials. The measure for resale POTS is subdivided into business and residence categories, and is further segregated by whether provisioning the order requires a "field visit" by an Ameritech technician. This is consistent with the *Michigan 271 Order* (§ 170), in which the FCC stated that "Ameritech can and should disaggregate its data to account for the impact different types of services may have on the average installation interval." Data for requesting carriers are compared to Ameritech retail operations.

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260. The calculation excludes orders for which the customer requests installation later than the first available date offered by Ameritech, as specified by the *Michigan 271 Order* (§ 170).
261. **Percentage of Installations Completed In Specified Number of Days** (Performance Measures 28 and 44). Performance Measure 28 covers the percentage for resale POTS, as compared to retail POTS; while Performance Measure 44 addresses the percentage for resale specials, again compared to the analogous percentage for retail.
262. **Missed Due Dates** (Performance Measures 29-30, 45, and 47). Performance Measures 29 and 45 compute the Percent Ameritech Caused Missed Due Dates for resale POTS and resale specials, with comparative data for Ameritech's retail operations. Performance Measures 30 (POTS) and 47 (specials) provide information on the percentage of Missed Due Dates caused by a lack of facilities available to fill the order. Comparative data are provided for wholesale and retail orders, and are broken down into categories by order type, just as is done for the Average Completion Interval. The FCC included Performance Measure 29 (FCC Performance Measure 4a) among the measurements specified in its conditions for merger approval.
263. **Average Delay Days** (Performance Measures 31-32 and 48-49). Performance Measures 31 (POTS) and 48 (specials) measure the average number of days beyond the due date required to provision the order for resale orders missed due to lack of facilities. Performance Measures 32 (POTS) and 49 (specials) address the Average Delay Days for orders delayed for any reasons that are attributable to Ameritech. These measures

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address orders completed during the month. Performance Measures 34.1 (POTS) and 51.1 (specials) perform the same analysis for orders that are canceled during the month.

264. **Missed Due Dates > 30 Days** (Performance Measures 33 and 50). Performance Measure 33 calculates the percentage of orders completed during the month that were more than 30 days past the due date for resale POTS, while Performance Measure 50 provide the same data for resale specials.

265. **Count of Orders Canceled After Due Date** (Performance Measures 34 and 51). Performance Measures 34 (POTS) and 51 (specials) are diagnostic measurements that report the number of order cancellations each month that are attributable to Ameritech-caused delays (via resale and UNE combinations).

266. **No Access** (Performance Measures 36 and 42). Performance Measures 36 (POTS) and 42 (specials) capture the percentage of orders for which Ameritech attempts to gain access to the customer's premises to complete installation, but the end user does not allow access.

### **Reliability of Provisioning**

267. **Installation Troubles** (Performance Measures 35 and 46). Performance Measure 35 measures the rate of troubles within 30 days of installation on resale POTS, while Performance Measure 46 measures the rate of troubles within 30 days of installation on resale specials. The benchmark for these measures is based on a comparison to Ameritech's own retail operations.

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268. **Mechanized Provisioning Accuracy** (Performance Measure 12). This measure compares the features on each mechanized order, as submitted by the requesting carrier, to the features that update the customer database when Ameritech completes provisioning.

### **Repair and Maintenance**

269. **Timeliness** (Performance Measures 38-40 and 52). As with unbundled network elements, Ameritech assesses the timeliness of repairs by measuring the average time to restore service (Performance Measure 39 covers resale POTS service, while Performance Measure 52 covers resale specials), the percentage of missed repair commitments (Performance Measure 38), and the percentage of “out of service” troubles that are cleared within 24 hours (Performance Measure 40).
270. **Reliability** (Performance Measures 37 (POTS), and 54 (specials)). These performance measures assess the frequency of “trouble” reports by calculating the rate of repeat troubles for a facility. That is, facilities that require a repeat maintenance visit within 30 days of being repaired by Ameritech.

### **Billing**

271. **Daily Usage Timeliness and Accuracy** (Performance Measures 16 and 19). Performance Measure 19 determines the percentage of usage records delivered within a 5-day benchmark interval. Performance Measure 16 supplements the measure of timeliness by measuring the percentage of usage records transmitted correctly, that is, in the correct file format and in a complete file.

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272. **Billing Timeliness** (Performance Measure 18). Resale bills are processed by the Ameritech Electronic Billing System (“AEBS”). Performance Measure 18 reports the percentage of monthly resale bills not delivered within 6 business days of the scheduled billing date. The target level of compliance at 95 percent.
273. **Bill Quality and Accuracy** (Performance Measures 14, 15 and 17). Performance Measure 14 reflects the results of monthly billing audits, and computes the percentage of bill elements that are not corrected prior to their release. Performance Measure 15 calculates the percentage of accurate and complete formatted mechanized bills. Finally, Performance Measure 17 measures the percentage of service orders provisioned in the applicable billing period that are included in that period’s bill.

### **AMERITECH’S PERFORMANCE REMEDY PLAN**

In this section, I describe Ameritech’s plan to enforce the performance measures and standards discussed above, via a system of automatic remedies to be paid to Ohio CLECs and to the Treasury of the State of Ohio in the event of certain failures to meet performance standards.

274. As stipulated and ordered in the Ohio Commission’s SBC/Ameritech merger proceeding, Case No. 98-1082-TP-AMT, Ameritech’s performance measurements and benchmarks were modeled on measurements developed in collaborative proceedings for use by SWBT in Texas, as modified to reflect the results of the Ohio collaborative workshops established pursuant to the merger stipulation and parallel collaboratives throughout the Ameritech region. Thus, as also stipulated and ordered in the SBC/Ameritech merger proceeding, Ameritech implemented a plan for enforcing its performance measurements

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and benchmarks that was modeled on the one developed in Texas, which the FCC endorsed in its approval of SWBT's application to provide long-distance service in Texas, and which the FCC again endorsed in its approval of SWBT's Kansas and Oklahoma applications. The plan implemented by Ameritech also mirrored the plan approved by the FCC as a condition of the SBC-Ameritech merger, which sets forth a system of payments to the U.S. Treasury for certain performance shortfalls.

275. As with the underlying performance measurements and benchmarks, Ameritech tailored the Texas assurance plan to reflect modifications to measurements and benchmarks resulting from the various Ameritech region collaborative proceedings.
276. After the implementation of the Performance Assurance Plan in Ohio, certain CLECs participating in the collaborative proposed a different remedy plan via petition dated October 10, 2000. In its January 25, 2001 Entry, the Ohio Commission delayed indefinitely consideration of the new plan proposed by the CLECs and the Ameritech plan implemented coincident with merger obligations is in effect.

### **KEY FEATURES OF THE PLAN**

277. Pursuant to the April 8, 1999 Order of the Ohio Commission in Case No. 98-1082-TP-AMT, Ameritech has developed and implemented specific performance assurance measures, including a self-effectuating system to prevent backsliding.
278. Ameritech's plan provides for two classes or tiers of performance remedies. Tier 1 remedies apply to customer-affecting measurements (for instance, the interval for installing or restoring service), and are paid to the CLEC or CLECs that receive substandard performance after incorporating the Performance Assurance Plan in their

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interconnection agreements. Tier 2 remedies apply to general, competition-affecting measurements (such as OSS availability) and are paid to the State Treasury. For both tiers the penalties typically accrue on a “per occurrence” basis (in other words, the remedial amount would be calculated according to the number of incidents in which Ameritech delivers non-compliant performance) with some remedies assessed at a fixed amount per measure. Each measurement also is ranked “low,” “medium” or “high” in priority, with the size of the per-occurrence payment tailored accordingly. Attachment A lists these priorities for each measurement in the “Measurement Type” section of each measurement business rule. Annual remedies under the plan are subject to a cap based on 36 percent of net return. The present year’s cap is estimated at \$ 181.109 million. Briefly, the plan calculates remedies via the following steps:

279. Ameritech reports performance for the applicable CLECs and measurements in a given month by the 20th day of the following month. Performance data are posted on the CLEC website and are subject to audit. The initial audit (performed by KPMG) is now underway. The remedy plan also permits CLECs to initiate mini-audits to address specific concerns. For each separate performance measurement and category, Ameritech compares reported performance to the applicable standard.
280. If reported performance falls short of the standard, Ameritech performs statistical analysis to address the impact of random chance and to identify shortfalls that are statistically significant. The first stage of the analysis is applied to individual performance measures, and is designed to achieve 95 percent confidence that a shortfall is not due to random chance; a second step, using a “K” table, is applied at the aggregate level to address the remaining 5 percent expected error rate.

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281. For statistically significant differences, Ameritech computes Tier 1 remedies based on the following factors:
- The size or severity of the performance shortfall (how far reported performance fell short of the standard);
  - The number of occurrences or transactions affected (for those remedies that are assessed on a per-occurrence basis); and
  - A remedy amount, reflecting the measure's priority. This amount increases with each consecutive month of below-standard performance, up to six consecutive months.
282. This results in a Tier 1 remedy, which is payable to the CLEC and due 30 days after the applicable performance report. (There is a limited waiver procedure, which allows Ameritech to contest remedies for performance shortfalls that are due to the CLEC, and which provides for expedited resolution by the Ohio Commission. Ameritech must initiate the procedure by the time payments under the plan are due.)
283. If any Tier 2 designated performance measurement fails to meet a standard for three consecutive months, Ameritech would compute Tier 2 remedies payable to the state. This calculation is similar to the Tier 1 procedure, but excludes the application of the K table (step 2) and adds a step for treble remedies on low volume "emerging" market measures.
284. The FCC approved the remedy plan proposed by Ameritech three times. First, when it approved a similar plan for use in all 13 of the SBC-Ameritech states, as a condition of approving the SBC-Ameritech merger. Second, when it endorsed the Texas plan (which served as the model for Ameritech's proposal here) as part of its order approving SWBT's section 271 application for Texas; And most recently, when it endorsed virtually

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identical plans in Kansas and Oklahoma, and approved SWBT's section 271 application for those states.

285. After the implementation of the Performance Assurance Plan in Ohio, certain CLECs participating in the collaborative proposed a different remedy plan via petition dated October 10, 2000. In its January 25, 2001 Entry, the Ohio Commission delayed indefinitely consideration of the new plan proposed by the CLECs.

## **CONCLUSION**

286. This concludes my affidavit.

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I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on \_\_\_\_\_, 2001.

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Salvatore T. Fioretti  
Director – Performance Measures

STATE OF ILLINOIS  
COUNTY OF COOK

Subscribed and sworn to before me  
this \_\_\_ day of \_\_\_\_\_, 2001.

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Notary Public

My commission expires: