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February 14, 2002

VIA HAND DELIVERY

Mr. William F. Caton  
Office of the Secretary  
Federal Communications Commission  
Room TW-B-204  
445 Twelfth Street, S.W.  
Washington, D.C. 20544

Re: Joint Application by BellSouth Corporation, et al. for Provision of In-Region, InterLATA Services in Georgia and Louisiana

Dear Mr. Caton:

This is the cover letter for the Supplemental Filing of the Joint Application by BellSouth Corporation, et al. for Provision of In-Region, InterLATA Services in Georgia and Louisiana ("the Application"). The Application contains confidential information. We are filing confidential and redacted versions of the Application. Consistent with the Commission's prior orders, this Supplemental Filing incorporates in its entirety BellSouth's previous application to provide long distance service in Georgia and Louisiana. In addition, this Supplemental Filing provides additional information to supplement the record amassed on that application.

1. The Application consists of (a) a stand-alone document entitled "Supplemental Brief In Support of Application By BellSouth For Provision of In-Region, InterLATA Services in Georgia and Louisiana" ("the Brief"), and (b) supporting documentation. The supporting documentation is organized as follows:

- a. Supplemental Appendix A includes declarations and attachments thereto in support of the Brief;

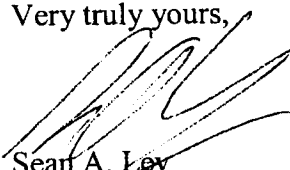
**REDACTED – FOR PUBLIC INSPECTION**

- b. Supplemental Appendices for Georgia and Louisiana consist of additional material filed in the state proceedings for those dockets;
  - c. Supplemental Interconnection Appendices for Georgia and Louisiana consist of interconnection agreements that supplement Appendix B–GA and Appendix B–LA from the original application.
2. Specifically, we are herewith submitting for filing:
- a. One original and one copy of a redacted Application (in paper form);
  - b. One original of only the portions of the Application that contain confidential information;
  - c. Two CD-ROM sets containing the Brief and the supporting-documentation portion of the redacted Application; and
  - d. Four additional copies of the redacted Application (partly in paper form, partly on CD-ROM, in accordance with the Commission’s filing requirements), so that each Commissioner may receive a copy.
3. We are also tendering to you certain copies of this letter and of portions of the Application for date-stamping purposes. Please date-stamp and return these materials.
4. Under separate cover, we are providing the Common Carrier Bureau with 12 copies of the brief and 12 copies of Appendix A in paper form, as well as 12 CD-ROM versions of the entire Application in electronic form. All those copies of Appendix A have been redacted for public inspection. Furthermore, we are submitting to the Bureau one copy in paper form of only those portions of the Application that contain confidential information. We are also submitting one copy of this cover letter and one copy of the Application in paper form, redacted for public inspection, to Cynthia Lewis, U.S. Department of Justice, 1401 H Street, N.W., Suite 8000, Washington, D.C. 20530. We are also including one copy of the state record proprietary material. In addition, we are providing the Department of Justice with eight copies of the brief, eight copies of Appendix A in paper form (with eight copies of the proprietary portions), and nine CD-ROMs containing the entire Application in electronic form, redacted for public inspection. Finally, we are submitting a copy of the Application, in paper form, redacted for public inspection, to Qualex (the Commission’s copy contractor).

**REDACTED – FOR PUBLIC INSPECTION**

Mr. William F. Caton  
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Thank you for your assistance in this matter. If you have any questions, please call me at 202-326-7975 or Leo Tsao at 202-326-7970.

Very truly yours,  
  
Sean A. Lev

Encs.

**REDACTED – FOR PUBLIC INSPECTION**

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of

Joint Application by BellSouth Corporation,  
BellSouth Telecommunications, Inc.,  
and BellSouth Long Distance, Inc. for  
Provision of In-Region, InterLATA Services  
in Georgia and Louisiana

CC Docket No. \_\_\_\_\_

To: The Commission

**SUPPLEMENTAL BRIEF IN SUPPORT OF  
APPLICATION BY BELL SOUTH FOR PROVISION OF  
IN-REGION, INTERLATA SERVICES IN GEORGIA AND LOUISIANA**

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February 14, 2002

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## ATTACHMENTS

- Attachment A: CLEC Market Share Charts
- Attachment B: Required Statements and Certifications
- Attachment C: Detailed Index of Appendices (Separately Bound)

### Affidavits (Supplemental Appendix A):

- Tab A John A. Ruscilli and Cynthia K. Cox  
(Pricing)
- Tab B David P. Scollard  
(Billing)
- Tab C William N. Stacy, Alphonso J. Varner, and Ken L. Ainsworth  
(OSS Issues)
- Tab D Elizabeth Stockdale  
(Competition)
- Tab E Alphonso J. Varner  
(Metric Reliability and Performance)
- Tab F Thomas G. Williams  
(Line Sharing and Line Splitting)

## INTRODUCTION AND EXECUTIVE SUMMARY

In its October 2001 application to provide long-distance service in Georgia and Louisiana, BellSouth made a comprehensive showing that its markets are open to competition, that its overall checklist performance is excellent, and that its application should therefore be approved. After undertaking exhaustive reviews over a period of several years, both the Georgia Public Service Commission (“GPSC”) and the Louisiana Public Service Commission (“LPSC”) agreed with BellSouth’s assessment. Both state commissions concluded without reservation that BellSouth had fulfilled all requirements for section 271 approval. In the course of this Commission’s 90-day review period, however, the Commission’s Staff raised several discrete questions that BellSouth could not fully resolve within the statutory timeframe. BellSouth thus withdrew its application on December 20, 2001, and promised to re-file a new application that would resolve the few remaining issues of concern to the Commission’s Staff.

BellSouth has now done exactly as it promised. This new application marshals significant evidence on each of the few remaining issues. This application further demonstrates that, since its prior filing, BellSouth has implemented improvements that respond directly to the Staff’s concerns. In accordance with the Commission’s prior orders, this re-filed application adopts *in toto* all of BellSouth’s filings in support of its October 2001 application (CC Docket No. 01-277) and focuses on the small subset of issues that remain unresolved.

The Staff’s concerns involve four discrete aspects of BellSouth’s OSS showing – integration, service order accuracy, change control, and so-called “double FOCs” – as well as the need for assurance as to the overall accuracy of BellSouth’s performance data.

With this application, BellSouth is providing evidence that should resolve any legitimate issue as to each of these points. Among other things, that evidence is as follows:

- Multiple parties confirm that they have been able to integrate successfully. In new supplemental letters, three parties attest that they relied on BellSouth's exhaustive documentation and technical assistance to achieve successful integration from BellSouth's unparsed CSR data. As one of those companies explained, BellSouth's "documentation has [been] and continues to be thorough, comprehensive and adequate."<sup>1</sup>
- BellSouth's third-party tester, KPMG, has clarified the full scope of its extensive integration testing. In a new supplemental letter, KPMG explains that CLECs are able to "[e]lectronically retrieve Pre-Order queries," "[e]lectronically parse most of the desired information," "[e]lectronically store the retrieved data," and "electronically populate fields in a[n] Order" using that stored data. KPMG further states that "BellSouth's documentation is sufficient to allow a CLEC to develop the parsers and filters to accomplish electronic bonding."<sup>2</sup>

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<sup>1</sup> Letter from Bob D. Crenshaw, President and CEO of Excleron Software, to William Stacy, BellSouth, at 1 (Jan. 23, 2001) (*Stacy/Varner/Ainsworth Joint Supp. Aff. Exh. SVA-4*).

<sup>2</sup> Letter from Michael W. Weeks, Managing Director, KPMG, to Dorothy Attwood, Chief, Common Carrier Bureau, FCC, at 8 (Feb. 2, 2002) (*Stacy/Varner/Ainsworth Joint Supp. Aff. Exh. SVA-13*).



- BellSouth has hired expert consultants to provide CLECs, free of charge, with the kind of integration assistance that this Commission found valuable in the *Texas Order*.<sup>3</sup>
- BellSouth has implemented telephone number (or TN) migration for UNE-P. That significant enhancement obviates the need for CLECs to input addresses for 90% of UNE-P orders. Introduction of TN migration already has reduced address-related errors. BellSouth, moreover, has now expanded the availability of TN migration to include many types of unbundled loops and resale products.
- BellSouth has introduced a parsed CSR. The parsed CSR is commercially available, and multiple third parties have successfully tested it.
- BellSouth's service order accuracy performance has continued to improve. As a result of BellSouth's concentrated efforts to enhance its performance in this area, in December, *BellSouth met the 95% performance benchmark for all 7 UNE submetrics and 8 of 11 resale submetrics*.
- To ensure continued superior service order accuracy performance for CLECs, BellSouth has voluntarily agreed to include the service order accuracy measure in its performance penalty plan.
- BellSouth has addressed directly CLEC concerns about the implementation of their change control priorities. It has scheduled 8 of the top 15 CLEC change

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<sup>3</sup> Memorandum Opinion and Order, *Application by SBC Communications Inc., et al., Pursuant to Section 271 of the Telecommunications Act of 1996 To Provide In-Region, InterLATA Services In Texas*, 15 FCC Rcd 18354 (2000).

requests for implementation in the first half of 2002, and all of the rest of those requests will be implemented by the end of the year.

- Again in direct response to CLEC requests, BellSouth also has made other important improvements to its change control process to make it more effective, more efficient, and more user friendly. Among other things, BellSouth has agreed to bring an information technology expert to change control meetings, to make a subject matter expert available upon request, and to provide additional information regarding scheduling of enhancements. BellSouth also has expanded the availability of CAVE testing; enhanced the documentation it provides before a release; and implemented a variety of improvements to make it easier for CLECs to participate in the change control process. Finally, BellSouth has agreed to additional performance metrics to track its performance in this area.
- BellSouth has reduced the use of “double FOCs” almost to the vanishing point. In January 2002, BellSouth generated a double FOC on approximately 2% of UNE-P and resale orders. Additional OSS improvements implemented in February 2002 are designed to address all known defects that create the need for the double FOCs.
- KPMG’s new interim audit report demonstrates that BellSouth’s performance metrics are meaningful and reliable. Among other things, KPMG attests that BellSouth has passed almost every part of its first audit (408 of 417 items) and every element of the second audit. The third audit is ongoing, and its results

to date confirm again that BellSouth's measurements provide a meaningful yardstick to measure the company's performance.

- That fact is also established by the evidence that BellSouth's performance reporting has been extremely stable. BellSouth has not restated any performance figures since August 2001, and, perhaps even more important, even when there were refilings during the summer of 2001, parity determinations were rarely affected.
- Finally, the D.C. Circuit's recent opinion casts no doubt on the conclusion that BellSouth's long-distance entry is strongly in the public interest. BellSouth's entry will save consumers hundreds of millions of dollars in the first year alone, and, as both a legal and a factual matter, there is no price-squeeze problem in either Georgia or Louisiana.

All of this evidence, moreover, is strongly fortified by the overarching – and crucial – fact that BellSouth's systems support widespread competition and that CLECs are continuing to compete effectively in Georgia and Louisiana. Despite the recent economic slump, competitors in Georgia and Louisiana have continued to increase market share at a rapid clip. CLECs now serve more than 18.5% of lines in Georgia and at least 8.9% of lines in Louisiana. *See Stockdale Supp. Aff.* ¶ 5. Between July and December 2001 alone, UNE-Ps in Georgia increased by 83,000, or more than **58%**. *See id.* Indeed, as demonstrated by Attachment A to this Supplemental Brief, CLECs' overall market share in Georgia is now *twice* what it was in New York and Texas when section 271 approval was sought. CLEC market share in Louisiana *also* is now greater than it was in those states at the time of application.

Despite the rapid growth of CLEC market share, BellSouth's performance for CLECs has continued to be excellent throughout this period. BellSouth's systems are thus indisputably able to handle large commercial volumes. Moreover, BellSouth's excellent performance results, along with CLECs' continually increasing market share, remove any doubt about the openness of BellSouth's markets. Thus, this application should be approved promptly.

**I. BELLSOUTH PROVIDES NONDISCRIMINATORY ACCESS TO ITS OPERATIONAL SUPPORT SYSTEMS**

In this supplemental filing, BellSouth both demonstrates that there have been recent enhancements to its OSS and provides the Commission with important additional information confirming the efficacy of BellSouth's pre-existing functionalities. Together with the materials that BellSouth already has provided, this evidence further establishes that BellSouth's OSS provide CLECs with a meaningful opportunity to compete.

BellSouth's enhanced showing in this supplemental filing focuses on the four aspects of its OSS about which the Commission's Staff has expressed concern: integration, service order accuracy, change control, and "double FOCs."<sup>4</sup> These additional materials establish beyond legitimate dispute that BellSouth currently is providing nondiscriminatory access to its OSS and that it will continue to do so in the future.

Moreover, while each of these enhancements is significant in itself, the whole here is even greater than the sum of its parts. BellSouth's new capabilities work in

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<sup>4</sup> BellSouth is also submitting supplemental information updating the record and confirming its satisfactory performance on other OSS issues that CLECs have raised. That information is contained in the Stacy/Varner/Ainsworth Joint Supplemental Affidavit and the Varner Supplemental Affidavit.

tandem to improve BellSouth's overall OSS performance to the benefit of CLECs. For instance, the significant steps that BellSouth has taken to improve its electronic OSS capabilities – implementing and expanding TN migration, introducing a parsed CSR, offering expert assistance to CLECs in integrating using BellSouth's parsed or unparsed data feed, and instituting electronic ordering of IDSL and line splitting, among other things – together make ordering even simpler, more accurate, and more efficient. For CLECs that choose to take advantage of these capabilities, BellSouth's system enhancements have improved and will continue to improve flow through and diminish the need for manual handling, thereby reducing error rates. And BellSouth's improvements in change control guarantee that BellSouth's mechanized OSS will continue to improve across-the-board in ways directly responsive to CLECs' perceived needs.

In turn, for the decreasing percentage of instances where manual handling is still necessary, BellSouth's improvements in service order accuracy ensure that CLECs have a meaningful opportunity to compete. BellSouth's performance in that area and agreement to pay penalties if service order accuracy goes below the stringent standards set by the state commissions demonstrate that CLECs can have confidence that orders that are manually handled will be provisioned both quickly and accurately.

These new improvements thus create a "virtuous cycle" and ensure that BellSouth's OSS will continue to improve even beyond the nondiscriminatory performance that BellSouth exhibits today.

**A. BellSouth Enables CLEC Integration of Pre-ordering and Ordering Functionalities**

This Commission's orders establish that a BOC must enable successful CLEC integration of pre-ordering and ordering capabilities. To meet that requirement, the BOC must show that CLECs "may, or have been able to, automatically populate information supplied by the BOC's pre-ordering systems onto an order form . . . that will not be rejected by the BOC's OSS systems." *Texas Order* ¶ 152. BOCs can meet that burden by demonstrating either (1) that CLECs can take and have successfully taken unparsed pre-ordering data received from the BOC and used it to populate a service order automatically, *see id.* ¶ 153, or (2) that the BOC provides pre-ordering information in a parsed format that permits integration, *see New York Order* ¶ 137.<sup>5</sup> In this supplemental filing, BellSouth makes *both* showings, supported by significantly more evidence than the Commission found sufficient in either its *Texas* or its *New York* orders.

Integration Under the Commission's Texas Order. CLECs that choose to receive BellSouth's pre-ordering information in an unparsed format (as they may do, even after the January 2002 introduction of the parsed CSR) are able to transfer successfully the unparsed pre-ordering data stream into the CLECs' own back-office systems and then back onto the BOC's ordering interface. *See Texas Order* ¶ 152.

CLECs can achieve that integration because BellSouth has "enabl[ed] carriers to implement a parsing program that allows the seamless transfer of information from pre-ordering to the ordering stage." *Id.* ¶ 153. BellSouth provides comprehensive materials that give CLECs all the resources necessary to integrate BellSouth's TAG pre-ordering

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<sup>5</sup> Memorandum Opinion and Order, *Application by Bell Atlantic New York for Authorization Under Section 271 of the Communications Act To Provide In-Region, InterLATA Services in the State of New York*, 15 FCC Rcd 3953 (1999).

interface with its TAG and EDI ordering interfaces. *See Stacy/Varner/Ainsworth Joint Supp. Aff.* ¶¶ 10-19; *Stacy Aff.* Exhs. OSS-5 to OSS-8 (Oct. 2, 2001 Application App. A, Tab T). BellSouth offers the *CSR Job Aid*, a document that provides CLECs with details on the format of the CSR and how to interpret the CSR response. *See Stacy/Varner/Ainsworth Joint Supp. Aff.* ¶¶ 15-16; *Stacy Aff.* Exh. OSS-53. BellSouth also offers the *Pre-Order to Firm Order Mapping Matrix*, which provides CLECs with detailed mapping of the pre-order response fields to the firm order fields and their corresponding forms. *See Stacy/Varner/Ainsworth Joint Supp. Aff.* ¶¶ 15, 17; *Stacy Aff.* Exh. OSS-54. In addition, BellSouth provides CLECs with both the specifications necessary for programming their own interfaces and training classes to assist them in integrating. *See Stacy/Varner/Ainsworth Joint Supp. Aff.* ¶¶ 18-20; *Stacy Aff.* Exhs. OSS-9 to OSS-14, OSS-24.

Moreover, to address any conceivable concern about the ability to integrate from BellSouth's materials, BellSouth has hired expert consultants to provide technical advice, free of charge, to CLECs that request assistance with integrating from BellSouth's unparsed pre-ordering data stream. Those consultants have the experience and know-how to evaluate a CLEC's technological platform and provide the CLEC with advice to ensure successful integration. *See Stacy/Varner/Ainsworth Joint Supp. Aff.* ¶ 23. Accordingly, as the Commission found in the *Texas Order*, BellSouth's offer of third-party consulting advice will provide "valuable assistance" to CLECs "seeking to design or improve their ordering systems to maximize the functionality offered by" BellSouth. *See Texas Order* ¶ 161 & n.437. Moreover, these consultants will also be available to

assist CLECs in integrating from BellSouth's parsed CSR if they choose that route. *See Stacy/Varner/Ainsworth Joint Supp. Aff.* ¶ 23.

All this assistance from third parties, moreover, is in addition to what BellSouth already provides. BellSouth's E-Commerce Account Team is available to provide assistance relating to the testing of BellSouth's interfaces. *See id.* ¶ 22. In addition, Science Application International Corporation and Accenture have been hired to provide technical assistance related to software and the CLECs' systems at no charge. *See id.* BellSouth's Software Vendor Process also offers assistance to outside vendors seeking help with technical issues. *See id.* ¶ 21. Indeed, working with BellSouth, several vendors, including Telcordia, have developed software that CLECs can and do use to integrate BellSouth's systems. *See id.* ¶¶ 21, 29.

Using such third-party software or their own self-designed systems, and relying on the documentation and assistance that BellSouth has made available, numerous CLECs have been able to integrate successfully. *See Stacy/Varner/Ainsworth Joint Supp. Aff.* ¶¶ 21, 25-29. Four separate parties – Access Integrated, Exceleron/GoComm, Momentum and ITC^DeltaCom – have filed letters with this Commission confirming their ability to integrate.<sup>6</sup> *See Stacy/Varner/Ainsworth Joint Supp. Aff.* ¶¶ 21, 25-29 &

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<sup>6</sup> *See* Letter from J. Rodney Paige, Vice-President, Access Integrated Networks, to Magalie Roman Salas, Secretary, FCC, CC Docket No. 01-277 (FCC filed Dec. 7, 2001) (successfully integrated TAG pre-ordering and ordering); Letter from Alan L. Creighton, President and CEO, Momentum Business Solutions, Inc., to Magalie Roman Salas, Secretary, FCC, CC Docket No. 01-277 (FCC filed Dec. 4, 2001) (successfully integrated TAG pre-ordering and EDI ordering); Letter from Bob D. Crenshaw, President of Exceleron & GoComm, to Magalie Roman Salas, Secretary, FCC, CC Docket No. 01-277 (FCC filed Nov. 29, 2001) (successfully integrated TAG pre-ordering and ordering). ITC^DeltaCom successfully integrated TAG pre-ordering with TAG ordering by “develop[ing] its own proprietary software that enables ITC DeltaCom to ‘parse’ pre-order information into English and to generate certain resale and UNE-P orders on an



Exhs. SVA-6 to SVA-9. Publicly available documents also make clear that a fifth party (Sprint) has achieved integration by using Telcordia's service, Exchange Link. *See id.* ¶ 29.

Access Integrated's statements are typical. That company, which is among the leading UNE-P users in Georgia, has attested unequivocally that, relying on documentation and technical assistance from BellSouth, it has integrated successfully. *See id.* ¶¶ 21, 25. Access Integrated has been "able to take information obtained from BellSouth's TAG pre-ordering interface and electronically complete an LSR that can be submitted to BellSouth as well as populate its own internal systems, *all with minimal human intervention.*" *Id.* Exh. SVA-6 (emphasis added). Access Integrated has further stated that it has "parsed the CSR information received from BellSouth." *Id.*

Amplifying on these important statements, Access Integrated recently provided BellSouth with a supplemental letter confirming that BellSouth's exhaustive documentation and technical assistance were critical to its ability to integrate.<sup>7</sup> Access Integrated's recent letter confirms that BellSouth "provided thorough and complete documentation to Access' own information technologies team allowing it to easily and successfully write software for integration of the aforementioned interfaces. Additionally, BellSouth provided technical support, as needed." *Id.* Exh. SVA-3. Access Integrated has also confirmed that "BellSouth has met and exceeded our electronic

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integrated basis." Letter from Jonathan D. Lee, Vice-President, Regulatory Affairs, CompTel, to Magalie Roman Salas, Secretary, FCC, CC Docket No. 01-277, at 1-2 (FCC filed Dec. 6, 2001) (filed by CompTel on behalf of ITC^DeltaCom). These letters are attached to the Stacy/Varner/Ainsworth Joint Supplemental Affidavit as Exhibits SVA-6 through SVA-9.

<sup>7</sup> Letter from J. Rodney Page, VP-Marketing and Strategic Development, Access Integrated Networks, to Bill Stacy, BellSouth Telecommunications, Inc. (Jan. 29, 2002) (*Stacy/Varner/Ainsworth Joint Supp. Aff.* Exh. SVA-3).

interface development needs and expectations with their quality documentation and technical support which, of course, has resulted in the successful development of Access' own CSR parsing software.” *Id.* Access Integrated further stated that it was able to undertake the work necessary to complete integration in approximately 30 person-days. *See id.*

There can be no dispute that Access Integrated's efforts have led to “successful” integration. *See Texas Order* ¶ 156. Access Integrated has achieved low reject rates and high flow-through rates. *See Stacy/Varner/Ainsworth Joint Supp. Aff.* ¶¶ 30-31. Indeed, Access Integrated itself has confirmed it is able to “*process orders with a low rejection rate.*” *Id.* Exh. SVA-6 (emphasis added).

Exceleron/GoComm's recent letter confirms the veracity of Access Integrated's statements.<sup>8</sup> Exceleron/GoComm attests that it “successfully developed software that integrates BellSouth's pre-order results with [its] firm order software.” *Id.* Exh. SVA-4. As with Access Integrated, moreover, Exceleron/GoComm's letter makes plain that it relied on BellSouth documents, which were “thorough, comprehensive and adequate.” *Id.* Exceleron/GoComm's letter also states that BellSouth provided “quality project management and technical support . . . whenever needed.” *Id.* And, as with Access Integrated, GoComm has achieved consistently low reject rates and high flow-through rates, demonstrating that BellSouth's systems can be integrated successfully. *See Stacy/Varner/Ainsworth Joint Supp. Aff.* ¶¶ 30-31.

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<sup>8</sup> Letter from Bob D. Crenshaw, President, Exceleron & GoComm, to William Stacy, BellSouth Telecommunications, Inc. (Jan. 23, 2001) (*Stacy/Varner/Ainsworth Joint Supp. Aff.* Exh. SVA-4).

Finally, Momentum has also recently confirmed that, using BellSouth's documentation, its vendor was able to write software that allows it to "parse the CSR received from BellSouth, enter it into [Momentum's] local database, and utilize that information to auto-populate parts of the LSR."<sup>9</sup> This integration has allowed Momentum "to experience lower rejection rates" than it otherwise would. *Id.* Exh. SVA-5.

These letters provide even more detailed and robust evidence of successful parsing than this Commission had before it in the *Texas Order*, and they compel the conclusion that CLECs can and do integrate BellSouth's systems successfully. *See Texas Order* ¶ 152 (requiring showing that CLECs "may, or have been able to, automatically populate information supplied by the BOC's pre-ordering systems onto an order form . . . that will not be rejected by the BOC's OSS systems") (emphasis added).<sup>10</sup> Indeed, BellSouth's evidence is particularly persuasive because the carriers that have acknowledged integration order a wide variety of products, including UNE-P, resale, xDSL, and directory listings. *See Stacy/Varner/Ainsworth Joint Supp. Aff.* ¶¶ 30, 31. Also significant in this regard is the fact that, while AT&T and MCI have sought to raise doubt on this issue, *no* CLEC has ever indicated in this proceeding, or in the state commission 271 proceedings, that it has seriously attempted integration using BellSouth's supporting documentation but was unsuccessful. *See* Letter from Glenn

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<sup>9</sup> Letter from Alan L. Creighton, President and CEO, Momentum Business Solutions, Inc., to William Stacy, VP Network, BellSouth Telecommunications, Inc. (Feb. 5, 2002) (*Stacy/Varner/Ainsworth Joint Supp. Aff.* Exh. SVA-5).

<sup>10</sup> Notably, the Commission approved SWBT's Texas application based on ex parte letters from two carriers, despite the fact that "several carriers . . . claim[ed] to have encountered substantial difficulties in achieving full, successful integration." *Texas Order* ¶ 154.

Reynolds, BellSouth, to Magalie Roman Salas, Secretary, FCC, CC Docket No. 01-277, Attach. at 1 (FCC filed Dec. 10, 2001). *See also Texas Order* ¶ 155 n.420 (noting in finding that integration was achievable that WorldCom had apparently not attempted to integrate address-related fields). In fact, before the GPSC and the LPSC, no CLEC even seriously argued that CLECs could not integrate from unparsed pre-ordering data. *See Stacy/Varner/Ainsworth Joint Supp. Aff. Exh. SVA-12, Attach. at 6.*

Nor is this extensive evidence from the mouths of the CLECs themselves the totality of BellSouth's showing here. The CLEC-supplied evidence of successful integration is strongly buttressed by KPMG's thorough third-party test of integration and KPMG's recent letters clarifying the scope of that test. *See id.* ¶¶ 35-38.

KPMG, acting in its capacity as a pseudo-CLEC, tested CLECs' integration capabilities, and integrated its own pre-ordering and ordering functionality in order to submit orders in the functional part of the Georgia Third-Party Test. *See id.* ¶ 35. KPMG has thus stated that it had successfully tested "the degree to which a CLEC could develop automated integrated transactions and to highlight any inconsistencies in field name(s) and format between pre-order and order forms."<sup>11</sup>

KPMG's Master Test Plan ("MTP") document thus makes clear that "[o]rders will be submitted as both stand alone transactions and as *integrated* pre-order/order transactions. *For a defined set of integrated transactions, information returned on the pre-order response will be used to populate fields on subsequent orders. This activity is*

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<sup>11</sup> KPMG Consulting, *BellSouth Telecommunications, Inc. OSS Evaluation – Georgia: Master Test Plan – Final Report* at V-13 (Mar. 20, 2001) ("*MTP Final Report*") (Oct. 2, 2001 Application App. F – Ga., Tab 76).

*undertaken to simulate the system-related activities of a CLEC wishing to integrate the pre-order and order functions.*”<sup>12</sup>

More specifically, either as part of its integration test or as part of its normal testing of pre-ordering and ordering, KPMG:

- conducted a feature/function test of BellSouth’s Pre-Order interfaces by electronically submitting pre-order queries that included retrieval of CSRs reflecting information about the test bed into KPMG’s proprietary databases;
- created a “CSR parser” program using code previously developed in connection with the New York and Pennsylvania tests, and BellSouth documentation publicly available to CLECs, and loaded the data extracted by its parser into its proprietary databases;
- conducted a feature/function test of BellSouth’s order interfaces by electronically submitting LSRs created using both the documentation publicly available to CLECs, and the information contained in its proprietary databases (including information parsed from CSRs);
- conducted a limited analysis of the similarities and differences between BellSouth’s pre-order and order documentation with respect to things such as field name, field size, and field usage;<sup>13</sup> and
- successfully moved data manually from pre-order queries to orders (LSRs) thus simulating the logic a computer program designed to accomplish the same purpose would perform.

*See Stacy/Varner/Ainsworth Joint Supp. Aff. ¶ 35.*

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<sup>12</sup> KPMG Consulting, *BellSouth Telecommunications, Inc. OSS Evaluation – Georgia: Master Test Plan* at V-7 (Dec. 16, 1999) (“*Master Test Plan*”) (Oct. 2, 2001 Application App. F – Ga., Tab 49) (emphases added) (addressing TAG ordering); *see also id.* at V-2 (addressing EDI ordering).

<sup>13</sup> This analysis revealed only minor differences in definitions between the two interfaces, *see Stacy/Varner/Ainsworth Joint Supp. Aff. ¶ 38*, which is consistent with the differences observed in the third-party test of a prior, successful application, *see New York Order ¶ 138 & n.414*. Despite these minor inconsistencies in format, KPMG found all seven of the criteria it tested to be satisfied. *See MTP Final Report O&P-1-5-1 to O&P-1-5-7*, at V-A-28 to V-A-31.

KPMG has recently submitted a letter that confirms all these points. *See id.* ¶ 38 & Exh. SVA-13. KPMG’s February 2, 2002 letter to the Chief of the Commission’s Common Carrier Bureau makes clear that KPMG “[e]lectronically parsed an enormous amount of data,” “[e]lectronically and manually entered other information necessary to complete the order into the databases,” “[e]lectronically created interface files that contained Order information,” and “[e]lectronically transmitted these interface files.” *Id.* at 5. KPMG further explained that, although it did not attempt to parse every field on the CSR, it did parse a large number of fields electronically. *See id.* at 5-7.

KPMG has thus concluded that “it is possible for CLECs to” (1) electronically retrieve pre-order inquiries; (2) electronically parse most of the desired information; (3) electronically store the retrieved data; and (4) electronically populate fields in an LSR using the stored data. *Id.* at 8. KPMG further noted that any conversion of data formats required in storing data or completing an order is “neither onerous, nor arcane,” and, finally, that “BellSouth’s documentation is sufficient to allow a CLEC to develop the parsers and filters required to accomplish electronic bonding.” *Id.*

As explained above and in KPMG’s own submissions, its testing involved all the “various steps a competitive LEC would take in order to accomplish integration,” and thus KPMG’s results should be given “substantial weight.” *Texas Order* ¶ 159 n.431. KPMG’s statements thus provide important additional evidence here.

Moreover, both the GPSC and the LPSC have also concurred in the conclusion that CLECs have integrated successfully. The GPSC expressly found that “BellSouth provides CLECs with all the requirements necessary for integrating BellSouth’s interfaces. . . . CLECs may integrate ordering and pre-ordering functions by integrating

the TAG pre-ordering interface with the EDI ordering interface, or by integrating TAG pre-ordering with TAG ordering.” GPSC Comments at 87-88, CC Docket No. 01-277 (FCC filed Nov. 5, 2001) (“*GPSC Comments*”) (citations omitted). The LPSC has similarly determined that “CLECs have successfully integrated the TAG pre-ordering interface with the EDI and TAG ordering interfaces based on the specifications provided by BellSouth.” LPSC Evaluation, CC Docket No. 01-277, at 33 (FCC filed Oct. 23, 2001) (“*LPSC Evaluation*”). These conclusions are also entitled to significant weight. *See Texas Order* ¶ 51 (“We will look to the state to resolve factual issues wherever possible . . . . [W]here the state has conducted an exhaustive and rigorous investigation into the BOC’s compliance with the checklist, we may give evidence submitted by the state substantial weight in making our decision.”).

Finally, BellSouth’s introduction of TN migration for UNE-P in November 2001 further bolsters the conclusion that CLECs can order products with minimal manual intervention. *See Stacy/Varner/Ainsworth Joint Supp. Aff.* ¶¶ 39-58. In the words of the Department of Justice, the implementation of TN migration is a “significant step[]” that “alleviate[s] concerns related to pre-ordering and ordering integration.” *Texas Order* ¶ 160 n.436 (quoting Letter from Donald J. Russell, Chief, Telecommunications Task Force, Antitrust Division, Department of Justice, to Magalie Roman Salas, Secretary, FCC, CC Docket No. 00-65, at 18 (FCC filed June 13, 2000)). Indeed, because BellSouth offers TN migration, over 90% of UNE-P orders can now be submitted without typing a service address or other information.<sup>14</sup> BellSouth completed this implementation

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<sup>14</sup> *See Stacy/Varner/Ainsworth Joint Supp. Aff.* ¶ 40; Letter from Sean Lev, Counsel for BellSouth, to Magalie Roman Salas, Secretary, Federal Communications Commission, CC Docket No. 01-277, Attach. at 7 (FCC filed Nov. 30, 2001).

in accordance with the change control requirements for this enhancement and under the schedule mandated by the GPSC. Additionally, although there was one problem with this enhancement upon implementation (involving multiple addresses associated with the same telephone number), BellSouth promptly fixed that problem within two weeks of the initial release. *See Stacy/Varner/Ainsworth Joint Supp. Aff.* ¶¶ 41-42.

Since then, TN migration has been a great success. Region-wide, CLECs submitted more than 160,000 UNE-P orders using TN migration between November 17, 2001, and January 28, 2002. *See id.* ¶¶ 55, 57. Twelve different CLECs have each submitted at least 2,000 orders using this enhancement during that same period. *See id.*

Unsurprisingly, the result has been fewer address-related errors. In January 2002, for those UNE-P orders eligible to utilize UNE-P TN functionality, the percentage of errors that were address-related was only 1.7%, as opposed to 4.4% in October 2001. *See id.* ¶ 56. Moreover, overall rejects for mechanized UNE Loop-Port Combinations – by far the largest category of UNE orders – have gone from 19.4% in September 2001 to 14.3% in December 2001. *See id.*

BellSouth has repeatedly requested feedback on TN migration from CLECs, in order to ensure that this functionality is meeting their needs. *See id.* ¶¶ 45-46. While the vast majority of CLECs have not raised any concerns, WorldCom has complained that it continues to receive address-related rejects even after the implementation of TN migration. *See id.* ¶ 48. Contrary to WorldCom's claim, however, BellSouth's analysis revealed that only an extremely small number of rejects were associated with address mismatches about which WorldCom complained. *See id.* Moreover, as of February 2,



2002, BellSouth implemented an OSS enhancement that removed the basis of WorldCom's complaint. *See id.*<sup>15</sup>

Integration Under the Commission's New York Order. The Commission also has indicated that a BOC may demonstrate that it enables integration if it provides information to CLECs in a parsed format. *See New York Order* ¶¶ 137-138.

BellSouth also meets this alternative test for integration. As of January 2002, BellSouth provides CLECs with the option of receiving a parsed CSR. *See Stacy/Varner/Ainsworth Joint Supp. Aff.* ¶ 59. BellSouth released this significant enhancement for testing in the CAVE environment on December 8, 2001, as scheduled. *See id.* Then, meeting the implementation schedule established by the GPSC, on January 5, 2002, BellSouth released this functionality into production. *See id.* And, as noted above, to ensure that CLECs can take advantage of this capability, BellSouth has hired expert consultants to assist them free of charge on issues relating to integration using a parsed CSR. *See id.* ¶ 23. BellSouth also is extending the availability of CAVE testing of the parsed CSR to accommodate the needs of individual CLECs. *See id.* ¶ 87.

Testing by third parties has demonstrated that the parsed CSR works as intended. Telcordia tested BellSouth's parsed CSR in the CAVE environment. *See id.* ¶¶ 60-65 & Exh. SVA-19. Telcordia developed a "pseudo CLEC" system to show that a CLEC can submit a CSR query to BellSouth, receive a parsed CSR from BellSouth, and integrate the data from the parsed CSR with the ordering process. *See id.* ¶ 61. In developing this system, Telcordia used only publicly available BellSouth documentation, as well as a

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<sup>15</sup> In any event, WorldCom's complaint about database mismatches is similar to one that was raised in Texas, which provided no basis to reject that application. *See Texas Order* ¶ 157 & n.423.

question-and-answer process that is part of BellSouth's change control system. *See id.*

¶ 62. Telcordia's system interfaced with BellSouth's integrated pre-ordering and ordering capabilities no differently than would the systems of a CLEC or CLEC vendor. *See id.* Telcordia was able to use the data from the parsed CSR responses and successfully submit requests for loop-port combinations, simple resale, and loop migrations in CAVE and to receive valid FOCs and completion notices. *See id.* ¶ 63. The test orders that Telcordia sent included the kinds of orders that constitute 99% of actual UNE-P migrate-as-specified orders and 79% of all activity in a typical month. *See id.* ¶ 62. BellSouth successfully processed these orders. *See id.* ¶ 63. Exceleron, another software vendor, also tested the parsed CSR functionality in CAVE and confirmed that it functioned as specified. *See id.* ¶¶ 60, 64 & Exhs. SVA-20 and SVA-21. BellSouth has responded to the minor deficiencies that these vendors identified in BellSouth's documentation. *See id.* ¶ 65.

As it did in the *New York Order*, the Commission should place significant weight on this testing of the parsed CSR functionality. *See New York Order* ¶ 138. In fact, BellSouth's testing was, if anything, even more rigorous than the substantial testing that the Commission found sufficient in the *New York Order*. Unlike Telcordia's test of the parsing functionality offered by BellSouth, in New York, the tester did not "automatically populate the pre-ordering data into the ordering interface." *Id.* ¶ 138 & n.414. In contrast, as part of its test of the parsing functionality offered by BellSouth, "Telcordia was able to submit a [customer service record query (CSRQ)], receive and display the Parsed CSRQ response from BellSouth, use a subset of Pre-Order response data applicable to the Order to *automatically pre-populate the Order* and receive a valid Firm

Order Confirmation (FOC) and a Completion Notice.” *Stacy/Varner/Ainsworth Joint Supp. Aff. Exh. SVA-19*, at 1 (Telcordia Test of BellSouth TAG 7.7.0.1 Integrated Pre-Order and Order Capabilities Including the Use of Parsed CSR) (emphasis added).

Additionally, BellSouth recently tested the parsed CSR with Birch Telecom as part of a larger test of Birch’s upgraded TAG interface. *See Stacy/Varner/Ainsworth Joint Supp. Aff.* ¶ 66. This testing was completed successfully on January 21, 2002. *See id.* Birch successfully pulled parsed CSRs for both residential and business accounts. *See id.* All test scenarios received a “pass,” which is expressly defined to mean that the “test cases . . . have been executed and both the CLEC and BellSouth have agreed that the success criteria specified in the plan have been met.” *Id.* ¶ 66; *see id.* Exh. SVA-22 (BellSouth Staged Testcase Specifications for Telecommunications Access Gateway CLEC Application Testing for Parsed CSR Pre-Order); *id.* Exh. SVA-23 (Birch’s CSR Test Summary).

As is the case with any major software release, there have been some minor, low-impact defects associated with the initial implementation of the parsed CSR functionality. *See id.* ¶¶ 67-70. BellSouth has notified CLECs of such defects. *See id.* ¶ 67. Only one defect could be considered even slightly significant. *See id.* ¶ 71.<sup>16</sup> BellSouth believes this issue would have arisen only on rare occasions and notes that, as long as CLECs followed the Business Rules, it would not be a concern. *See id.* ¶ 72. In any event, BellSouth promptly notified CLECs of this issue and fixed it very quickly through a

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<sup>16</sup> Specifically, in the CSR there are designations for thoroughfares, such as “street,” “drive,” or “boulevard.” If a customer’s street name happened to match a thoroughfare indicator, and in addition there was no thoroughfare indicator after the street name (for example, 279 Boulevard SE), then the parsed CSR information in the street name field would have been incorrect. *See Stacy/Varner/Ainsworth Joint Supp. Aff.* ¶¶ 71.

January 12, 2002 maintenance release. *See id.* This problem was thus resolved within a week of the production release of the parsed CSR.

Despite all these facts, if experience is a guide, companies such as AT&T and WorldCom – which of course have an enormous interest in keeping BellSouth out of the long-distance market, to the detriment of consumers – will raise complaints about BellSouth’s release of a parsed CSR functionality. Those companies may claim that the documentation allowing them to test the interface was released too late to allow them to test prior to the production release on January 5, 2002. *See id.* ¶ 74. But, although certain of these materials were not published according to the original timeline, no CLEC was inhibited from implementing and testing this functionality. *See id.* ¶¶ 74-76. Indeed, most of the information included in the BellSouth Business Rules (“BBR”) issued on December 15 had been provided to CLECs in earlier documentation. *See id.* ¶ 74. Moreover, both Telcordia and Exceleton were able to complete a substantial portion of their development work with the information released to the CLECs during development of the parsed CSR, and were able to complete development and testing within a few days after the BBR revisions were released. *See id.* ¶ 75. In any event, the requested information has now been long available, and BellSouth has extended the time during which CAVE testing of the parsed CSR functionality will be available to ensure that there is no prejudice. *See id.* ¶ 87.

CLECs may also argue that BellSouth has refused to parse sufficient fields on the CSR. *See id.* ¶ 77. That is incorrect. BellSouth has parsed the vast majority of fields that CLECs have requested (87 out of 106). *See id.* ¶ 78. In the few cases in which BellSouth has not parsed fields that are valid in BellSouth’s LSR, it has not done so

either because the fields are not on the CSR to be parsed or because the fields on the CSR are not in LSOG 4 format. These specific fields are discussed in the Stacy/Varner/Ainsworth Joint Supplemental Affidavit at paragraphs 83-85. In any event, this argument holds BellSouth to a standard that this Commission has never required. No BOC has parsed every field on its CSR, and BellSouth in fact parses more fields than other BOCs. *See id.* ¶¶ 59, 78. The Commission has never found that every last field must be parsed in order to enable integration; on the contrary, it has indicated that the fact that a BOC “provides address information in a parsed format” meets this requirement. *Texas Order* ¶ 153. In all events, BellSouth’s parsing program ensures that CLECs can submit orders with minimal manual handling and provides added assurance that CLECs have a meaningful opportunity to compete. BellSouth thus meets, and in fact exceeds, this Commission’s requirements for checklist compliance.

In sum, BellSouth’s evidence that CLECs can and do integrate, that BellSouth has offered to assist CLECs with integration, that it has successfully deployed and expanded TN migration, and that it has implemented a parsed CSR establishes that CLECs that choose to do so can readily take advantage of BellSouth’s substantial electronic OSS capabilities to order efficiently and with few errors. Moreover, BellSouth’s enhancements to the change control process (which are discussed below) ensure that the “virtuous cycle” created by BellSouth’s current offerings will continue and that BellSouth will improve even further beyond its current nondiscriminatory performance.

**B. BellSouth Accurately Processes Manually Handled Orders**

BellSouth’s systems are highly mechanized. In fact, BellSouth handles fewer orders manually than other BOCs have at the time of section 271 approval.

As an initial matter, BellSouth's mechanized systems allow it to receive a very high percentage of orders electronically. Thus, in Texas, 43% of all CLEC orders were manually submitted, as compared to 10% for BellSouth. *See Stacy/Varner/Ainsworth Joint Supp. Aff.* ¶ 102. Just as important, when orders are submitted electronically, the vast majority are not rejected. For example, in December 2001 in Georgia, BellSouth rejected 11.55% of residential resale orders and 14.33% of UNE-P orders. *See id.* ¶ 106. Those rates are comparable to, or better than, the SBC and Verizon reject rates in prior approved applications, even if fatal rejects are included. *See id.* ¶¶ 104-106.

Moreover, BellSouth's reject rates are not only low; they continue to improve. In Georgia, for example, between September and December, the reject rate for residential resale orders dropped from 13.98% to 11.55%. *See id.* ¶ 106. And the reject rate for UNE-P orders during that period dropped from 19.38% to 14.33%. *See id.* Given the DOJ's conclusion that the Louisiana and Georgia markets are "fully and irreversibly open to competition for resale" providers, DOJ Evaluation at 38, CC Docket No. 01-277 (FCC filed Nov. 6, 2001), the fact that the reject rates for resale and UNE-P orders are comparable provides further evidence corroborating that the reject rate for UNE-P orders is not an impediment to CLECs. *See Stacy/Varner/Ainsworth Joint Supp. Aff.* ¶ 107. Moreover, reject rates vary widely by CLEC (*see id.* ¶¶ 33-34), supporting the conclusion that reject rates are largely due to "the care a carrier takes in submitting its orders." *Texas Order* ¶ 177.

Similarly, BellSouth's flow-through numbers are both improving and comparable to those of other approved BOCs. For instance, BellSouth's UNE flow-through rate improved to 82.67% in December from 70.7% in June; its business resale flow-through

rate increased to 74.07% in December from 57.11% in June; and its residential resale flow-through rate has risen from 87.52% in June to 89.5% in December. *See Stacy/Varner/Ainsworth Joint Supp. Aff.* ¶ 92. And BellSouth's systems are capable of supporting even higher flow-through rates, as evidenced by the fact that over 20 CLECs have obtained rates of over 90%. *See id.* ¶ 99. BellSouth's flow-through numbers, on an apples-to-apples basis, are comparable to, or better than, those the Commission has seen in the past. *See id.* ¶¶ 93-97.

As is always the case, however, manual handling will still be necessary in some instances. Indeed, some CLECs submit orders manually even when they could be submitted electronically. *See id.* ¶ 102 (approximately 40% of manually submitted orders could be submitted electronically). BellSouth has ensured that where manual handling is necessary, CLECs still have a meaningful opportunity to compete. BellSouth has done so primarily by making a significant commitment to service order accuracy.

As BellSouth explained in its October 2001 application, in August 2001 BellSouth began to implement an action plan to improve service order accuracy. That plan involved additional training of service representatives, reviews by management personnel, and quality audits, among other initiatives. *See Varner La. Aff.* ¶¶ 159-166 (filed Oct. 2, 2001); *see also Stacy/Varner/Ainsworth Joint Supp. Aff.* ¶¶ 151-157. BellSouth represented in October 2001 that it expected to see the fruits of this extensive commitment of time and effort in performance data in the coming months. *See Varner La. Aff.* ¶ 165.

The results are now in, and they fully support BellSouth's prior statements. In December 2001, BellSouth *exceeded the 95% benchmark for all seven of the UNE*

*service order accuracy sub-metrics and 8 of the 11 resale submetrics. See Stacy/Varner/Ainsworth Joint Supp. Aff.* ¶¶ 159-160. Thus, BellSouth is now meeting the tough benchmarks established by the state commissions in this area.<sup>17</sup>

BellSouth has also undertaken to work with individual CLECs on service order accuracy issues. For example, regular meetings have taken place with Birch Telecom since November 2001, and the minutes of those meetings reflect that numerous action items raised by Birch were resolved or are being addressed. *See Stacy/Varner/Ainsworth Joint Supp. Aff.* ¶ 163. Among other things, BellSouth has been able to clarify a Birch misunderstanding as to how BellSouth's order tracking system (CSOTS) works. *See id.* ¶ 166. BellSouth has also been monitoring error rates on Birch orders, and its documentation shows that Birch (which has stated that it checks every order for accuracy) has reported service order errors for an extremely small percentage of its orders, confirming that BellSouth exceeds any reasonable measure of satisfactory performance. *See id.* ¶ 164. That is especially the case here, given that BellSouth's retail performance has historically been significantly lower than those figures. *Stacy/Varner/Ainsworth Joint Reply Aff.* ¶ 54 (filed Nov. 13, 2001).

Finally, to ensure that BellSouth continues to provide CLECs with accurate orders, BellSouth has placed a performance penalty on its service order accuracy measure in both Georgia and Louisiana. *See Stacy/Varner/Ainsworth Joint Supp. Aff.* ¶ 161. This will be a Tier II measure in BellSouth's performance plan, and BellSouth will pay \$50 per affected occurrence. *See id.* This Commission has repeatedly recognized that such penalties are an effective mechanism for ensuring continued nondiscriminatory

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<sup>17</sup> BellSouth has recently modified its service order accuracy calculation in order to make it more accurate. *See Varner Supp. Aff.* ¶¶ 63-68.



performance. *See Kansas/Oklahoma Order*<sup>18</sup> ¶ 269 (“[T]he 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.”); *see also New York Order* ¶ 429.

In sum, BellSouth’s concentrated efforts to improve service order accuracy have paid off, and BellSouth’s performance on this measure is at a level consistent with BellSouth’s excellent overall performance. The imposition of a performance penalty, moreover, gives this Commission every reason to believe that BellSouth’s performance will continue to be nondiscriminatory.

### **C. BellSouth Offers an Effective Change Management Process**

The Commission’s Staff has also expressed interest in evidence showing that BellSouth’s change control process is an effective mechanism for CLECs to request improvements in BellSouth’s OSS. BellSouth has taken extensive steps to ensure that its change control process provides CLECs with “substantial input in the design and continued operation of the change management process.” *Texas Order* ¶ 108. These changes include a number of initiatives designed to make change management both more effective and more “user friendly” for CLECs. These changes are directly responsive to CLEC concerns. Equally important, BellSouth also has responded directly to CLEC concerns about implementation of their priority items. BellSouth has scheduled implementation of all 15 top CLEC priorities this year – 8 by the end of July. *See*

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<sup>18</sup> Memorandum Opinion and Order, *Joint Application by SBC Communications Inc., et al., for Provision of In-Region, InterLATA Services In Kansas and Oklahoma*, 16 FCC Rcd 6237 (2001), *remanded on other grounds, Sprint Communications Co. v. FCC*, No. 01-1076, 2001 WL 1657297 (D.C. Cir. Dec. 28, 2001).

*Stacy/Varner/Ainsworth Joint Supp. Aff.* ¶ 124 & Exh. SVA-36. These steps, as well as others discussed below, resolve any issue here.

As an initial matter, BellSouth has made a number of changes to provide CLECs with additional information regarding the CCP and enhance their opportunities to participate. Among other things, BellSouth is now providing CLECs with additional materials regarding the status of change control initiatives (including a daily activity report and a quarterly tracking report). *See id.* ¶ 109. BellSouth also has adopted new practices (such as telephonic participation and scheduling meetings at more convenient times) to make it easier for CLECs to take part in meetings. *See id.* ¶ 110. In response to several specific CLEC concerns, BellSouth has created special subcommittees to study relevant issues and to recommend improvements. *See id.* ¶ 111.

BellSouth has enhanced its support for the CCP. In direct response to CLEC suggestions, BellSouth has added a member of BellSouth's information technology group to CCP meetings, as well as a member of BellSouth's customer care group. *See id.* ¶ 112. BellSouth will also make its subject matter experts ("SMEs") and project managers available to CLECs to answer questions upon request. *See id.* ¶ 113. Moreover, BellSouth has reorganized the duties of the relevant Operation Assistant Vice President so that he can focus more on change control. *See id.* ¶ 114.

BellSouth has also undertaken initiatives to further enhance the timeliness of information that it is providing to CLECs, as well as the usefulness of that information. BellSouth has implemented changes that should give CLECs more time to make coding changes before a release is implemented. *See id.* ¶ 116. BellSouth also now provides CLECs with a coding matrix (a simplified version of user requirements) with each

release, and it highlights CLEC-affecting changes in the user requirements. *See id.* ¶ 117. Additionally, BellSouth distributes to CCP members a complete schedule for release implementation for the year, which identifies each release and scheduled release date, and the change requests included within such release. *See id.* ¶ 118. BellSouth has also added performance measures so that regulators and CLECs will know whether BellSouth corrects defects in a timely fashion, whether it promptly accepts or rejects change requests, and why BellSouth rejects particular CLEC change requests. *See id.* ¶¶ 119-122.

BellSouth has also now ensured that CLECs' top priorities will be implemented. This is an item that CLECs have previously identified as a key concern, *see, e.g.*, AT&T Comments at 27, CC Docket 01-277 (FCC filed Oct. 19, 2001), and that BellSouth has made a significant effort to address. As noted, eight of the top 15 CLEC requests are scheduled for implementation by July and the rest of the top 15 will be implemented by the end of the year (although one request is awaiting additional information from AT&T). *See Stacy/Varner/Ainsworth Joint Supp. Aff.* ¶ 124 & Exh. SVA-36. BellSouth has thus gone well *beyond* Birch's request that BellSouth "slot at least the top 10 ranked" CLEC requests for 2002 implementation. *See Birch Telecom Reply Comments* at 41, CC Docket No. 01-277 (FCC filed Nov. 13, 2001).

More generally, BellSouth has also proposed to CLECs that it would devote 40% of CCP capacity to CLEC requests and CLEC-driven regulatory mandates (far more than BellSouth devotes to its own requests). *See Stacy/Varner/Ainsworth Joint Supp. Aff.* ¶¶ 126-128. Although CLECs originally reacted positively to this proposal, they have recently rejected it and filed a counter-proposal with the GPSC. *See id.* ¶ 132. BellSouth

is disappointed in that result, but has offered the CLECs another proposal based on their request. *See id.* ¶ 133. BellSouth will continue to work with CLECs and state regulators to reach a mutually satisfactory agreement on this issue. *See id.* ¶ 134.

BellSouth is also committed to giving CLECs a significant opportunity to test these new releases. To that end, BellSouth has extended the window for testing the parsed CSR enhancement, and has added LENS to the CAVE testing environment. *See id.* ¶¶ 87, 143-144. BellSouth will also make the CAVE environment available for most of 2002, and to the maximum extent possible (consistent with the need to load new releases in that system). *See id.* ¶ 143.

Finally, it remains the case that the GPSC and the LPSC closely monitor change control issues and provide CLECs with an avenue to raise complaints if they believe that BellSouth is not performing adequately in this regard. *See Stacy Reply Aff.* ¶ 54 (filed Nov. 13, 2001). *See also GPSC Comments* at 127-29; Staff Final Recommendation at 4, *Consideration and Review of BellSouth Telecommunications, Inc.'s Preapplication Compliance with Section 271 of the Telecommunications Act of 1996*, Docket No. U-22252(E) (La. Pub. Serv. Comm'n Aug. 31, 2001) (Oct. 2, 2001 Application App. C – La., Tab 22). Indeed, as noted above, CLECs have recently involved the GPSC in the negotiations regarding capacity allocation. As in prior cases, the existence of continuing state commission supervision provides important assurance that BellSouth will continue to comply with its obligations. *See Pennsylvania Order*<sup>19</sup> ¶ 3 (“[T]he Pennsylvania Commission will continue its oversight of Verizon’s performance through ongoing state

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<sup>19</sup> *See Memorandum Opinion and Order, Application of Verizon Inc., et al., for Authorization to Provide In-Region, InterLATA Services in Pennsylvania*, 16 FCC Rcd 17419 (2001).

proceedings. As the Commission has recognized, state proceedings demonstrating a commitment to advancing the pro-competitive purposes of the Act serve a vitally important role in the section 271 process.”). Especially in light of the substantial steps that BellSouth has taken here, the Commission should confidently rely on the state commissions to ensure that BellSouth continues to provide CLECs with meaningful assistance through the CCP process.

**D. Double FOCs Create No Significant Concern, and BellSouth Has Recently Corrected All Known Defects That Created the Need for Them**

The Staff’s final OSS concern involves a software glitch that led to CLECs receiving “double FOCs” – that is, two firm order confirmations for the same service order. This issue affects a very small – and declining – number of orders (approximately 2% in January 2002). *See Stacy/Varner/Ainsworth Joint Supp. Aff.* ¶¶ 145, 149. BellSouth, moreover, recently implemented software enhancements to reduce these occurrences even further. *See id.* ¶ 146.

As BellSouth has previously explained to the Commission, because of a coding issue, in some small number of instances CLECs submitting fully mechanized resale and UNE-P non-dispatch orders have initially received due dates that were longer than necessary. *See, e.g.,* Letter from Sean A. Lev, Counsel for BellSouth, to Magalie Roman Salas, Secretary, FCC, CC Docket No. 01-277, Attach. at 8-9 (FCC filed Nov. 30, 2001). To address this problem, and to ensure that CLECs had the benefit of the earlier due date, BellSouth instituted a fully mechanized work-around process to alert CLECs to the proper due date. *See Stacy/Varner/Ainsworth Joint Supp. Aff.* ¶ 145. BellSouth’s work-around involves electronically issuing a second FOC with the correct due date.

Importantly, to minimize any CLEC inconvenience, BellSouth electronically issues that second FOC very quickly – almost always within a matter of hours from the issuance of the original FOC. *See id.* ¶ 148.

BellSouth has worked hard to ensure that any inconvenience associated with this mechanized work-around exists for only a small and declining number of orders. As explained in the Stacy/Varner/Ainsworth Joint Supplemental Affidavit, the percentage of orders affected by this issue has consistently declined over recent months to the point that it affected only approximately 2% of January 2002 orders. *See id.* ¶ 149. Under no theory does such a low-level concern affecting so few orders deprive CLECs of a meaningful opportunity to compete. *See, e.g., Arkansas/Missouri Order*<sup>20</sup> ¶¶ 33-35 (even where there were “legitimate” CLEC complaints about their ability to open electronic trouble tickets for new UNE-P customers, Commission found no adverse competitive impact where “errors are extremely small in number and can readily be resolved by manual processing”).

That does not mean, however, that BellSouth takes this issue lightly. On the contrary, in February 2002, BellSouth implemented software enhancements that are designed to correct all known system defects in the due-date calculator. *See Stacy/Varner/Ainsworth Joint Supp. Aff.* ¶ 146. These enhancements provide yet more evidence that BellSouth is committed to addressing all legitimate concerns raised by CLECs.

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<sup>20</sup> Memorandum Opinion and Order, *Joint Application by SBC Communications Inc., et al., Pursuant to Section 271 of the Telecommunications Act of 1996 To Provide In-Region, InterLATA Services In Arkansas and Missouri*, CC Docket No. 01-194, FCC 01-338 (rel. Nov. 16, 2001).

## II. BELLSOUTH'S PERFORMANCE DATA ARE ACCURATE AND RELIABLE

Because extensive competition exists in both Georgia and Louisiana, BellSouth has consistently relied on actual performance data – the “most probative” form of evidence – to show that it meets all legal requirements for section 271 approval. *Connecticut Order*<sup>21</sup> App. D ¶ 32. It is thus important that the data that BellSouth report provide a meaningful yardstick for BellSouth’s performance. However, with an undertaking as enormous as BellSouth’s production of 2,200 performance metrics for both Georgia and Louisiana, the data cannot – and need not – be perfect. Nevertheless, it is important that the Commission have confidence that the data provide a meaningful sense of BellSouth’s performance. *See Texas Order* ¶ 57.

The Commission should have significant confidence in BellSouth’s performance data. With this application, BellSouth is providing the most thorough demonstration that any BOC has ever submitted that its data are “meaningful, accurate, and reproducible.” *Id.* ¶ 428.

As an initial matter, the issue that originally raised the Staff’s concern about BellSouth’s performance metrics has dissipated. BellSouth voluntarily refiled and reposted data for some metrics in the data months that BellSouth relied upon in its October 2001 application. These repostings (many of which involved a single metric, flow-through) led to some concern about the stability of BellSouth’s data. There is no longer a basis for such concern. As the Varner Supplemental Affidavit demonstrates, BellSouth has not needed to restate a single performance metric since August 2001. *See*

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<sup>21</sup> *See Memorandum Opinion and Order, Application of Verizon New York, Inc., et al., for Authorization to Provide In-Region, InterLATA Services in Connecticut*, 16 FCC Rcd 14147 (2001).

*Varner Supp. Aff.* ¶ 25. Moreover, even when it did repost data in the summer of 2001, such repostings affected a parity determination for less than 1% of metrics. *See id.* ¶¶ 24, 27.<sup>22</sup>

The Commission need not rely on the stability of recent data alone, however. BellSouth is also submitting with this application the results of KPMG's interim audit report, which was submitted to the GPSC on February 11, 2002. *See Varner Supp. Aff. Exh. PM-13.*

That report strongly confirms that the data BellSouth is reporting are accurate and reliable. The new KPMG report explains the status of KPMG's *three* separate audits of BellSouth's performance data. Those audits are more thorough and detailed than third-party reviews that this Commission has previously relied upon. *See Varner Supp. Aff.* ¶ 11. Among other things, KPMG's audits are designed to review BellSouth's data collection and storage practices, confirm BellSouth's compliance with the metrics established by the GPSC, ensure the integrity of BellSouth's procedures for processing data, and validate the accuracy of the reported performance results. *Id.* ¶¶ 35-40.

KPMG's report leaves no doubt as to the overall reliability of BellSouth's performance data. As the report explains, the first two KPMG audits are now complete. In the first audit, BellSouth met 408 of 417 criteria – nearly 98%. *See id.* ¶ 49. There are only three outstanding exceptions, which relate nearly exclusively to a minor timestamp

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<sup>22</sup> There is of course nothing new about a BOC restating corrected data – each BOC with 271 approval has done so in the past. *See, e.g.,* Arkansas Affidavit of William R. Dysart ¶ 46, *Joint Application of SBC Communications Inc., et al., for Provision of In-Region, InterLATA Services in Arkansas and Missouri*, CC Docket No. 01-194 (FCC filed Aug. 20, 2001); Joint Reply Declaration of Elaine M. Guerard, Julie A. Canny, and Marilyn C. DeVito ¶ 33, *Application by Verizon Pennsylvania Inc., et al., for Authorization To Provide In-Region, InterLATA Services in Pennsylvania*, CC Docket No. 01-138 (FCC filed Aug. 6, 2001).



issue that does not cast any doubt on the basic accuracy of BellSouth's data. *See id.* ¶ 51. In the second audit, BellSouth has satisfied *every* evaluation criterion. *See id.* ¶ 55. Again, that fact provides an important reason to conclude that BellSouth's data are meaningful and reliable. While the third audit is still ongoing, the results to date provide nothing that would remotely call into question the basic reliability of BellSouth's data. *See id.* ¶¶ 56-62.

Taken together, these audits convincingly establish that BellSouth's reported data are meaningful. *First*, KPMG has now audited BellSouth's data collection and storage practices (test segment PMR-1) twice and is 90% complete with the third audit. *See id.* ¶ 36. Both Audit I and Audit II closed with all of the evaluation criteria associated with this issue being satisfied. *See id.* There are no outstanding exceptions in Audit III relating to data collection and storage. *See id.*

*Second*, KPMG has evaluated BellSouth's metrics definitions and standards documentation, as well as its related policies and practices (test segment PMR-2) in all three audits. *See id.* ¶ 37. Audit I has only one outstanding exception that, as discussed in the Varner Supplemental Affidavit, has a very minimal impact on reported results; Audit II closed with all evaluation criteria satisfied; and Audit III is 95% complete with Month I data and 88% complete with Month II data. *See id.* ¶¶ 37, 51.

*Third*, KPMG thoroughly evaluated BellSouth's key procedures for processing the data necessary to produce its performance measures and the integrity of the processed data (test segment PMR-4). *See* ¶ 39. Audit I has only two open exceptions, both of which, as explained in the Varner Supplemental Affidavit, have minimal impact on the results (indeed, one involves a discrepancy of less than one hundredth of a second). *See*

*id.* ¶¶ 39, 51. Audit II closed with all evaluation criteria satisfied. *See id.* ¶ 39. Of the 38 metrics where testing has been started in Audit III, or completed in Audit I or II, 61% of the measures have satisfied the evaluation criteria and are complete. *See id.*

*Fourth*, KPMG has replicated BellSouth's reported results in all three audits to assess the accuracy and completeness of reported performance measure disaggregation levels and to determine whether there is agreement between KPMG results and BellSouth results (test segment PMR-5). *See id.* ¶ 40. KPMG closed Audits I and II with all evaluation criteria "satisfied." *See id.* For Audit III, 44 measures (between Audits II and III) have met the evaluation criteria for Month I; 43 (between Audits II and III) have met the evaluation criteria for Month II; and 42 (between Audits II and III) have met the evaluation criteria for Month III. *See id.*

Nor are these the only reasons to trust BellSouth's data. Both the GPSC and the LPSC, the independent regulatory bodies that established BellSouth's reporting requirements and that monitor BellSouth's performance on a day-to-day basis, have stated unequivocally that BellSouth's data are reliable. The GPSC has explained that there is "reasonable assurance that the data will be reported in a consistent and reliable manner." *GPSC Comments* at 221 (quoting *New York Order* ¶ 441); *see GPSC Reply Comments* at 21 (there are "ample assurances that BellSouth's performance data is reliable"). Likewise, "[i]t is the Louisiana Commission's opinion that BellSouth has sufficiently refuted . . . AT&T's allegations concerning the integrity of the performance data that BellSouth has filed and upon which it relies." *LPSC Evaluation* at 30.

Moreover, the state commissions have long provided mechanisms for CLECs to raise concerns about the accuracy of BellSouth's data. *See, e.g., GPSC Comments* at 133.

Yet it remains the case today that no CLEC has ever taken advantage of those mechanisms. *See Varner Supp. Aff.* ¶ 14. The fact that CLECs have never raised concerns with the state commissions in the appropriate manner bolsters BellSouth's showing that there is no substantial claim that its performance metrics are unreliable. *Cf. New York Order* ¶ 438 (“While commenters raise concerns about the details of a handful of specific metrics, we note that many of these issues are currently being considered in the ongoing . . . proceeding in New York.”) (footnotes omitted).

Nor is there any reason to believe that BellSouth's data will not continue to be reliable. Both the GPSC and the LPSC have required annual audits for at least the next four years. *See Varner Supp. Aff.* ¶ 13. Additionally, BellSouth makes company-specific data available to each CLEC, so that they can confirm the accuracy of BellSouth's results. *See id.* ¶ 12; *Kansas/Oklahoma Order* ¶ 278 (noting that such a procedure “acts as an additional check on the accuracy”). CLECs, moreover, are free to raise data accuracy concerns during the pending performance measurement reviews that both the GPSC and LPSC are conducting. *See Varner Supp. Aff.* ¶ 15. For all these reasons, the Commission can be assured that BellSouth's data are – and will continue to be – accurate.

### **III. APPROVAL OF THIS APPLICATION IS STRONGLY IN THE PUBLIC INTEREST**

BellSouth's October 2001 application demonstrated that it meets the section 271 “public interest” standard. BellSouth showed, among other things, that consumers would save hundreds of millions of dollars every year if BellSouth's application was granted, and that BellSouth's self-effectuating enforcement mechanism (“SEEM”) provided ample assurance that BellSouth would continue to meet its section 271 obligations. *See* October 2, 2001 Application at 149-60.

In response, a number of commenters encouraged the Commission to expand its public-interest standard to address the allegation that BellSouth has engaged in a “price squeeze” – *i.e.*, that its UNE rates, considered in connection with its residential retail rates, are too high to permit competitive entry. *See* AT&T Comments at 48-49, 80; Sprint Comments, CC Docket No. 01-277, at 14 (FCC filed Oct. 19, 2001). Although the Commission has previously characterized the price-squeeze claim as “irrelevant,” *see Kansas/Oklahoma Order* ¶ 92, the D.C. Circuit, on review of the Commission’s *Kansas/Oklahoma Order*, recently remanded this issue – without vacating the Commission’s order in that case – for additional explanation. *See Sprint Communications Corp. v. FCC*, No. 01-1076, 2001 WL 1657297 (D.C. Cir. Dec. 28, 2001). Accordingly, commenters likely again will invite the Commission to conclude that BellSouth is engaged in a price squeeze that should preclude its entry into long distance. For numerous reasons, the Commission should reject that invitation.

As an initial matter, the *Sprint* decision is limited by its terms to local markets that, “[i]n contrast to . . . New York and Texas,” are “characterized by relatively low volumes of residential competition.” *Sprint*, 2001 WL 1657297, at \*3. That threshold test for a price-squeeze claim is not met in either Georgia or Louisiana. In Georgia, CLECs serve between 8% and 11.1% percent of the residential market. *See Stockdale Supp. Aff.* Tables 1 & 2. That rate far exceeds the percentage in both Texas (3.8%<sup>23</sup>) and

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<sup>23</sup> *See* Affidavit of John S. Habeeb, *Application by SBC Communications Inc., et al., for Provision of In-Region InterLATA Services in Texas*, CC Docket No. 00-4, at 9, Table 2 (FCC filed Jan. 10, 2000). SBC’s Texas estimate, moreover, was achieved by multiplying trunks in service by 2.75, *see id.* ¶ 27, a more aggressive methodology than that employed by BellSouth, *see Wakeling Aff.* ¶ 9 & Attach. VW-16 (filed Oct. 2, 2001).

New York (3%<sup>24</sup>) at the time of those applications. And the 3.9% of the residential market served by CLECs in Louisiana – though not as extensive as in Georgia – likewise exceeds both Texas and New York. *See Stockdale Supp. Aff.* Tables 3 & 4. It is therefore clear that, with respect to this particular application, the *Sprint* decision in no way obligates the Commission to depart from its usual practice of rejecting the price-squeeze claim outright. *See, e.g., Massachusetts Order*<sup>25</sup> ¶¶ 41-42. The Commission need go no further to reject this argument.

In any event, even if it were true that Georgia or Louisiana were “characterized by relatively low volumes of residential competition,” the Commission should still reject the price-squeeze claim as a matter of law. Certainly, the *Sprint* decision leaves the Commission ample room to do so. It holds only that, in low-volume markets, the Commission must *either* “pursue the price-squeeze claim, *or at the very least explain why the public interest does not require it to do so.*” *Sprint*, 2001 WL 1657297, at \*3 (emphasis added). Accordingly, the Commission retains its well-established “substantial” discretion to define the “public interest” standard in section 271 to exclude any price-squeeze inquiry whatsoever in the section 271 context. *See, e.g., FCC v. WNCN Listeners Guild*, 450 U.S. 582, 596 (1981).

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<sup>24</sup> *See* Declaration of William E. Taylor, *Application by New York Telephone Company (d/b/a Bell Atlantic – New York), et al., for Provision of In-Region InterLATA Services in New York*, CC Docket No. 99-295, Attach. A, Table 3 (FCC filed Sept. 29, 1999) (estimating that CLECs served 236,500 residential lines); FCC, *ARMIS Database*, 43-08: Table III, Access Lines in Service by Customer (1999) at <http://gullfoss2.fcc.gov/cgi-bin/websql/prod/ccb/armis1/forms/43-08/frame3.hts>. (Verizon served approximately 7.7 million residential switched access lines as of the end of 1999).

<sup>25</sup> Memorandum Opinion and Order, *Application of Verizon New England Inc., et al., for Authorization To Provide In-Region InterLATA Services in Massachusetts*, 16 FCC Rcd 8988 (2001).

There are a number of reasons to do exactly that. First, and most fundamentally, the 1996 Act makes it *impossible* to engage in a price squeeze. As noted above, the price-squeeze claim is based on the theory that the UNE-platform is priced too high in relation to residential retail rates to permit competitive entry. But the 1996 Act permits CLECs other entry paths – including facilities-based interconnection, stand-alone UNEs, and resale. *See* 47 U.S.C. § 251(c)(2)-(4). To prevail on a price-squeeze claim, CLECs would have to establish that *all* of these entry paths are priced too high to permit competition. *See, e.g., Town of Concord v. Boston Edison Co.*, 915 F.2d 17 (1st Cir. 1990), *cert. denied*, 499 U.S. 931 (1991). Such a showing is impossible: sections 251(c)(4) and 252(d)(3) *guarantee* CLECs a discount off the incumbent LEC’s retail rate. In light of this guaranteed margin, it is utterly inconceivable that an incumbent LEC’s UNE pricing alone could “doom[] competitors to failure.” *Sprint*, 2001 WL 1657297, at \*3.

Even if it were possible under the Act to engage in a price squeeze, this would be the wrong context in which to challenge it. The crux of the price-squeeze claim is that BellSouth’s UNE rates, when considered in conjunction with its regulated residential retail rates, are a barrier to entry. But if the regulated retail rates established by state governmental authorities are a barrier to entry, the Commission has express statutory authority to review and, if necessary, preempt such barriers to entry. That authority is set out in section 253(a) of the Act, not section 271. Indeed, aside from post-entry enforcement authority, *see* 47 U.S.C. § 271(d)(6), section 271 provides the Commission with no remedial authority at all. It is inconceivable that Congress would have intended the Commission to examine a price-squeeze allegation under section 271 – which gives

the Commission no authority to act to address the alleged barrier to entry – when an alternative provision of the Act gives the Commission far-reaching authority to remedy the harm alleged.

In addition, the aim of proponents of the price-squeeze inquiry – to push UNE rates to the lowest point within the zone of reasonableness, *see Sprint*, 2001 WL 1657297, at \*4 – is in fact contrary to the Commission’s oft-stated goal of encouraging facilities-based competition. Where local competition is concerned, “the greatest benefits” to consumers “may be achieved through *facilities-based* competition.” Third Report and Order and Fourth Further Notice of Proposed Rulemaking, *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, 15 FCC Rcd 3696, ¶ 5 (1999), *petitions for review pending, United States Telecom Ass’n v. FCC*, Nos. 00-1015 & 00-1025 (D.C. Cir.). Yet, low UNE rates necessarily diminish CLECs’ incentives to invest in their own facilities. *See* James Eisner, FCC, & Dale Lehman, Fort Lewis College, *Regulatory Behavior and Competitive Entry*, for presentation at the 14<sup>th</sup> Annual Western Conference Center for Research in Regulated Industries, June 28, 2001, at 2. They thereby limit the extent to which consumers realize those “benefits.” Accordingly, the outcome that proponents of the price-squeeze inquiry seek is exactly contrary to the public interest.

Moreover, any difficulty CLECs may have using UNEs to compete in high-cost areas is a problem entirely of their own making. As the Joint Supplemental Affidavit of John Ruscilli and Cynthia Cox explains, state commissions (including the Georgia and Louisiana Commissions) have historically set low residential rates, particularly in high-cost areas, in order to further universal service. *See Ruscilli/Cox Joint Supp. Aff.* ¶ 17. At

the same time, this Commission's geographic deaveraging rule – which was adopted at the urging of CLECs, *see id.* ¶ 18 – results in relatively low UNE costs in low-cost, urban zones, and relatively high UNE rates in high-cost areas. The net result, of course, is to make it easier to compete with UNEs in low-cost areas, and more difficult in high-cost areas. *See id.* ¶¶ 18-19. Having played such a vital role in the creation of this situation, CLECs should not now be heard to complain about it.

Finally, as a purely factual matter, the price-squeeze claim does not bear scrutiny. In response to BellSouth's initial application, AT&T claimed that it could not make a profit in Louisiana on an "average" customer that, it claimed, generated \$28.80 in revenue per month. *See AT&T Lieberman Decl.* ¶¶ 25-27, attached to AT&T Comments, CC Docket No. 01-277 (FCC filed Oct. 19, 2001). But that revenue figure does not include revenue for intraLATA toll or volume-based access charges. *See Ruscilli/Cox Supp. Aff.* ¶ 20. As AT&T's own witness candidly acknowledged in another proceeding, those intraLATA and access revenues must be considered in any realistic assessment of revenue generated by a customer: "The point is that consumers do not subscribe to phone service simply to make and receive local calls. . . . It is the expected revenues from the full basket of services associated with the loop and switch that is important to profitability." *Id.* ¶ 21 (quoting testimony of Joseph A. Gillan on behalf of AT&T, Docket No. U-20883-A (LPSC filed Jan. 9, 1998)). Once those "expected revenues" are properly taken into account, AT&T's own numbers reveal a margin of \$11.48 (on a statewide average basis). *Id.* ¶ 22. If AT&T is unable to compete with those margins, it should rethink its business plan, for the blame surely lies somewhere other than in BellSouth's UNE rates. In any event, AT&T has thus not even made a *prima facie* case

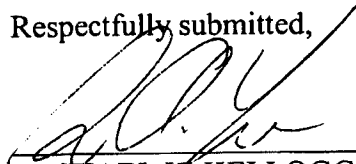


of a price squeeze, even if one were to assume (incorrectly) that UNEs provided the only way for AT&T to compete.

### CONCLUSION

For the foregoing reasons, and those stated in BellSouth's filings in CC Docket No. 01-277, this Application should be granted.

Respectfully submitted,



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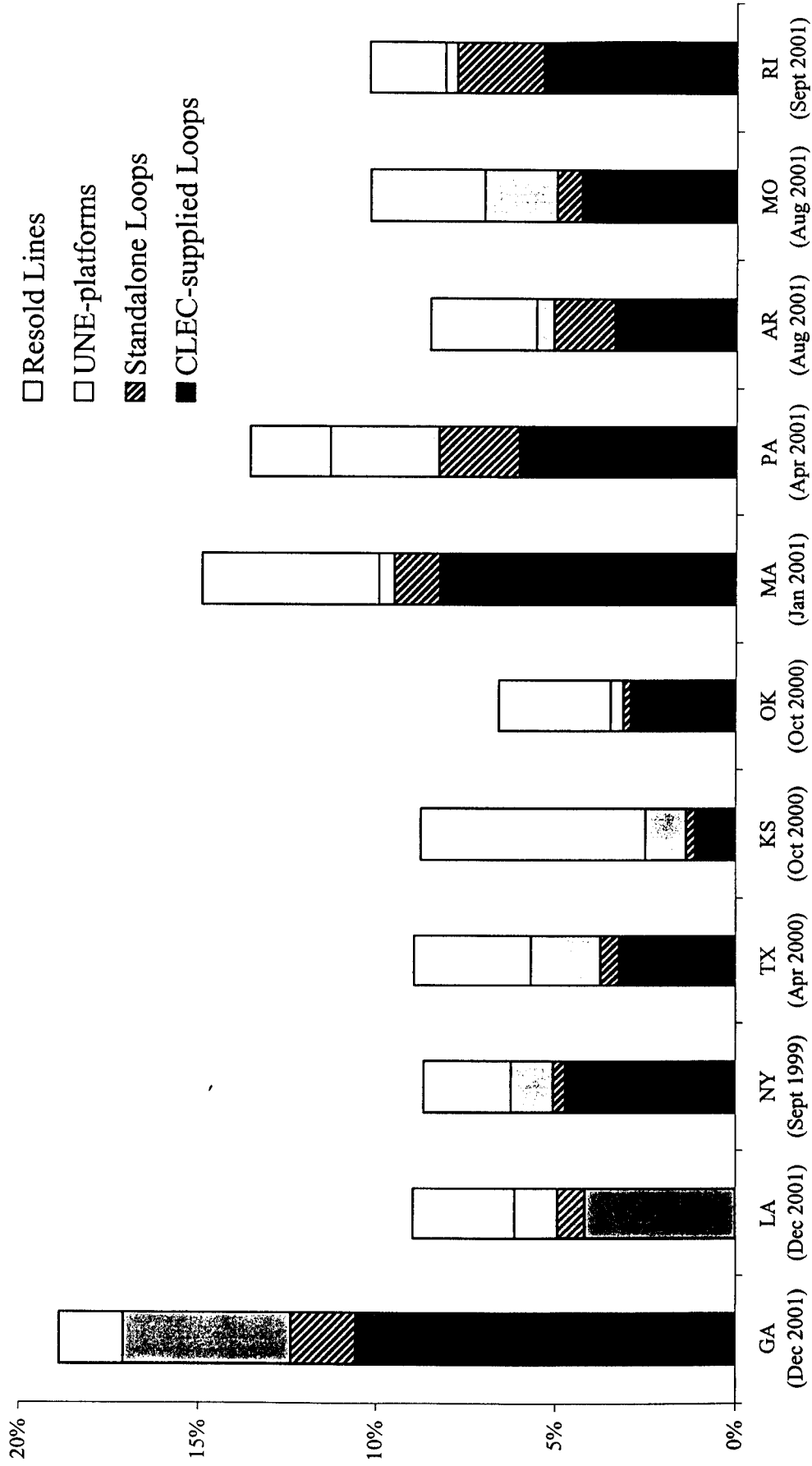
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*Counsel for BellSouth Long Distance,  
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February 14, 2002

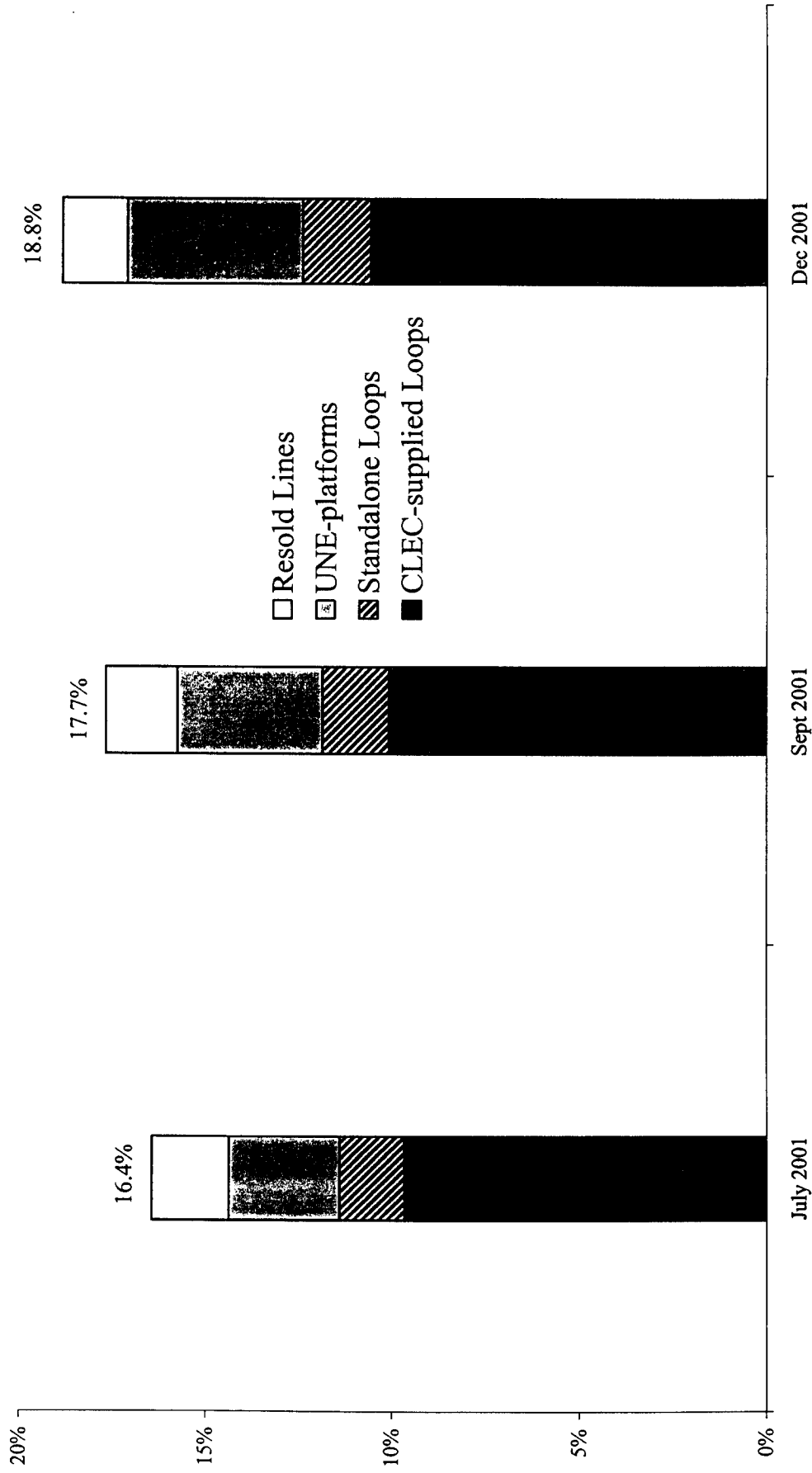
**A**

# CLEC Market Share: Georgia & Louisiana vs. 271 States



Sources: GA: Stockdale Supplemental Aff., Exs. 5 & 6; LA: Stockdale Supplemental Aff., Exs. 7 & 8; NY: Taylor Decl., Att. A; TX: Habeeb Supplemental Aff., Att. 1; KS: Smith-Johnson Aff., Att. 1; OK: Smith-Johnson Aff., Att. 1; MA: Supplemental Brief, Ex. 1; PA: Taylor Decl., Att. 1; AR: J.G. Smith Aff., Att. A; MO: Tebeau Aff., Att. A; RI: Local Competition in Rhode Island & Att. A.

# CLEC Market Share in Georgia: July through December 2001



Sources: July 2001: Wakeling Aff., Exs. 6, 8, 12 & 14; Sept. 2001: Stockdate Reply Aff., Exs. 2 & 3; Dec 2001: Stockdale Supplemental Aff., Exs. 5 & 6.

**B**

## REQUIRED STATEMENTS

Pursuant to the Commission's Public Notice, Updated Filing Requirements for Bell Operating Company Applications Under Section 271 of the Communications Act, DA 01-734 (FCC rel. Mar. 23, 2001), BellSouth states as follows:

- (a) pages i-ii of this Supplemental Brief contain a table of contents;
- (b) pages 1-6 of this Supplemental Brief and pages 1-7 of the Brief accompanying the original application contain a concise summary of the substantive arguments presented;
- (c) pages 18-20 of the Brief accompanying the original application, contain statements identifying how BellSouth meets the requirements of section 271(c)(1); the table of contents of the Supplemental Interconnection Appendices for Georgia and Louisiana of this application and the tables of contents of Appendices B-GA and B-LA to the original application identify the agreements on which BellSouth relies in this joint application; Attachment 3 to the Brief accompanying the original application describes the status of federal-court challenges to the agreements pursuant to section 252(e)(6); that statement remains correct;
- (d) pages 8-17 of the Brief accompanying the original application, contain a statements summarizing the status and findings of the Georgia and Louisiana Public Service Commissions' proceedings examining BellSouth's compliance with section 271;
- (e) this Supplemental Brief and the Brief accompanying the original application contain the legal and factual arguments outlining how the three requirements of section 271(d)(3) have been met, and is supported as necessary with selected excerpts from the supporting documentation (with appropriate citations): pages 6-37 of this Supplemental Brief and pages 26-149 of the Brief accompanying the original application address the requirements of section 271(d)(3)(A); pages 160-167 of the Brief accompanying the original application address the requirements of section 271(d)(3)(B); pages 37-43 of this Supplemental Brief and pages 149-160 of the Brief accompanying the original application address the requirements of section 271(d)(3)(C);
- (f) Attachment C (separately bound) to this Supplemental Brief and Attachment 4 (separately bound) to the Brief accompanying the original application contain a list of all appendices (including affidavits) and the location of and subjects covered by each of those appendices;

- (g) Inquiries relating to access (subject to the terms of any applicable protective order) to any confidential information submitted by BellSouth in this joint application should be addressed to:

Laura S. Brennan  
Kellogg, Huber, Hansen, Todd & Evans, P.L.L.C.  
Sumner Square  
1615 M Street, N.W., Suite 400  
Washington, D.C. 20036-3209  
Telephone: (202) 367-7821

- (h) Anti-Drug Abuse Act certifications as required by 47 C.F.R. § 1.2002, and certifications signed by officers or duly authorized employees certifying that all information supplied in this joint application is true and accurate to the best of their information and belief are included as Attachment B to this Brief.
- (i) This Brief and its supporting affidavits as well as the Brief and its supporting affidavits accompanying the original application can be found at [www.bellsouthcorp.com/policy/271](http://www.bellsouthcorp.com/policy/271). This website is also identified on page 7 of the Brief accompanying the original application.

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

In the Matter of:

Joint Application by BellSouth Corporation,  
BellSouth Telecommunications, Inc., and  
BellSouth Long Distance, Inc. for Provision of  
In-Region, InterLATA Services in Georgia and  
Louisiana

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CC Docket No. \_\_\_\_\_

**DECLARATION AND VERIFICATION OF BELL SOUTH  
TELECOMMUNICATIONS, INC.  
AND ANTI-DRUG ABUSE ACT OF 1988 CERTIFICATION  
OF BELL SOUTH CORPORATION**

1. I am Fred J. McCallum, Jr.. I am authorized to make this declaration on behalf of BellSouth Telecommunications, Inc.

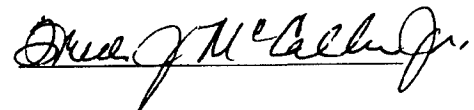
2. I have reviewed the foregoing Joint Application by BellSouth Corporation, BellSouth Telecommunications, Inc., and BellSouth Long Distance, Inc. for provision of In-Region InterLATA Services in Georgia and Louisiana and the materials filed in support thereof.

3. The information contained in the Application has been provided by persons with knowledge thereof. All information supplied in the Application is true and accurate to the best of my knowledge, information, and belief formed after reasonable inquiry.

4. I further certify that BellSouth is not subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. §862.

5. I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 14, 2002.





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

In the Matter of: )  
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Joint Application by BellSouth Corporation, )  
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BellSouth Long Distance, Inc. for Provision of )  
In-Region, InterLATA Services in Georgia and )  
Louisiana )  
)  
)

CC Docket No. \_\_\_\_\_

**DECLARATION AND VERIFICATION OF BELL SOUTH CORPORATION  
AND ANTI-DRUG ABUSE ACT OF 1988 CERTIFICATION  
OF BELL SOUTH CORPORATION**

1. I am Jim O. Llewellyn. I am authorized to make this declaration on behalf of BellSouth Corporation.

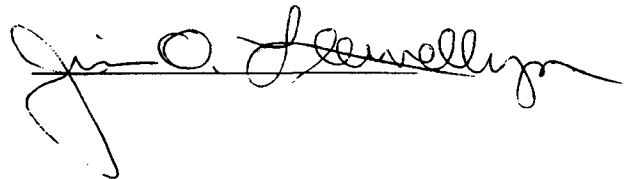
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3. The information contained in the Application has been provided by persons with knowledge thereof. All information supplied in the Application is true and accurate to the best of my knowledge, information, and belief formed after reasonable inquiry.

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In-Region, InterLATA Services in Georgia and )  
Louisiana )  
)  
)

**DECLARATION AND VERIFICATION OF BELLSOUTH LONG DISTANCE,  
INC. AND ANTI-DRUG ABUSE ACT OF 1988 CERTIFICATION  
OF BELLSOUTH CORPORATION**

1. I am Harris R. Anthony. I am authorized to make this declaration on behalf of BellSouth Long Distance, Inc.

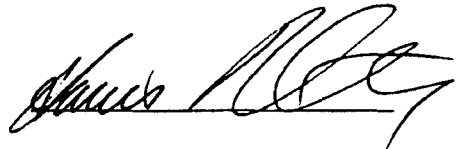
2. I have reviewed the foregoing Joint Application by BellSouth Corporation, BellSouth Telecommunications, Inc., and BellSouth Long Distance, Inc. for provision of In-Region InterLATA Services in Georgia and Louisiana and the materials filed in support thereof.

3. The information contained in the Application has been provided by persons with knowledge thereof. All information supplied in the Application is true and accurate to the best of my knowledge, information, and belief formed after reasonable inquiry.

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Executed on February 14, 2002.



**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of

Joint Application by BellSouth Corporation,  
BellSouth Telecommunications, Inc.,  
and BellSouth Long Distance, Inc. for  
Provision of In-Region, InterLATA Services  
in Georgia and Louisiana

CC Docket No. \_\_\_\_\_

**BRIEF IN SUPPORT OF APPLICATION BY BELLSOUTH FOR PROVISION  
OF IN-REGION, INTERLATA SERVICES IN GEORGIA AND LOUISIANA**

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**SUPPLEMENTAL BRIEF ATTACHMENT C**

**DETAILED INDEX OF APPENDICES**

**JOINT APPLICATION BY BELLSOUTH  
FOR PROVISION OF IN-REGION, INTERLATA  
SERVICES IN GEORGIA AND LOUISIANA**

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**JOINT APPLICATION BY BELLSOUTH  
FOR PROVISION OF IN-REGION, INTERLATA SERVICES  
IN GEORGIA AND LOUISIANA**

**SUPPLEMENTAL APPENDIX A  
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**Supplemental Affidavits**

<b>Tab</b>	<b>Description</b>
A	John A. Ruscilli and Cynthia K. Cox (Pricing)
B	David P. Scollard (Billing)
C	William N. Stacy, Alphonso J. Varner, and Ken L. Ainsworth (OSS Issues)
D	Elizabeth Stockdale (Competition)
E	Alphonso J. Varner (Metric Reliability and Performance)
F	Thomas G. Williams (Line Sharing and Line Splitting)

**JOINT APPLICATION BY BELLSOUTH  
FOR PROVISION OF IN-REGION, INTERLATA SERVICES  
IN GEORGIA AND LOUISIANA**

**SUPPLEMENTAL APPENDIX – GEORGIA  
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