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November 25, 2002

BY HAND DELIVERY

Ms. Blanca Bayó, Director
The Commission Clerk and Administrative Services
Room 110, Easley Building
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Re: Docket No. 000121B-TP

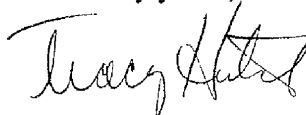
Dear Ms. Bayó:

Enclosed for filing on behalf of AT&T Communications of the Southern States, LLC, TCG South Florida, Inc., MCI WorldCom Communications, Inc., MCI WorldCom Network Services, Inc., and MCImetro Access Transmission Services, LLC and DIECA Communications, Inc. d/b/a Covad Communications Company ("Joint ALECs") are an original and fifteen copies of Supplemental Comments of Joint ALECs in the above referenced docket.

Please acknowledge receipt of this letter by stamping the extra copy of this letter "filed" and returning the same to me.

Thank you for your assistance with this filing.

Sincerely yours,



Tracy W. Hatch

TWH/amb
Enclosure
cc: Virginia Tate, Esq.

DOCUMENT NUMBER-DATE

12937 NOV 25 02

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into the establishment of operations support systems permanent performance measures (Sprint Track)) Docket No. 000121B-TP)
) Filed: November 25, 2002)
)

SUPPLEMENTAL COMMENTS OF JOINT ALECS

COMES NOW AT&T Communications of the Southern States, LLC and TCG South Florida, Inc. (“AT&T”), MCI WorldCom Communications, Inc., MCI WorldCom Network Services, Inc. and MCImetro Access Transmission Services, LLC (“WorldCom”), and DIECA Communications, Inc. d/b/a Covad Communications Company (collectively hereinafter “Joint ALECs”) and pursuant to the procedural schedule in this proceeding file their Supplemental Comments in response to Sprint’s Comments filed on November 15, 2002.

Issue 7 – Six-Month Review Cycle

In its proposal, Staff recommended that plan reviews be held in six-month cycles during the first two year’s after plan implementation. In its Comments on the Staff Proposal, Sprint expresses concern with the six-month review cycle, and its impact on the ability of ALEC’s to participate in the review process¹. Sprint recommended that the review schedule be established during the first review. As further rationale for its position, Sprint cited the fact that while numerous changes to the performance measurement plan occurred in past years to improve the accuracy of the measurements, few substantive changes are anticipated in future iterations. The Joint ALECs expect a

¹ The Joint ALECs note that their endorsement of the Staff proposal was predicated on the implementation of six- month reviews. (See Joint ALEC Comments filed November 15, 2002).

similar phenomenon to occur in Florida; that more changes will be sought in the first few cycles of review, with a lessening number over time. If however, Sprint is correct and few changes are sought in future reviews, then Sprint's concerns about the ALEC's ability to participate will be moot, as the reviews will no doubt be much less resource consuming if few changes are submitted for consideration.

Sprint also noted that it sponsors a forum to address concerns regarding service performance. While the Joint ALECs applaud the establishment of such a forum, and are pleased with Sprint's reports of its success, the Joint ALECs would point out that discussions regarding concerns about *service performance* will most likely not result in changes to requirements regarding *service measurements* (and associated enforcement). Substantive differences in position regarding appropriate service quality measurements and associated enforcement will likely require Commission involvement to resolve.

Issue 7 - Approval of Changes Made In Other States

In its proposal, Staff indicated that it could not agree to the timeframes offered by Sprint for consideration of approval of changes made to Sprint's performance plan in other states. In its comments, Sprint indicated that it could support a longer timeframe, but seemed to continue to assume approval of any changes made to measures by other states. The ALECs agree with Staff that a longer time frame is necessary. They also strongly urge that any approval process include an opportunity for ALEC input before the Commission approves changes to the Sprint performance plan².

² Indeed, a process that includes ALEC participation and comments prior to submission to the Commission for approval will likely be most efficient for Sprint, ALECs and the Commission because it may well reduce the likelihood that an affected party would be forced to resort to a protest of the Commission's action and seek a formal proceeding. Additionally, the ALECS note that automatic approval would be inappropriate even for items stipulated in Nevada, as the same ALECs that participate in proceedings in Florida may not participate in Nevada proceedings.

Issue 8 - Root Cause Analysis

In its proposal, Staff recommended that Sprint conduct a root cause analysis to be reported to the Commission for any sub-metric which experiences three consecutive months of performance failures.³ In its comments, Sprint recommends modifications to Staff's Recommendation. As an initial matter, the Staff's proposal appears very reasonable to the Joint ALECs⁴, particularly in light of Sprint's assertions that "Sprint is committed to continual improvement and has implemented extensive mechanisms for ensuring that problems are quickly identified and addressed." (Sprint Comments at page 2). Further, Sprint's proposal is unclear. For example, as an alternative to the Staff proposal, Sprint offered to prepare quarterly "documentation" based on "the three most recent months of analysis." Sprint, however, provided no information describing the "documentation" or which months would be included in the "three most recent of analysis". For example, if the most recent analysis were six months old, is that what Sprint intends to provide? Sprint's second proposal also raises questions. First, it is not clear what Sprint means by the term "overall disaggregation."⁵ Second, it is not clear what Sprint means by "if compliance for the overall disaggregation was less than 90%." How is Sprint applying 90% to parity measures? (Sprint Comments at page 6).

Given the assurances of high quality and continual improvement efforts by Sprint, the reasonableness of the Staff's recommendation, and the lack of clarity of Sprint's counter proposal, the Joint ALECs recommend that Sprint's counter proposal be

³ This analysis is in addition to other analysis included in Attachments A and B of the Staff Proposal.

⁴ Three months of consecutive failures are of serious concern to the ALECs. The Commission has also made clear its concern for this level of failure through the establishment of a second tier of remedies for other ILECs who provide this poor quality of service.

⁵ In footnote 2, Sprint appears to first describe "overall disaggregation" as ALEC aggregate as opposed to ALEC specific. However, the second part of the footnote appears to consider non-compliance for "at least one ALEC."

rejected.⁶ Alternatively, the ALECS are also willing to support use of the methodology that is in place in Georgia for BellSouth. BellSouth is required to conduct a root cause analysis for any measure that fails *twice* in any three consecutive months of a calendar year and is also required to file a corrective action with the Commission within 30 days after the failure (See Georgia Order in Docket 7892-U dated January 12, 2001).

Issues 11-13 - Audits

The Staff recommended that a comprehensive audit should be required every year for the first five years after implementation of the plan. In its comments, Sprint indicates that it does not support the Staff's recommendation, but does agree to an initial audit. The Joint ALECs find Sprint's comments inconsistent with its stated policy that "the parties support a comprehensive audit of the ILECs reporting procedures and reportable data if the PUC, BCP *or* greater than 50% of the ALECs agree than an audit is desired. (See Staff Proposal, Attachment A, Pg. 75). The Staff proposal has merely declared its desire for five annual audits, which the stated policy appears to provide for, as the context for this section appears to be an annual process⁷. The Joint ALECs support the Staff Recommendation and note that it is consistent with the requirements placed on other ILECs upon which the Joint ALECs must rely to provide service to their end-users⁸. However, the ALECs note that Sprint could seek a waiver for any year in which it can demonstrate to the parties and the Commission that an audit is not needed. Sprint recommends that the scope of the audit should be jointly determined between Sprint and

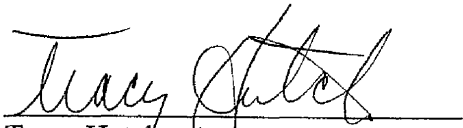
⁶ The ALECs are especially concerned with this issue as no enforcement plan is in place to motivate improvements in Sprint's performance.

⁷ For example, the auditing section states, "Each ILEC shall submit its *annual* comprehensive audit to the commission..." "In addition to *an audit*, the ILECs and ALECs agree that the ALECs would have the right to mini-audits of individual performance measures *during the year*. (emphasis added)

⁸ Sprint indicates in its comments at page 7 that it "recognizes that annual audits may be appropriate for the scope of RBOC measurements or systems," but provides no explanation why differences in size or systems should drive differences in frequency of audits.

the ALEC community. As the Commission is also a user of these performance measures, the Joint ALECs believe the Commission should also be involved in developing the scope of the audit. Sprint also recommended several parameters for the audit scope. As the parties appear to agree that the scope should be jointly determined, the Joint ALECs recommend that the details for the comprehensive audits be developed collaboratively at a later time, with the Commission resolving any disputed issues.

Respectfully filed this 25th day of November, 2002.


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MCImetro Access Transmission Services, LLC,

DIECA Communications, Inc. d/b/a Covad
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via Hand Delivery (*) and/or U.S. Mail this 25th day of November, 2002.

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