April 2, 2001

By Hand

Joel H. Peck, Clerk
Document Control Center
State Corporation Commission
1300 East Main Street
Richmond, VA 23219

Ex Parte Establishment of a Collaborative Committee to Investigate Market Opening Measures. Case No. PUC000026

Dear Mr. Peck,

Enclosed for filing with the Commission is an original and fifteen copies of the Comments and Petition of AT&T Communications of Virginia, Inc. in the above captioned case. AT&T is serving this filing on the members of the Performance Metrics Collaborative via e-mail.

Thank you for your attention to this matter.

Sincerely

CC: Kathleen A. Cummings / VSCC
Service List

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION
AT RICHMOND

COMMONWEALTH OF VIRGINIA, ex rel.)
)
STATE CORPORATION COMMISSION)
) CASE NO. PUC000026
Ex Parte: Establishment of a)
Collaborative Committee to)
Investigate Market Opening Measures)

Comments and Petition of AT&T Communications of Virginia, Inc. Regarding Verizon Virginia's Proposed Carrier-to-Carrier Guidelines Performance Standards and Reports

AT&T Communications of Virginia, Inc. ("AT&T") submits these Comments and Petition regarding Verizon Virginia's ("Verizon") March 12, 2001 proposed revisions to the Carrier-to-Carrier Guidelines Performance Standards and Reports ("Guidelines"). Specifically, AT&T respectfully requests that the Commission direct Verizon to file new Guidelines reflecting the New York Guidelines, as described below, for adoption by the Commission. In support, AT&T states as follows:

Verizon and AT&T have reached an understanding in principle that, if adopted by the Commission, should greatly simplify the process of adopting Guidelines on a regional basis, including Virginia. Verizon and AT&T have agreed to accept for Virginia and the other states in the ex-C&P mid-Atlantic area the metrics and standards in place in New York, as they exist now and as they may be modified in the future, whether pursuant to consensus or New York Commission order. The regionalized metrics and standards have been agreed to for Virginia, the District of Columbia, Maryland and West Virginia. Going forward, AT&T and Verizon have agreed that any revisions to the Guidelines metrics and standards proposed by either of them may be brought to the New York Commission and/or Collaborative.

Any revisions to the metrics and standards adopted by the New York Commission will be automatically incorporated into the Virginia Guidelines by Verizon filing such incorporation within 30 days of adoption in New York.

The agreement to take advantage of the continuing work of the New York Commission and Collaborative represents an opportunity for AT&T, Verizon, the other CLECs and the Commission to achieve greater efficiency in administering metrics and standards. Because there has been no standardized method of reporting metrics and standards among the various states, the process of reporting, analyzing and updating metrics and standards is becoming increasingly burdensome for both Verizon and the CLECs. Verizon was required to prepare different metrics reports for each jurisdiction, and AT&T and other CLECs were forced to decipher different metrics reports in each jurisdiction. In addition, the CLECs, Verizon and each state Commission have been required to devote substantial resources to adopting, managing and updating Guidelines.

Under the agreement between AT&T and Verizon, however, the reporting process can become standardized across the C&P states. Personnel preparing metrics reports or analyzing them in the C&P states would have one consistent set of metrics and standards by which to judge Verizon's OSS performance. In addition, the Virginia Commission would not need to expend resources to consider and decide disputes over the Guidelines that have already been resolved by the New York Commission. The result will be a substantial streamlining of the process of adopting, interpreting and updating the Guidelines, which will benefit Verizon, all CLECs and the Virginia Commission.

Verizon submitted its Virginia Guidelines proposal on March 12, 2001, before Verizon and AT&T reached their agreement to abide by the New York Guidelines. For the most part, Verizon's March 12 proposal appears loosely based on the New York Guidelines, but deviates from it in a number of substantive areas. Given the agreement to use the New York metrics and standards in Virginia, it would appear an unnecessary burden on the parties and the Commission to comment on and analyze the specifics of the March 12 proposal. Rather, Verizon has agreed to submit a new proposal that tracks the New York Guidelines exactly, except for those ministerial modifications needed to reflect state-specific requirements, such as differences in SOP downtimes and tariff references.[1] That proposal would be "red-lined" to show all deviations from the New York metrics and standards. After Verizon submits the new Guidelines, they should be subject to comment by the CLECs.

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Although adoption of the New York metrics and standards will streamline and accelerate the work of the Virginia Commission, it is only half of the equation. Once the Guidelines are in place, the Commission should adopt a Performance Assurance Plan ("PAP"), containing incentives and remedies to ensure Verizon's compliance with the Guidelines. Adopting Guidelines without meaningful, self-executing incentives and remedies will only move the ball half-way to the goal of non-discriminatory access by the CLECs to Verizon's wholesale support mechanisms. Moreover, self-executing remedies are needed to prevent backsliding after 271 entry.

AT&T cannot overstate the importance of adopting a meaningful PAP for Virginia, or the risks of adopting an inadequate PAP. The New York service crisis, of which the Virginia Commission is well aware, is an example of how an appropriately structured set of remedies can encourage adherence to the Guidelines and provide

[1] It should be noted that the New York C2C Guidelines are structured so that certain important performance standards are incorporated into the Performance Assurance Plan ("PAP") rather than in the Guidelines themselves. One example is OR-5-01 (% Flow Through Total). For the sake of convenience and clarity, AT&T recommends that such performance standards in the New York PAP be explicitly included with the Virginia Guidelines.

incentives for Verizon to devote the necessary resources to correct systemic OSS problems. Moreover, the Virginia Commission should take into account the effect of the remedies adopted elsewhere in the Verizon footprint. Verizon will work hardest to achieve OSS parity where the financial risk of failure is the greatest. Therefore, if Virginia adopts a PAP with lower incentives and remedies than other states, such as New York, that decision would simply encourage Verizon to direct resources away from Virginia and toward other jurisdictions that have made a more substantial commitment toward OSS parity.

The Virginia Commission will be one important step closer to achieving the goal of non-discriminatory OSS if it adopts the New York metrics and standards as agreed by AT&T and Verizon. AT&T urges the Commission to adopt the Guidelines in place in New York (including all future revisions), and immediately turn its attention to the development of a meaningful PAP that will ensure that OSS parity is achieved in Virginia.

WHEREFORE, AT&T respectfully requests that the Commission direct Verizon to file new Guidelines reflecting the New York Guidelines for adoption by the Commission, as described in above.

Respectfully submitted,

AT&T COMMUNICATIONS OF VIRGINIA, INC.

By its attorneys

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Dated: April 2, 2001