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Docket No. 7892-U

7892  
DOCUMENT # 64845

In Re: Performance Measurements for Telecommunications Interconnection,  
Unbundling and Resale

Order on BellSouth Telecommunication, Inc.'s Compliance Filing  
of the Revised Service Quality Measurements

BY THE COMMISSION:

I. Introduction

On February 21, 2003, BellSouth Telecommunications, Inc. ("BellSouth") filed with the Georgia Public Service Commission ("Commission") its Updated Service Quality Measurements ("SQM") Plan and the Georgia Self-Effectuating Enforcement Mechanism ("SEEM") Administrative Plan. This filing was made in compliance with the Commission's January 24, 2003, Order on Reconsideration. The Order on Reconsideration ordered that, "BellSouth shall file updated SQM and CCP documents that incorporate all of the Commission's decisions, including the issues upon which reconsideration or clarification is granted. The updated SQM and CCP documents shall be subject to CLEC comments regarding the documents' accuracy." (Order, p. 11).

On April 7, 2003, the CLEC Coalition ("CLECs") filed comments on the updated SQM. BellSouth filed its response on April 25, 2003, which resolved two of the CLECs' concerns. The CLECs filed rebuttal comments on May 6, 2003. Four issues remain for the Commission to resolve.

II. Findings and Conclusions

A. Measure P-4B:

The CLECs identified two changes to the Measure P-4B. The first change involves the addition of exclusions to remove non-business hours for partially mechanized ("PM") and non-mechanized ("NM") local service requests ("LSRs"), Sundays and designated holidays, and LSRs identified as projects. The second change

involves a modification of the retail analogs to add one half day to the interval for Fully Mechanized ("FM") orders, one full day for PM orders and two and one-half days for NM orders.

With respect to the first change, Staff recommended that the Commission approve BellSouth's modifications to the exclusions, with the exception of the exclusion on "end user caused missed appointments." On the second change, Staff agrees with the CLECs that the retail analogs should not have been adjusted. Staff recommended that the Commission order BellSouth to change the analogs back to comply with the terms in the Commission's previous order. The Commission finds Staff's recommendation reasonable and adopts this change.

## **2. Measure CM-11**

BellSouth is rejecting Change Requests ("CRs") due to "Cost-Capacity Constraints" when capacity is exhausted. The CLECs argue that the Commission's order was not "subject to available capacity," and that BellSouth should therefore not be allowed to reject CRs for "Cost\_Capacity Constraints (CLECs' Rebuttal Comments, pp. 4-6). BellSouth argues that the Commission Order permits BellSouth to reject based on cost. It points to the language in the Commission Order that establishes that the CM-11 measure was added to the SEEM consistent with the decision of the Florida Public Service Commission. (BellSouth Response, p. 5). The Florida Commission allowed BellSouth to reject CLEC-initiated CRs based on cost and subject to appeal. The Staff recommended that the Commission find that BellSouth has the right to reject CRs based on cost when there is no capacity available. The Commission finds such an interpretation of its previous order fair and reasonable, and adopts the Staff's recommendation.

## **3. Change Control Process**

The Commission's November 2002 Order stated that "CLECs will obtain prior notice through the CCP of all CRs, including BellSouth initiated CRs, before prioritization and implementation in all production releases." (Order, p. 7). BellSouth argues that it is in compliance with the Order for all CRs. BellSouth's position is that maintenance changes are not technically CRs and do not require BellSouth to divulge sizing information or provide notice of such changes before prioritization. (BellSouth Response, p. 10).

In its January 24, 2003, Order on Reconsideration, the Commission declined the CLEC Coalition's request to clarify that it intended for CLECs to obtain prior notice of change requests that BellSouth considers not to be CLEC affecting. (Order on Reconsideration, p. 10). The reason for this denial was not that the Commission did not intend for CLECs to receive such notice, but rather because the Commission found that its prior order was unambiguous on this point. The Commission concluded that trying to

clarify language that was already abundantly clear was both unnecessary and potentially confusing.

Staff recommended that the Commission require BellSouth to provide notice of maintenance changes to CLECs prior to prioritization so that they have an opportunity for meaningful input. The Staff's recommendation is consistent with the spirit and intent of the Commission's prior orders in this docket. The Commission adopts the Staff's recommendation on this issue.

The Staff recommended that the Commission agree with BellSouth that it is not required to divulge sizing information. BellSouth argued that such information is neither required by the Commission nor necessary for CLECs to have meaningful input. (BellSouth Response, p. 11). The CLECs Rebuttal Comments do not establish their need for the sizing information. The Commission adopts Staff's recommendation to order that BellSouth is not required to divulge to CLECs sizing information on maintenance changes prior to prioritization.

The CLECs also expressed concern that BellSouth-initiated CFs were being inappropriately assigned to the maintenance category. The Staff found that the CLECs did not present sufficient information to support this allegation. Based on the Staff's recommendation, the Commission encourages BellSouth to provide more detailed information on maintenance changes. This additional detail will allow CLECs to better understand the changes BellSouth categorizes as maintenance. At the next six-month review, the Staff shall evaluate the quality of the information BellSouth is providing for maintenance changes. At that time, the Commission will also consider the possibility of requiring sizing information.

#### **4. Enforcement Plan**

The CLECs take issue with three of BellSouth's changes to the SEEM plan. First, the CLECs oppose the addition of a section titled "Reposting of Performance Data and Recalculation of SEEM Payments." Second, the CLECs oppose the language in Section 1.4.4 that states "BellSouth may set off any SEEM payment to a CLEC against undisputed amounts owed by a CLEC to BellSouth pursuant to the Interconnection Agreement between the parties which have not been paid to BellSouth within ninety (90) days past the Bill Due Date as set forth in the Billing Attachment of the Interconnection Agreement." Finally, the CLECs oppose the language in Section 1.4.3 which states that "All auditing provisions of the Interconnection Agreement between BellSouth and each CLEC shall remain in full force and effect."

While the Staff agreed with the CLECs that all parties, including the Commission, should discuss the best way to handle these issues, the Staff recommended that these issues be discussed at the next six-month Review. Staff recommended that these three additions by BellSouth be included in the SEEM plan, with the condition that they are subject to modification or removal at the next review. The Commission adopts Staff's recommendation.

\* \* \* \* \*

**WHEREFORE, IT IS ORDERED**, that with the exception of the exclusion on "end user caused missed appointments," the Commission approves BellSouth's modifications to the exclusions on Measure P-4B to remove non-business hours for partially mechanized and non-mechanized LSRs, Sundays and designated holidays, and LSRs identified as projects.

**ORDERED FURTHER**, that with respect to BellSouth's Measure P-4B modification of the retail analogs to add one half day to the interval for Fully Mechanized orders, one full day for PM orders and two and one-half days for NM orders, BellSouth is ordered to change the analogs back to comply with the terms of the Commission's prior order.

**ORDERED FURTHER**, that BellSouth has the right to reject CRs based on cost when there is no capacity available.

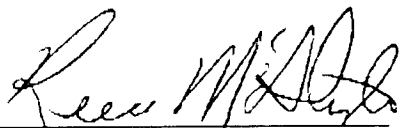
**ORDERED FURTHER**, that regarding the Change Control Process, BellSouth shall provide notice of maintenance changes to CLECs prior to prioritization so that the CLECs have an opportunity for meaningful input. BellSouth is not required to divulge to CLECs sizing information on maintenance changes prior to prioritization. At the next six-month review, the Staff shall evaluate the quality of the information BellSouth is providing for maintenance changes and the Commission will consider the possibility of requiring sizing information going forward.

**ORDERED FURTHER**, that the three changes to the Enforcement Plan discussed herein be included in the SEEM, with the condition that they are subject to modification or removal at the next review.

**ORDERED FURTHER**, that a motion for reconsideration, rehearing, or oral argument or any other motion shall not stay the effective date of this Order, unless otherwise ordered by the Commission.

**ORDERED FURTHER**, that jurisdiction over these matters is expressly retained for the purpose of entering such further Order or Orders as this Commission may deem just and proper.

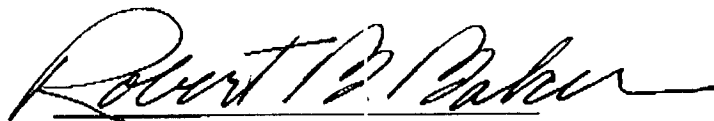
The above by action of the Commission in Administrative Session on the 17th day of June, 2003.



Reece McAlister  
Executive Secretary

7-2-03

Date



Robert B. Baker, Jr.  
Chairman

July 2, 2003

Date