BEFORE THE
STATE CORPORATION COMMISSION
OF THE COMMONWEALTH OF VIRGINIA

ESTABLISHMENT OF A	:	
COLLABORATIVE COMMITTEE	:	**Case No. PUC000026**
TO INVESTIGATE MARKET	:	
OPENING MEASURES	:	

AT&T COMMUNICATIONS OF VIRGINIA, INC.'S

COMMENTS ON VERIZON'S DRAFT CARRIER-TO-CARRIER GUIDELINES PERFORMANCE STANDARDS AND REPORTS

Verizon's proposed draft Carrier-to-Carrier Guidelines Performance Standards and Reports[1] reflect substantial movement of the parties toward compromise and are generally on the right track. Because of the willingness of all parties to be both flexible and reasonable, scores of issues have been resolved through compromise in the months since the Commission first ordered the submission of draft guidelines, performance standards and reports. The most important compromise was the agreement of AT&T and Verizon to use the New York Carrier-to-Carrier Guidelines Performance Standards and Reports ("New York Guidelines") in Virginia and modify them only to account for differences between Verizon's systems in New York and Virginia. As expected, the agreement greatly decreased the disputed issues, and focused the parties on addressing the differences between the OSS in Virginia verses those in New York.

Nevertheless, the proposed Virginia Guidelines should be modified to set forth Verizon's obligations clearly and accurately. The issues fall into three categories:

[1] Proposed Virginia Carrier-to-Carrier Guidelines Performance Standards and Reports ("Virginia Guidelines"), June 29, 2001.

(1) Portions of Virginia Guidelines do not reflect the parties' agreement to adhere to the New York Guidelines;

(2) The Virginia Guidelines improperly base certain metrics on a soon-to-be-obsolete Service Order Processing System, causing them to be inaccurate and outdated even before they take effect; and

(3) The proposed Guidelines are unnecessarily premised on references to information on Verizon's website, causing them to vary automatically based on Verizon's unilateral changes to its website, without notice or opportunity to CLECs, and absent Commission approval.

Consequently, the proposed Virginia Guidelines deviate unnecessarily from the New York Guidelines, sacrificing clarity and consistency in the process. The Commission should correct these deficiencies in the proposed Virginia Guidelines and order Verizon to revise them consistent with these comments.

I. Exhibit 1 Should Be Deleted In Its Entirety.

The most obvious reason to delete Exhibit 1 from the Guidelines is that it is not a part of the New York Guidelines. Verizon agreed to use the New York Guidelines in Virginia and make *only* the modifications mechanically necessary for differences between Verizon's systems in New York and Virginia, e.g., computer systems, geographic disaggregations, union holidays. Exhibit 1 plainly has ***nothing*** to do with differences between Verizon's OSS in New York and Virginia. Instead, it is primarily a list of excuses to help Verizon avoid remedies and penalties under the Performance Assurance Plan ("PAP"), coupled with an attempt to scale back Verizon's reporting and measurement obligation. Verizon has operated under the New York Guidelines for more than a year without suffering undue burden or injury to its business. The Commission ought to reject Exhibit 1 in its entirety on that basis alone.

AT&T's insistence that the Virginia Guidelines adhere, as closely as possible, to the New York Guidelines is not a mere formality. The Commission's decision on that

question will largely determine whether Virginia ever realizes the benefits of relying upon the New York Guidelines. The agreement to take advantage of the continuing work of the New York Commission and Collaborative will benefit AT&T, Verizon, other CLECs and the Commission. Standardizing the metrics across Virginia, the District of Columbia and Maryland will facilitate performance reporting and comparisons, and will yield substantial efficiencies in the administration of the Guidelines.[2] If Verizon is allowed to contort Virginia's Guidelines needlessly, they will differ from the New York Guidelines in ways having nothing to do with OSS variations, and subject the process to counterproductive litigation and chaos. That in turn will rob the parties and the Commission of the benefits of relying on the New York Guidelines and would sabotage efforts to import future revisions.

Verizon has not carried its burden to establish that its proposed revisions to the New York Guidelines are limited to OSS issues, or even that the revisions are in the public interest. In fact, the proposed revisions accomplish exactly the opposite – they are a medley of unsupportable restrictions and broad loopholes that would render the Guidelines confusing, unwieldy, internally inconsistent, harmful to competition and contrary to the public interest, as explained below.

A. Exhibit 1, "Additional Provisions" for "Skewed Data."

Verizon proposes the addition of four pages of new terms and conditions, primarily to grant itself sweeping exceptions to its measurement and reporting obligations. AT&T objects to the inclusion of these "Additional Provisions" because:

- They involve issues properly addressed in the PAP, and their improper incorporation in the Guidelines would undermine the reasonable and efficient operation of the PAP, as shown by over 18 months of experience

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[2] For example, the New York Carrier Working Group, had six all-day meetings over the course of only 40 business days this summer to addresses the intricacies of the Guidelines. It would be tremendously inefficient to reinvent the wheel and repeat those same time-consuming meetings in Virginia.

in New York;

- They contradict other provisions in the Guidelines;
- They allow Verizon unilaterally and without Commission oversight to excuse its own failure to satisfy the Guidelines;
- They mask discriminatory performance and deprive the Commission of the very information it needs to evaluate Verizon's performance; and
- They are imprecise and would riddle the Guidelines with loopholes.

1) The "Skewed Data" Provisions Concern The PAP, Not The Guidelines, And Would Undermine The PAP.

Exhibit 1 should be rejected because it concerns remedies and has no place in Guidelines governing Verizon's obligation to measure and report data. Additional Provision ¶ 3, entitled "Skewed Data," states:

> Verizon *shall not be responsible for a failure to meet a performance standard*, to the extent such failure was the result of: (a) a Force Majeure event; (b) a statistically invalid measurement; or, (c) Event Driven Clustering, Location Driven Clustering, Time Driven Clustering, or CLEC Actions, as described in Appendix K. (Emphasis added).[3]

Verizon's proposed exemption for "Skewed Data" undermines the very purpose of the Guidelines. The Guidelines exist to ***measure*** and report Verizon's performance and set standards to evaluate its reported performance; the Guideline themselves do not impose remedies. The PAP will govern the remedies for failing the Guidelines, and the PAP contains provisions excusing non-compliance due to Force Majeure events. Indeed, the New York Guidelines have been in place for over 18 months without the "Skewed Data" language, and the New York PAP contemplates the relief Verizon might reasonably require due to just these sorts of unexpected events. There is no reason for the Commission to address Force

[3] Exhibit 1, ¶ 3, Virginia Guidelines.

Majeure in the Guidelines because any mitigating factors can be -- and have been -— addressed in the PAP.

(2) The "Skewed Data" Provisions Contradict The Guidelines.

The "Skewed Data" provision is inconsistent with Appendix K of the Guidelines. Appendix K allows Verizon to file an "Exception" to the performance scores in the event of "Event Driven Clustering – Cable Failure," "Location Driven Clustering – Facility Problems," "Time Driven Clustering – Single Day Events," and "CLEC Actions."[4] Appendix K requires Verizon to submit detailed documentation supporting the Exception.

Nevertheless, Verizon addresses the very same Exceptions in Exhibit 1, but omits the requirements of documentation. The "Skewed Data" provision states:

Verizon *shall not be responsible for a failure to meet a performance standard*, to the extent such failure was the result of: . . . (c) Event Driven Clustering, Location Driven Clustering, Time Driven Clustering, or CLEC Actions, as described in Appendix K. (Emphasis added).[5]

Whereas Appendix K sets forth explicit requirements for documentation to support an Exception, Exhibit 1 grants Verizon discretion to declare that one of the four Exceptions occurred, requiring only that Verizon *notify* the CLECs and the Commission. The "Skewed Data" provision in Exhibit 1 impermissibly waters down the explicit documentation requirements of Appendix K, causing inconsistency and ambiguity, and should be rejected.

(3) The "Skewed Data" Provisions Allow Verizon To Excuse Its Own Non-Compliance.

The "Skewed Data" provision improperly allows Verizon to excuse itself from compliance with the metrics, improperly shifting the burden onto CLECs and the

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[4] Appendix K, Virginia Guidelines.

[5] Exhibit 1, ¶ 3, Virginia Guidelines.

Commission to investigate and challenge Verizon's excuses. Additional Provision ¶ 3, entitled "Skewed Data," states:

> If Verizon claims that it is excused . . . from meeting a performance standard, Verizon will submit *notice* to the Commission and all affected CLECs at the time that it submits the applicable monthly performance report. *If any interested party wishes to dispute Verizon's claim, [the interested party] must do so within thirty (30) calendar days . . . by requesting the Commission to institute an appropriate proceeding to resolve the dispute.* (Emphasis added).[6]

Verizon proposes that its obligation be limited simply to filing a notice when it asserts a Force Majeure event or statistical fluke.

This is an improper delegation of Commission authority. In essence, Verizon proposes that it grant itself injunctive relief and a rebuttable presumption that its non-compliance with the Guidelines be excused. This is tantamount to an automatic injunction in Verizon's favor, devoid of all Commission oversight or review unless a CLEC institutes and prevails in a proceeding. Even though Verizon would have full information about the circumstance surrounding the alleged Force Majeure event, Verizon would foist the burden onto CLECs to determine in advance whether Verizon is entitled to relief.

The better approach is the New York approach. Verizon should bear the burden to assert its own request for relief under the PAP. Shifting the burden of investigating Verizon's non-compliance to CLECs and the Commission makes no sense and should not be permitted.

(4) The "Skewed Data" Provisions Mask Discriminatory Performance.

Allowing Verizon unilaterally to avoid its obligations under the Guidelines could mask a lack of parity that coincides with a Force Majeure event, unwittingly dismissing both avoidable discrimination and the portion of degraded performance

[6] Exhibit 1, ¶ 3, Virginia Guidelines.

attributable to the Force Majeure event. For example, assume that Verizon suffers a significant labor strike, and despite Verizon's best efforts to fill new orders, Verizon falls behind. For parity measures (where there is an analogous retail activity), if Verizon is providing non-discriminatory service to CLECs, provisioning should be delayed for CLEC and Verizon customers alike. If Verizon customers receive their new orders to a degree that CLEC customers do not, however, discrimination occurred.

Force Majeure does not suspend the Telecommunications Act and is not a license to discriminate. It is an event that impairs Verizon's ability to perform, but Verizon still has the statutory obligation to provide non-discriminatory service -- service that is at least equal in quality to that which it provides itself and its retail customers -- even if overall performance is impaired during a Force Majeure condition. But if the Commission were to allow Verizon to excuse its own non-compliance, Force Majeure events would become an opportunity for Verizon to give preferential treatment to its own customers.[7]

The New York Guidelines contain no Force Majeure provisions, and there is no reason to add them to the Virginia Guidelines. The August 2000 work stoppage by Verizon's union workers was readily accommodated by the Force Majeure relief in the New York PAP. Again, the best approach is to require compliance with the reporting requirements in the Guidelines and handle Force Majeure events and statistical flukes under the PAP.

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[7] Equally troubling is the fact that an automatic suspension of the Guidelines due to Force Majeure events would deprive the Commission of the very data it needs to judge parity following such a crisis.

(5) The “Skewed Data” Provisions Are Vague And Overbroad.

If the Commission requires additional reasons to reject the “Skewed Data” provision, Verizon provides them in the vague, overbroad language it chose. Force Majeure events are defined to include:

> (E)vents or causes beyond the reasonable control of Verizon; **<u>or</u>**, (b) unusually severe weather conditions, . . . picketing or boycotts, unavailability of equipment, parts or repairs . . . . (Emphasis added).[8]

Under this provision, Verizon could *entirely* avoid its obligations under the Guidelines if it decided, for example, that there was any event beyond its control; if the “weather” was “severe”; if a single person held a boycott; if a single protester picketed a worksite; if a single truck had a flat tire; or if any piece of equipment were unavailable or broken. In fact, Verizon has written this clause so broadly that even if the unavailability of the equipment is *entirely* Verizon’s fault, Verizon’s failure to meet the Guidelines is excused. Obviously, these overreaching and vague loopholes are subject to abuse and have no place in Guidelines designed to measure whether Verizon is providing discriminatory wholesale service to CLECs.[9] Further Verizon does not seek relief only to the extent that a Force Majeure event caused the portion of degraded service. Instead Verizon seeks relief for concurrent discrimination during the Force Majeure conditions. This is patently unreasonable. Because the metrics are not the forum to grant Force Majeure relief, any relief granted should only be (1) to the extent that the Force Majeure event caused the portion of the failing performance sought to be excused, and (2) that the failing

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8 Exhibit 1, ¶ 3, Virginia Guidelines.

9 Buried within the “Skewed Data” provision is yet another loophole to excuse Verizon’s non-compliance with the Guidelines. Verizon proposes that it “not be responsible for a failure to meet a performance standard, to the extent such a failure was the result of: . . . a statistically invalid measurement.” Exhibit 1, ¶ 3, Virginia Guidelines. The Guidelines are a detailed quantitative protocol specifically designed to insure that the measurements *will* be statistically valid. There is no good reason to allow Verizon to declare, for unspecified reasons, that a particular measure is no longer valid.

performance was not reasonably preventable by Verizon efforts to plan, drill, stockpile, and/or prepare for such events.

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All of these problems show why the best approach to Force Majeure events and statistical flukes is the battle-tested New York approach. In New York, Verizon performs the appropriate measuring and reporting, and if a Force Majeure issue occurs, Verizon petitions for relief under the PAP.[10] When Verizon suffered a labor strike, Verizon petitioned for (and obtained) relief from the New York Commission under the New York PAP.[11] The New York Commission did not allow Verizon to declare that it was relieved from all obligations under the New York Guidelines. The "Skewed Data" provisions are unnecessary because real-world experience in New York has shown them to be unnecessary.[12] There is no need to deviate from the New York Guidelines to adopt Verizon's vague and counterproductive "Skewed Data" provisions, and the Commission should reject all of them.

B. Exhibit 1, "Confidentiality."

Verizon's proposed confidentiality protection for "Verizon Information"[13] should be rejected because it is not in the New York Guidelines, is hopelessly overreaching, and will keep public information from both the public and from entities with a legitimate need or right to it.

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[10] Other metrics reporting problems, such as a cable cut can affect the metrics, but such events are not limited to Force Majeure events; they can happen at any time, and they are accordingly addressed in Appendix K.

[11] *See* New York Public Service Commission Docket Nos. 97-C-0271 and 97-C-0949.

[12] Indeed, Verizon's proposed "Skewed Data" provision is far more lenient even than the Force Majeure event provisions in the New York Performance Assurance Plan.

[13] Exhibit 1, ¶ 4.

As a threshold matter, the Confidentiality provision does not exist in New York, so it should be omitted from the Virginia Guidelines on that basis alone. It is unsupportable and has been unnecessary in practice in New York. Verizon does not explain why it is necessary in Virginia.

On the merits, the Confidentiality provision is a needless web of restrictions to protect information that is already in the public domain. Under Exhibit 1, Confidentiality (a)(1)(A), "Verizon Information" includes:

(1) information contained in the report for Verizon Retail performance;

(2) information contained in the report for Verizon Affiliate Aggregate performance; and

(3) any other information about or related to Verizon retail customers or Verizon Affiliates or service provided to Verizon retail customers or Verizon Affiliates (including, but not limited to, Verizon Advanced Data Inc.), disclosed to a CLEC in conjunction with the Guidelines.[14]

The confidentiality provision is overly broad and unworkable on many levels. A Verizon performance report at the CLEC-Industry Aggregate level contains a great deal of information that is already in the public domain, such as innocuous facts like the number of lines of Verizon. Much of this information is in ARMIS data, which establishes that Verizon has not taken the customary steps to be entitled to protect this information from public disclosure.[15]

Moreover, Verizon proposes to treat as confidential the very data it affirmatively publishes on its own web site under the New York Guidelines, which shows each

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14 Paragraph 2 limits CLEC use and disclosure of information to certain CLEC Agents, government authorities, or pursuant to an agreement with Verizon. Exhibit 1, ¶ 4(2).

15 Verizon argues that confidentiality protection is needed because information "such as the volumes of services being installed, may provide a picture of a carrier's marketing activities and the customers that it is serving." The volume of services installed, however, is *already* public information, and the fact that someone could speculate about the interpretation of that public information does not render it confidential.

report back to January 2000. There is no good reason why the number of Verizon access lines in New York would be public and distributed world-wide, while the number of Verizon access lines in Virginia would somehow be confidential.

Even if Verizon could somehow show the information rose to the level of a trade secret, it would then have to show that the further release of this information in Virginia would cause harm beyond the effect of already releasing it in New York and Massachusetts, for example. Verizon has not claimed any harm from the initial disclosure of the information it seeks to protect (particularly since Verizon has no such confidentiality protection in the New York Guidelines for CLEC Aggregate/Industry-level reports).[16] Verizon has not established even the potential for harm from releasing this information in Virginia, so the Commission should reject its proposed confidentiality provisions.[17]

Finally, the confidentiality restrictions are so broad that they could undermine the public interest. For instance, they preclude non-CLECs from obtaining Verizon performance reports, which could prevent the Division of Consumer Counsel from investigating citizen complaints. Potential CLEC-market entrants would also be precluded from reviewing CLEC Aggregate reports to assess market conditions and OSS parity. And Virginia CLECs would be forced to maneuver through a maze of costly restrictions simply to shield information Verizon itself has not bothered to shield. These oppressive and overbroad confidentiality provisions could have a chilling effect in the Virginia marketplace, all for the dubious purpose of hiding

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[16] Certainly after releasing 18 months of precisely this type of information in New York, Verizon would by now have ample evidence of *actual* harm. At this point, arguments of hypothetical harm are unpersuasive in light of empirical experience.

[17] Although Verizon requires stringent restrictions on data it provides to CLECs, the data CLECs provide to Verizon is not protected to the same degree, which unfairly benefits Verizon. *Compare* Confidentiality ¶ 4(a) (protecting Verizon information) *with* Confidentiality ¶ 4(b) (protecting CLEC information to a lesser extent).

garden-variety public information. The confidentiality provisions should be deleted from the Guidelines.

C. Exhibit I, "Reporting Date."

Verizon proposes to change the reporting date in Virginia to the 28th of the month for Aggregate CLEC and Aggregate Affiliate Reports, and the 30th day of the month for CLEC Specific Reports.[18] The reporting dates in New York, Massachusetts, Pennsylvania, and New Jersey are the 25th of the month.

Once again, this change ought to be rejected because it is contrary to the agreement to adopt the New York Guidelines. Verizon has been reporting on the 25th of the month in New York since the Guidelines were adopted over 18 months ago. Verizon has identified no problems inherent in that deadline, so there is no reason to adopt a different one in Virginia.[19]

Moreover, it is unwise to stagger the delivery of metrics reports which have been simultaneously delivered for months and years in other Verizon-East jurisdictions. If CLEC Aggregate and CLEC Specific reports arrive on different dates, it is more cumbersome for a CLEC to analyze how it fared compared to its competitors. In addition, the three- to five-day delay in reporting will yield a greater than commensurate delay in payment of penalties. January performance would under Verizon's proposal not be fully reported until the end of February. Thus remedies payments may likely be pushed beyond the CLEC's bill cycle monthly date, forcing the CLEC to wait an additional month. For those reasons, AT&T recommends that

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[18] Verizon indicates that it made this revision "to reflect what was previously discussed with the Working Group," but AT&T does not recall agreeing to this change.

[19] It is not burdensome to required Verizon to produce all of its reports on the same date in several different states. For instance, a corporation's employees are usually paid on the same days of the month instead of staggering their paydays throughout the month. CLECs already wait 25 days for a report on performance 25 to 65 days in arrears. Further delays are unnecessary.

Virginia adopt the same reporting deadline as New York and the other cited jurisdictions, the 25th of the month.

D. Exhibit 1, "CLEC General Obligations."

Paragraph 6 of Exhibit 1, "CLEC General Obligations," is a "catch-all" provision designed to saddle CLECs with poorly defined and open-ended, obligations to Verizon. It states:

CLECs shall comply with all of the obligations imposed upon them by the Guidelines, including, but not limited to, the obligation to provide timely, accurate forecasts for interconnection trunks (both "CLEC to Verizon" and "Verizon to CLEC") and collocation.

Nothing like this exists in New York, and for good reason. Nowhere does Paragraph 6 specify the consequences if a CLEC is accused of breaching an obligation, require the breach to be material, or identify the arbiter of disputes. As written, Paragraph 6 could be construed to free Verizon from ***any*** obligation to report ***any*** information in ***any*** month in which ***any*** CLEC breaches ***any*** obligation to Verizon – a result clearly contrary to the public interest.

In addition, Paragraph 6 is likely to create confusion in the interpretation of interconnection agreements. Paragraph 6 improperly seeks to establish in the Guidelines terms that are negotiated or arbitrated under the Telecommunications Act. A CLEC's obligation to provide forecasts for interconnection trunks, for example, is usually set forth in interconnection agreements. If Verizon is dissatisfied with terms of Commission-approved interconnection negotiations or an arbitration order, Verizon should not be able to revisit the issue under the Virginia Guidelines. Paragraph 6 is certain either to contradict or duplicate interconnection agreements or Commission orders, generating chaos either way. That could lead to contentious

litigation, and/or drag this Commission into needless enforcement actions and interpretive cases. The Commission should reject Paragraph 6.[20]

Finally, Paragraph 6 cannot be squared with Appendix K, which sets forth a detailed protocol if Verizon believes a CLEC has breached its obligations under the Guidelines. Appendix K(d) provides examples of "CLEC behavior impacting performance results" such as "causing excessive missed appointments." Verizon must bring the offending behavior to the attention of the CLEC, and if the problem continues, Verizon must document the problem to the Commission. In light of the detailed provisions of Appendix K governing CLEC misconduct, Paragraph 6 is vague and serves no constructive purpose.

II. Verizon's Proposed Non-Consensus Revisions To Individual Metrics Should Be Rejected.

Verizon's proposed non-consensus revisions to particular metrics place it in the awkward position of arguing that some metrics should be based on obsolete information, but others should be based on sources (such as its own website) that Verizon can change unilaterally and without notice or review. The goal, of course, should be to develop Guidelines that reflect all currently available information and preclude Verizon from changing the information (especially changing it adversely) absent appropriate notice and Commission approval. Consequently, the Commission should insist that the Guidelines be as complete as possible based on

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[20] The open-ended nature of Paragraph 6 creates the potential for abuse. For example, Verizon recently amended its UNE collocation forecasting template to seek forecasts from CLECs for "PARTS (not yet available)". PARTS is Verizon's version of SBC's *Project Pronto*, Packets at the Remote Terminal Service, an advance services offering to provide DSL service to customers served by fiber-optic Remote Terminals. Verizon does not yet offer this service, of course, because it is barred from doing so pursuant to its merger conditions pursuant to the FCC's order requiring a separate affiliate for advance services. It is reasonable to demand "accurate forecasts" for a product which has no established price or terms and conditions. Yet under Paragraph 6, Verizon could claim that a CLEC's failure to forecast for unavailable PARTS breached the CLEC's General Obligations under the Virginia Guidelines.

current information, and that no Guideline should be based on information merely referenced in Verizon's website, rather than expressly detailing in the Guidelines or their appendices.

A. PO-2 OSS Interface Availability.

PO-2 measures the OSS interface availability. Availability is measured as the time during which the electronic OSS interface is actually available as a percentage of scheduled primetime availability.

As written, the metric is incomplete, ambiguous and potentially confusing. It lacks an affirmative statement that Verizon measures and will continue to measure all interface servers to which any Virginia CLEC is connected. In addition, it does not state the existing algorithm that Verizon uses to aggregate the performance of multiple OSS servers. For instance, Verizon does not state whether it plans to use a simple arithmetic average or a weighted average (and if so, the metric is silent on the propriety of a simple average and the weighting protocol).

There is no reason to leave this metric so vague. Verizon has been reporting this metric for over 18 months in New York and Pennsylvania. Verizon can readily set forth its methodology in the Virginia Guidelines, and AT&T recommends that it be ordered to do so.

B. PO-3 Contact Center Availability.

PO-3 measures the hours of operation for the contact centers that support CLECs for Ordering and Maintenance/Repair issues. In the New York Guidelines, Verizon lists the exact hours for the Ordering and Repair centers. In Virginia's Guidelines, however, Verizon proposes instead simply to refer to its website for "various center hours of operation schedules."

AT&T objects to basing standards to judge Verizon's Section 251 compliance on references to Verizon's website in the Guidelines. Again, Verizon has not set forth

a compelling reason to deviate from the New York Guidelines or identified any relevant systems differences in Virginia to justify this change.

AT&T is also troubled by the unfettered discretion Verizon awards itself by incorporating a website reference instead of simply listing the Ordering and Repair center hours of operation. Verizon can adjust either the actual hours or the posted hours of operation of its Ordering and/or Repair centers that are included in this measure simply by changing its website, without Commission approval or notice to CLECs. In addition, the website hours could be wrong due to an oversight, which would cause Verizon's reporting to be incorrect or cause confusion in interpreting the reports. Furthermore, there is no archival record of what the web site listed in the past, or when any changes were made.[21] Permitting Verizon to substitute a website reference for a list of the Ordering and Repair center hours encompassed within the metric constitutes an unfettered delegation of authority to Verizon, and the Commission should not permit it.

C. OR-1 Order Confirmation Timeliness and OR-2 Reject Timeliness.

OR-1 and OR-2 measure order confirmation timeliness and reject timeliness, respectively. Verizon represents that its service order processing system in New York is different from the systems used in Virginia.[22] Consequently, AT&T does not object to revising the Virginia Guidelines to reflect those systems differences.

AT&T does object, however, to the revisions Verizon proposes. Verizon's current service order processing system in Virginia consists of expressTRAK and SOACS. SOACS will be completely phased out by the end of this year.[23] Verizon argued in

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[21] Contrast for example, tariffs which can be reconstructed exactly as they existed on any given day, going back over decades.

[22] *See* Exhibit A, "Open Issues on Proposed Verizon Virginia Carrier to Carrier Guidelines," filed July 30, 2001 ("July 30 Issues Matrix").

[23] June 30 Issues Matrix Item 2.

the KPMG comparability study that an expressTRAK test was properly complete because the legacy SOCAC systems were being retired. Verizon has been phasing in expressTRAK, and all Verizon's new CLEC customers are placed on expressTRAK. Many of the high-volume CLECs are already processed through expressTRAK. Verizon has publicly reported that approximately 60% of CLECs (and an even greater proportion of CLEC orders) have already been converted to expressTRAK. Verizon reports that the proportion of expressTRAK orders -- already greater than 60% and destined to reach 100% in less than five months -- is steadily increasing as SOACS is phased out.

Verizon proposes that when SOACS is no longer used (January 1, 2002), Verizon will revise the downtime hours in the metric to reflect expressTRAK (and its associated systems). Apparently the downtime hours for SOACS are longer than those for expressTRAK. Although Verizon is currently using primarily expressTRAK and will use only expressTRAK in a matter of months, Verizon includes the longer SOACS downtime hours in OR-1 and OR-2.[24]

Verizon's failure to disclose the applicable expressTRAK downtime hours undermines the accuracy of the metric, which will be completely wrong once expressTRAK is the exclusive system. In essence, Verizon proposes that the Guidelines, which have yet to be finalized, reflect SOACS downtime that will be obsolete in a matter of months. Verizon's proposal would erect an unnecessary and avoidable lag in the performance standard for expressTRAK.

OR-1 and OR-2 should not be based on downtime hours for the retiring SOACS system. Revising the metrics in January and obtaining Commission approval could

[24] Although Verizon claimed that it would "reflect downtime hours for expressTRAK and its associated systems in the Exclusion for OR-1 and OR-2 and will add a footnote to reflect the additional downtime hours associated with SOACS and its associated systems that will be in effect as long as SOACS is in place," Verizon failed to do so in the Virginia Guidelines. Instead, the scheduled downtime hours appear to coincide with the SOACS downtime hours. June 30 Issues Matrix Item 2.

take several months, during which Verizon would be reporting based on obsolete SOACS downtime hours while using the more efficient and automated expressTRAK system.[25] In order for the proper standard to be in effect simultaneously with SOACS' retirement, Verizon would have had to propose the new expressTRAK-based standard some considerable time in advance, as early as July 2001 -- which has already passed. Alternatively, the metric could expressly state both the expressTRAK and the SOACS downtime hours, so that immediately upon the retirement of SOACS, the expressTRAK hours would automatically be the governing standard. There is no legitimate reason to oppose this approach. AT&T recommends that OR-1 and OR-2 be revised to add the exact, current expressTRAK downtime hours and to state that, as of January 1, 2002 or sooner, only the expressTRAK downtime hours will be in effect.[26] That will avoid the need to bring this issue back to the Commission in January 2002.

D. OR-3 Percent Rejects.

Verizon proposed changing the title of this metric to "% Resubmission Not Rejected." AT&T does not object to this change, but notes that the proposed Virginia Guidelines do not reflect the change.

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[25] Verizon represents that SOACS is being phased out and that its SOP downtime hours are an aggregate of SOACS and expressTRAK. Curiously, Verizon revised its SOP downtime hours *upward* from its April 30 submission to its June 29 submission.

[26] Verizon has already indicated that this is acceptable. On the Issues Matrix, Item 2, Verizon represented that it would "reflect downtime hours for expressTRAK and its associated systems in the Exclusion for OR-1 and OR-2 and will add a footnote to reflect the additional downtime hours associated with SOACS and its associated systems that will be in effect as long as SOACS is in place."

E. OR-4 Timeliness of Completion Notification.

OR-4 measures the timeliness of Verizon's completion notification. As with OR-1 and OR-2, AT&T accepts Verizon statement that its service order processing system in New York is different from Virginia.[27]

Like OR-1 and OR-2, the reporting of OR-4 is affected by the phase-out of SOACS, but in a different way. Outbound notifiers are governed by the downtime hours of their relevant service order processor, i.e. expressTRAK orders are governed by expressTRAK hours, and likewise for SOACS. Verizon proposes that the time frames in the Guidelines be one or two days longer for all orders than they would be under expressTRAK.

While AT&T recognizes that SOACS orders take longer that expressTRAK order, many CLECs will be solely on expressTRAK, and increasingly that will be the case. And like OR-1 and OR-2, Verizon proposes that it extend the time period for completion notification based on the existence of SOACS and re-visit the issue in January when SOACS has been completely phased out, which will effectively give Verizon an unwarranted grace period to operate expressTRAK under the then-obsolete SOACS downtime hours; this would mask problems with the final transition to expressTRAK. Metrics are designed to detect problems, not to mask them. Once again, Verizon has proposed a grossly unreasonably handling of the SOACS phase-out. Rather than premise OR-4 on a nearly obsolete SOACS system, it makes much more sense to use the expressTRAK time frame. As expressTRAK continues to push SOACS aside, the shorter timeframes will become even easier for Verizon to satisfy.[28] A better approach is to use the shorter expressTRAK

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27 *See* Issues Matrix Item 3.

28 In evaluating Verizon's performance on OR-4 through the end of the year when the SOACS phase-out is complete, the parties and Commission could take into account the extent to which the existence of SOACS might cause Verizon to fall short on this particular metric.

timeframes now, or at a minimum, explicitly include them and state that they will become effective as of January 1, 2002.

F. OR-6-04 Order Accuracy

OR-6-04 measures the percentage of directory listing orders completed as ordered by the CLEC compared to the percentage of directory listing orders completed.[29] AT&T provided its comments regarding OR-6-04 to the Collaborative on August 3, 2001. A copy of AT&T's comments is attached as Attachment 1.

G. NP-2 Collocation Performance.

NP-2 measures the time between collocation order application date and the completion or response date. Verizon proposes to add to the performance standard a statement incorporating a Product Interval Summary on its own web-site for "specific collocation intervals."

AT&T objects to Verizon incorporating information from its website into the Guidelines. Collocation intervals are reflected in Verizon's applicable federal or state tariffs, and changes require notice to the public and prior Commission approval. It is unnecessary to refer to a Verizon website, where the website is purportedly mirroring the applicable tariff.[30] Instead, the metric should refer *directly* to the "state or federal tariff, whichever is applicable." The collocation intervals in the Guidelines would then be automatically updated when the tariff is changed, but changes would occur only with Commission approval. That approach eliminates the risk of a mistake or delay and preserves the audit trail -– something reliance on Verizon's website can never accomplish.

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[29] Verizon represented that the development of this metric sprung from the 271 hearings in Pennsylvania and the directory listings problems raised there.

[30] *See* discussion of PO-3 Contact Center Availability. The use of tariffs as the basis for performance standards also supports an audit trail, as the interval applicable to each type of collocation can independently be determine for any date in the past, by researching the then-applicable tariff page.

H. Appendix D.

On the Issues Matrix, Verizon represents that it "is willing to "add the Holiday schedule to Appendix D in addition to the website reference." In the July 30 draft, however, Appendix D still contains website references instead of the required information.

AT&T assumes this omission was an oversight. In any event, it should not be difficult for Verizon to list the holidays (as opposed to the actual dates of the holidays), and nothing is gained by obscuring this in the Guidelines. That would provide a baseline holiday schedule and eliminate the need for CLECs to refer repeatedly to Verizon's website.

I. Appendix H.

Appendix H is a snapshot of the orders that flow through at Level 5, including a Flow Through Ordering Scenarios list. Verizon proposes that, rather than list its Flow Through Ordering Scenarios as it does in New York, it simply refer to its website. Verizon's position is contrary to the agreement to adopt the New York Guidelines. The New York Guidelines contain a list of the Flow Through Ordering Scenarios (not a web address), and there is no difference between Verizon's systems in Virginia and New York that precludes Verizon from likewise including them in the Virginia Guidelines. On that basis alone, the Flow Through Ordering Scenarios should be included in the Virginia Guidelines.

Moreover, Verizon's reasoning in proposing that Flow Through Ordering Scenarios be listed only on the Verizon website is not persuasive. Obviously, Verizon is not harmed by including these four pages of information in the Virginia Guidelines. Indeed, Verizon has already compiled the Flow Through Scenarios because Verizon uses it to calculate the flow through achieved metric OR-5-03.

In the spirit of compromise and reasonableness, AT&T proposes Verizon would have no obligation -- with regards to additions[31] or enhancements -- to keep Appendix H updated in the Guidelines document; instead, the Flow Through Ordering Scenarios in the Virginia Guidelines would operate as a clear baseline of Verizon's minimum obligations. A reference to the Verizon website for additions or enhancements to flow through since the last publication would be permitted. This should not burden Verizon since it has already achieved this level of performance. Whenever Verizon made a filing to change or update the metric, it should file a replacement Appendix H reflecting the enhancements and additions to flowthrough. Therefore, the Commission should compel Verizon to include the baseline list of Flow Through Ordering Scenarios in the Virginia Guidelines so that they will continue to mirror the New York Guidelines.

Conclusion

Once the issues set forth in these comments are resolved as AT&T recommends, the parties and the Commission will reap the rewards of months of hard work: Virginia Guidelines that largely mirror the New York Guidelines and can be implemented rapidly. If the Commission adopts AT&T's recommendations, the future work of the New York Collaborative and Commission will greatly streamline the work of this Commission, Verizon and Virginia CLECs. If, however, Verizon is needlessly allowed to move Virginia Guidelines away from the New York model, the value of the agreement to rely on the future work of the New York Collaborative and Commission will quickly erode, and the burden of managing and overseeing the Guidelines will quickly escalate, consuming Commission resources. AT&T

[31] By "additions" AT&T means non-adverse additions, e.g. if a new product flows through at Level 5, Verizon ought to get to count the metric.

recommends that the Commission reject Verizon's proposed revisions to the Virginia Guidelines and order Verizon to revise the Guidelines as set forth herein.

Respectfully submitted,

AT&T COMMUNICATIONS OF VIRGINIA, INC.

By its attorneys

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Dated: August 6, 2001

BEFORE THE
STATE CORPORATION COMMISSION
OF THE COMMONWEALTH OF VIRGINIA

ESTABLISHMENT OF A	:	
COLLABORATIVE COMMITTEE	:	**Case No. PUC000026**
TO INVESTIGATE MARKET	:	
OPENING MEASURES	:	

AT&T COMMUNICATIONS OF VIRGINIA, INC.'S

COMMENTS ON PROPOSED METRIC OR-6 ORDER ACCURACY

On June 23, 2001, Verizon circulated to the Collaborative its proposed metric OR-6-04 Order Accuracy.[32] Although AT&T believes the proposed metric is a reasonable measure - but only of *overall* directory listing order accuracy - the metric does not deal with directory listing order *completeness*. The proposed metric does not measure omissions from the directory. Furthermore, the measure should be revised to reflect order accuracy of stand-alone directory listing orders to insure a statistically-valid sampling of stand-alone orders, an issue raised by Cox, but unaddressed by Verizon cryptic July 30, 2001, response.

OR-6-04 measures the percentage of directory listing orders completed as ordered by the CLEC compared to the percentage of directory listing orders completed. If the listing is not complete, it is not measured. Directory listing errors have a severe impact on consumers. If directory listing information for a consumer is omitted or is listed incorrectly, there is no practical means to correct the error short of re-publishing the entire directory. As a practical reality, the consumer must usually endure the error and wait until the next directory a year later; loose-leaf errata

[32] Verizon represented that the development of this metric sprung from the 271 hearings in Pennsylvania and the directory listings problems raised there.

directory sheets are no substitute for a correct listing in the directory. Consequently, OR-6-04 should be written to ensure that all types of directory error - including omissions - are reported accurately.

A. Completeness.

AT&T submits that Verizon's proposed directory listing metric is a reasonable measure of Verizon's directory listing order *accuracy*, but it does not address completeness and does not collect a statistically valid sample of stand-alone orders. OR-6-04 proposes that Verizon use a manual audit process to sample approximately 400 orders for Resale and 400 orders for UNE each month (20 orders randomly sampled each business day for Resale and UNE respectively and for orders with Directory Listing requests). Verizon then would compare required fields on the latest version of the LSR to the completed Verizon Service Order(s). If one of the sampled orders were inaccurate, Verizon would detect the error when it compares the internal Verizon order to the LSR version.

The proposed metric falls short, however, as a measure of directory listing order *completeness*. In CLECs' experience in Virginia, with which the Commission is only too familiar, a substantial number of directory listing errors occur when Verizon omits the customer's information from the directory entirely. For instance, a CLEC might send Verizon 100 directory listing orders, but 20 of the orders are somehow lost. No matter how many completed orders Verizon samples and compares to the LSR, the proposed metric will never capture the 20 missing orders. Instead, OR-6-04 will reflect 100% compliance if the 80 orders that can be accounted for were processed correctly. Omissions are serious errors, and OR-6-04 Order Accuracy ought to address them.

B. Stand-Alone Directory Listing Orders.

A second weakness of the proposed metric is that it does not adequately address the concerns raised by Cox, and amplified by AT&T. Cox, which provides its own facilities-based services, questioned if stand-alone directory listings would be included in OR-6-04. AT&T amplified that a statistically valid number of stand-alone orders needed to be included in the sample, so that a determination can be made as to the accuracy of stand-alone orders. Currently, a small percentage of Verizon's directory listing orders are stand-alone orders. That is a small but critical subset because it represents the directory listing orders for CLECs who have devoted substantial resources to the development of their own facilities-based network. All of the orders of a facilities-based CLEC may be stand-alone orders; therefore the accuracy of directory listings *overall* is not particularly relevant to a facilities-based CLEC, but the accuracy of stand-alone directory listings is the relevant measure for such carriers and their customers. If Verizon samples just 20 random UNE orders each business day, only a small subset of those 20 orders are likely to be stand-alone orders; there may be none or too few stand-alone orders to reach a statistically valid conclusion that *stand-alone* directory listing orders were provisioned reasonably.

In its cryptic response, Verizon stated, "Stand-alone directory listings will not be excluded from the sampling process."[33] This is nonresponsive and unhelpful. Whether stand-alone directory listings are *excluded* from the sampling process is only half of the issue. The issue, raised by AT&T and recognized by Verizon, is whether the metric ensures that a statistically significant number of stand-alone directory listing will be *included* in the sampling process. Verizon does *not* affirmatively state that a statistically valid sample of stand-alone directory listing orders will be taken. AT&T recommends that OR-6-04 be revised to require a

[33] Open Issues on Proposed Verizon Virginia Carrier to Carrier Guidelines, Issue No. 4.

statistically significant sampling of stand-alone orders be made. A statistically valid sample of overall directory listing orders that may include an insignificant number of stand-alone orders is not adequate to capture discrepancies in the handling of stand-alone directory listing orders.

Respectfully submitted,

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