

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into the establishment of)	Docket No. 000121-TP
Operations Support Systems Permanent)	
Performance Measures for Incumbent Local)	Filed: November 22, 2000
Exchange Telecommunications Companies)	
_____)		

COMMENTS OF RHYTHMS LINKS INC.

Rhythms Links Inc. ("Rhythms") hereby files its Comments in response to the Florida Public Service Commission (the "Commission") Staff's proposed changes to the Performance Assessment Plan ("PAP") for BellSouth Telecommunications, Inc. ("BellSouth") in the above-captioned docket. As a general matter, Rhythms applauds the Staff for proposing additional metrics, further disaggregation for xDSL loops, and enforcement measurements for BellSouth's Service Quality Measurements ("SQM"). Rhythms, however, has concerns about the sufficiency of the enforcement measurements and enforcement plan, as well as the statistical methodology. Rhythms, therefore, supports the concurrently filed comments of AT&T on these matters. The remainder of these Comments focuses on Staff's proposals as they pertain to digital subscriber line ("xDSL") loops and line sharing.

I. xDSL LOOP ISSUES

As a preliminary manner, it is important for the Commission to properly define the scope of the xDSL loops which BellSouth must measure and report. The Commission should ensure that BellSouth measures and reports its performance on pre-ordering, ordering, provisioning, maintenance and repair, and billing for all of xDSL loop types it offers¹

¹ In its testimony in Docket No. 990649-TP, BellSouth indicated that it provides at least 5 different types of xDSL loops: ADSL, HDSL, UCL-short, UCL-long and IDSL/UDC. Investigation Into Pricing of Unbundled Network Elements, Docket No. 990649-TP, Tr. 228-231 (July 17, 2000). Should the Commission order BellSouth

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A. Market Penetration Adjustment

Rhythms supports the Staff proposal to establish a market penetration adjustment for low volumes of orders for advanced services. Staff Proposal, § 5.0. Specifically, in order for meaningful competition in the advanced services market to develop in Florida, BellSouth's performance with respect to the provisioning of xDSL loops and line sharing must be closely monitored. Poor performance by BellSouth in its delivery of the unbundled network elements necessary for competitors to provide advanced services will prevent Alternative Local Exchange Carriers ("ALECs") from entering the market at commercial volumes. Therefore, it is important for the Commission to require BellSouth to measure and report its performance in a disaggregated form for xDSL loops and for line sharing.

B. Additional Proposed Measurements (Exhibit A)

Generally, Rhythms supports the additional measurements proposed by Staff. Specifically, Rhythms supports the addition of a measurement for Loop Make Up Information Timeliness. Exhibit A, Measurement O-14. Obtaining loop makeup information is a key prerequisite required by Rhythms before ordering an xDSL loop. Any delay in Rhythms obtaining loop makeup information subsequently delays Rhythms' ability to order an xDSL loop, thereby further delaying Rhythms' provision of service to its customers. Thus, by requiring BellSouth to measure and report its timeliness in providing loop makeup information, this Commission will be able to determine whether BellSouth has established a level playing field for at least one aspect of the development of advanced services competition in Florida.

to provide the single xDSL loop that Rhythms and other advocated in this docket, the Commission should ensure that this generic xDSL loop is measured and reported by BellSouth.

C. Enforcement Mechanisms (Exhibit B)

Rhythms generally supports the Comments filed by AT&T on the Staff's proposed enforcement measures. In addition, Rhythms specifically supports the additional disaggregation categories of UNE xDSL and UNE Line Sharing that the Staff proposes be applied to the following additional measurements:

- P-3. Percent Missed Installation Appointments
- P-4. Average Completion Interval (OCI) & Order Completion Interval Distribution
- P-7. Percent Provisioning Troubles w/i 30 days of Service Order Completion
- M&R-1. Missed Repair Appointments
- M&R-2. Customer Trouble Report Rate
- M&R-3. Maintenance Average Duration
- M&R-4. Percent Repeat Troubles w/i 30 days

Exhibit B. This disaggregation, however, should also be applied to the proposed Operations Support Systems, Ordering and Billing measurements:

- OSS-1. Average Response Time and Response Interval (Pre-Ordering/Ordering)
- OSS-2. Interface Availability (Pre-Ordering)
- O-1. Percent Flow-through Service Requests (Summary)
- O-2. Percent Flow-through Service Requests (Detail)
- O-6. Reject Interval
- O-7. Firm Order Confirmation Timeliness
- O-14. Loop Make Up Information Timeliness
- B-1. Invoice Accuracy
- B-2. Mean Time to Deliver Invoices

Each of these categories represents important aspects in BellSouth's provisioning of xDSL loops and line sharing to Rhythms. If these measurements are not sufficiently disaggregated into xDSL loops and line sharing categories, BellSouth's performance in its provisioning of unbundled network elements required by Rhythms and other advanced services providers may be masked by its performance for other categories of unbundled network elements. Accordingly, Rhythms recommends that the measurements and reporting for OSS-1,

OSS-2, O-1, O-2, O-6, O-7, O-14, B-1 and B-2 be disaggregated according to UNE xDSL and UNE Line Sharing.

E. Analogs and Benchmarks (Exhibit C)

Without proper retail analogs and benchmarks, performance measurements, reporting and enforcement mechanisms lose much of their meaning and effectiveness. It is only with the establishment of sufficient analogs and benchmarks that performance measurements and reporting can be used to determine if BellSouth's performance impedes the development of competition for advanced services. In particular, it is critically important that proper analogs and benchmarks be established for UNE xDSL and UNE Line Sharing.

1. UNE xDSL Analog

The appropriate retail analog for UNE xDSL is not Parity with Retail Design, but rather the same retail analog as is used for all other UNE loops because an xDSL loop is the same basic loop that is provisioned by BellSouth for other unbundled loops and for its retail POTS.² The only practical differences between an xDSL loop and any other form of unbundled loop are that the ALEC will perform a loop make up information query and will provide a particular, ALEC specified, data service using the loop. Because this function should be fully automated, there is no distinction in the task and times necessary to provision an xDSL loop. These differences do not warrant treating xDSL loops any differently than other unbundled loops.

Further, BellSouth has at least 17 different retail design services, none of which corresponds to an unbundled xDSL loop.³ It is not possible to derive a meaningful comparison

² The appropriate retail analog for UNE Loops is Parity with Retail POTS.

³ According to a BellSouth document filed with the Georgia Public Service Commission, BellSouth has the following retail design products: Foreign Exchange; Basic Rate ISDN; Data Services; MegaLink; Frame Relay; LightGate; SmartRing; SmartPath; Synchronet; DS0, DS1, and DS3 Voice Grade; DS0, DS1, and DS3 Digital Data, WATS Lines; FlexServ; ATM; PBX (trunks); Centrex/ESSX; and Direct Inward Dial Trunks (DID). Performance Measurements for Telecommunications Interconnection, Unbundling and Resale, Georgia Public Service Commission Docket No. 7892-U, David Coon Late Filed Hearing Exhibit No. 1, p. 2 (Aug. 18, 2000).

to Retail Design when Retail Design may have any one of 17 different meanings. Thus, the appropriate retail analog for UNE xDSL should be the same as the retail analog for all other unbundled loops.

2. *UNE Line Sharing Analog*

The appropriate retail analog for UNE Line Sharing should be, as the Staff recommended, ADSL Provide[d] to Retail. It is important to note, however, that this is only the case because BellSouth's current retail ADSL offering is a line shared offering. Should BellSouth ever offer a non-line shared retail ADSL offering, such an offering would not be the appropriate retail analog.

3. *Affiliate Reporting*

Finally, Rhythms cautions the Commission that additional measurement and reporting requirements, particularly in the realm of appropriate retail analogs may be necessary if BellSouth (or BellSouth Corporation) ever develops an advanced services affiliate (as both Verizon and SBC have). In the event that BellSouth creates an advanced services affiliate, it will be crucial to ensure that the affiliate is treated by BellSouth in the same manner as BellSouth treats ALECs. Therefore any measurement and reporting obligations would need to apply equally to the BellSouth affiliate as they apply to BellSouth, and BellSouth's performance towards its affiliate would need to be independently tracked with data available to the Commission and to ALECs.

II. CONCLUSION

For the reasons stated above (and in addition to supporting the comments filed by AT&T), Rhythms recommends that the Commission modify the Staff's proposal (1) to include for disaggregation for UNE xDSL and for UNE Line Sharing for measurements OSS-1, OSS-2,

O-1, O-2, O-6, O-7, O-14, B-1 and B-2; and (2) to revise the appropriate retail analog for UNE xDSL from "Parity with Retail Design" to the same retail analog that is used for all other unbundled loop types.

Respectfully submitted this 22nd day of November, 2000.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was furnished to the following parties by U.S. Mail or Hand Delivery (*) this 22nd day of November, 2000.

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