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May 22, 2001

EMAILED

Ms. Kathleen Cummings
State Corporation Commission
Division of Communications
1300 East Main Street
Richmond, Virginia 23219

Re: Ex rel. State Corporation Commission, Ex Parte: In the matter of Establishment of a Collaborative Committee to Investigate Market Opening Measures; Case No. PUC000026

Dear Ms. Cummings:

I have attached Cox Virginia Telecom, Inc.'s ("Cox") Reply to Verizon's Response to Cavalier, WorldCom and AT&T's Proposed Changes/Additions to Verizon Virginia's Metrics. Although Cox regrets that it was not able to attend the last meeting of the Performance Standards Committee ("Committee") in the above-mentioned proceeding, we would ask the Committee to consider these comments in light of other parties' previous filings. As a result, I will be distributing these Comments electronically to the service list for the Committee.

If you have any questions or comments, please contact me.

Thank you for your assistance

Very truly yours,

Deborah A. Jaggard

Enclosure

Memorandum

COX COMMUNICATIONS

To: **Virginia Performance Standards/Remedy Plan Committee in Case No. PUC000026**

Date: **May 22, 2001**

From: **Debbie Jaggard/Jill Butler of Cox Virginia Telcom, Inc.**

Re: **Cox Virginia Telcom Inc.'s Reply to Verizon's Response to Cavalier, Worldcom, & AT&T's Proposed Changes/Additions to Verizon Virginia's Metrics**

Please accept the attached comments of Cox Virginia Telcom, Inc. ("Cox") regarding Verizon's response to Cavalier's, Worldcom's, & AT&T's Proposed Changes/Additions to Verizon Virginia's Metrics in Case No. PUC000026.

Verizon Item 1: Method of Adopting Changes in the Performance Standards:

In the event that the New York guidelines are adopted in Virginia, Verizon has proposed an approach for adopting future changes to the New York guidelines in Virginia. Verizon has suggested that "consensus decisions" agreed to by Verizon and the CLECs in the New York Collaborative should be automatically imported into the Virginia Guidelines, subject to any modifications necessary to conform the New York changes to Virginia. Verizon also proposes that there be a strong presumption that any other changes to the New York guidelines resulting from the New York Collaborative also be adopted in Virginia, subject to any changes necessary to conform these changes to Virginia. Verizon proposes that it would submit the New York Guideline changes to the Virginia Commission within 30 days of the compliance filing in New York. At that point, all parties would have an opportunity to comment on whether the New York Guidelines should be adopted in Virginia. However, with respect to the New York "consensus metrics" (i.e. changes agreed to by Verizon and the CLECs), the comments would be limited to the issue of whether the metric change appropriately adapts the New York metric change to Virginia. With respect to all other metric changes, the party opposing the change would have the burden of showing why the change should not be adopted in Virginia.

Cox does not operate in New York, and thus, has not been part of the New York Collaborative. As such, the metrics and revisions to metrics adopted in New York will be of first impression to Cox. Cox objects in principle to Verizon's proposal that Virginia companies be bound by what was adopted in New York, without having had the opportunity to review the applicability and appropriateness of the measures. Thus, in response to Verizon's proposal, Cox takes the following positions: (1) Whenever a changed or additional metric (either consensus _or_ non-consensus) is proposed in the Virginia Performance Standards proceeding, all affected parties should be given an opportunity to review and comment on the metric. Under no circumstances should parties be limited to commenting on the issue of whether the metric change appropriate adapts the New York metric change to Virginia; (2) the New York revisions should not be the only source for amendments to the Performance Plan.

Cox supports adequate notice and opportunity for substantive comment not only on the applicability of the metric but on the substance of the metric as well. Cox and the other parties in this proceeding are concerned about the metrics that are ultimately adopted in Virginia—not New York. As such, the parties should be provided with the opportunity to substantively review and propose changes to any proposed metric.

Cox also believes that the New York revisions should not be the only source for considering amendments to the Performance Plan. Certainly Verizon North does not always function in sync with Verizon South. As a result, Virginian-CLECs may face different obstacles, challenges and glitches than the CLECs in New York. Virginia-based CLECs should be given ample opportunity in front of this Commission to address their concerns. As such, Cox would propose that the Performance Standards Committee consider a process for receiving proposed Performance Standards outside of the New York-adopted guidelines.

Verizon Item 2: Cavalier's Proposal for a New Metric Regarding Directory Errors:

Although Verizon blatantly rejected Cavalier's suggestion that a metric be added for this area, Cox strongly supports Cavalier's suggestion. Cox cannot agree with Verizon's conclusion that "with such a low error rate, there is no need for a metric." Verizon went on to say: "Cavalier has not shown that there is a need for this metric." Cox would ask that the Performance Standards Committee and the Commission consider Cox's Informal Complaint to this Commission, dated May 2, 2001, and Cavalier's intervention in that Informal Complaint based on its own experiences. when it considers whether Verizon should be scrutinized on this point. Indeed, at the very minimum there is a need for a metric in this area, if not an entire new category of metrics.

Cox would suggest that when one stops to consider what consumers rely upon in the telephone arena, three concepts emerge: (1) access to "411"/Directory Assistance with accurate data; (2) access to telephone books with accurate listings; and (3) access to a reliable E-911 system. What can be more in the public interest than ensuring that telephony consumers can rely on telephone companies to provide accurate directory and telephone book listings?

As a result of Cox's poor experience with Verizon in this area, Cox would like to propose additional directory-related metrics for consideration in the Performance Standards Committee:

- Percent of CLEC blue-page (i.e. government) directory listings that are contained in ILEC-provided Listing Verification Report (LVR). Cox's experience is that Verizon does not provide this at all.
- Percent of CLEC-submitted Nonpublished orders that ILEC publishes
- Percent of CLEC-submitted Nonlist orders that ILEC publishes
- Percent of CLEC-submitted Name and Number Only orders that ILEC publishes street address
- Percent of CLEC-submitted directory listing orders that are missing or inaccurate in ILEC-Directory Assistance
- Percent of CLEC-submitted Commercial Orders published with errors
- Percent of CLEC-submitted Residential Orders published with errors

- Percent of CLEC-keyed Directory Orders errored out due to Verizon providing a late provisioning completion notice or late billing completion notice

Verizon Item 4: Cavalier's proposed metric for CLEC customers "double billed" by Verizon:

Although Verizon tells the Performance Standards Committee that "Double billing is a Retail Verizon issue involving the relationship between Verizon and its former customer," Cox's own experiences in this area fail to confirm that Verizon is treating this matter as such.

Over the last month alone, Cox has received complaints from almost 20 Cox residential customers who have been upset about "Verizon's" continuing to bill them. Cox is also dealing with several double billing complaints by commercial customers. This causes problems not only for the end-user, but also for the CLEC because additional administrative work is necessary to determine whether the "Verizon" that the customer is referring to is the old Bell Atlantic or the old GTE since these two companies still have separate billing systems and separate ways of handling billing inquiries. Cox is astounded that after a year and a half of complaining to Verizon-Virginia, this continues to be a problem. While we are cognizant that the problem is a system problem, the gravity of billing a customer for services not received surely warrants attention on Verizon's part. Thus far, Verizon has only committed to act on complaints filed by its former customers or by Cox on their behalf, and has not been willing to take a proactive stance to find out the problems before they become a customer complaint.

As a result, Cox strongly supports Cavalier's suggestion in this area.

Verizon Item 29: Worldcom's recommendation to add a new metric to account for cancelled orders due to "no facilities" after a FOC is received:

Cox strongly urges adoption of this type of metric for all orders (i.e. UNE loop, Type II (Special Access), etc. CLECs cannot effectively compete when Verizon notoriously on the day of install calls to say: "Can't do it. We have no facilities." The usual result for UNE loops in the residential arena is a loss of dialtone, which Cox finds completely unacceptable. Although Verizon indicates it has no ability to measure its performance in this area, Cox believes it should find a way because its ineffectiveness in this area has reflected poorly on its competitors and done more than inconvenience a few customers.

Cox also encourages the Performance Standards Committee to consider investigating the timeframes for Verizon's physical delivery of Type II (Special Access) orders, the ability of Verizon to meet FOC dates on all orders including high-capacity UNEs and voice grade UNEs. Even though Special Access is not part of the 271 checklist, the ability to convert Special Access Lines to Expanded Extended Loops means that the timely provisioning of Special Access lines is integrally related to the provision of UNE loops.

As a result, Cox strongly supports Worldcom's suggestion to add this as a new metric.

Further general comments regarding trunking issues, E911, and wholesale billing

Since Cox is a facilities-based LEC with a small (but growing) percentage of the market, its network connections to Verizon are critical to its ability to offer services. The timely augmentation of interconnection trunks from Verizon to Cox has been an issue of periodic and continuing frustration, despite timely and accurate (by Verizon's own admission) forecasts by Cox. We urge the Performance Standards Committee to consider ways to monitor Verizon's ability to meet CLEC 's requests and forecasts on a timely basis for trunking. Cox is particularly concerned about this area because if Verizon is unable to meet Cox's expectations, then customers experience "fast busies" or a message that "all circuits [are] busy." This experience has been disastrous for Cox trying to attract new customers. Cox would like to ensure that Verizon is taking every step necessary to prevent this from happening one more time.

Cox is also very interested in testing Verizon's responsiveness to questions and inquiries about 911. Verizon has recently rejected several addresses with an error message, but it took many calls to Verizon before anyone was able to explain what type of error this was. Even with the introduction of PS-ALI, Cox is still dependent upon Verizon to timely and accurately update E911 records. Inadequate information about rejects delays the timely update of vital 911 records.

Cox hopes that Performance Standards Committee will continue to examine the accuracy of Verizon's wholesale billing, including a comparison of its paper bills with the electronic version of such bills. We have found that there is often a disparity, which makes it difficult to trust the more easily usable electronic version.

Conclusion

Cox appreciates the Performance Standards Committee's consideration of the above comments.