

11 JUL 28 AM 9:59

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

COMMISSION
CLERK

-M-E-M-O-R-A-N-D-U-M-

DATE: July 28, 2011

TO: Office of Commission Clerk (Cole)

FROM: Office of Auditing and Performance Analysis (Harvey, Hallenstein)
Office of the General Counsel (Robinson, Teitzman) *per AT*

RE: Docket No. 090430-TP – Amended petition for verified emergency injunctive relief and request to restrict or prohibit AT&T from implementing its CLEC OSS-related releases, by Saturn Telecommunication Services, Inc.

AGENDA: 08/09/11 – Regular Agenda – Proposed Agency Action – Interested Persons May Participate

COMMISSIONERS ASSIGNED: All Commissioners

PREHEARING OFFICER: Edgar

CRITICAL DATES: None

SPECIAL INSTRUCTIONS: None

FILE NAME AND LOCATION: S:\PSC\APA\WP\090430.RCM.DOC

Case Background

The Telecommunications Act of 1996 requires AT&T to provide Competitive Local Exchange Companies (CLECs) with non-discriminatory access to its Operations Support Systems (OSS) on appropriate terms and conditions. Following the BellSouth and AT&T merger in 2006, AT&T began the process of migrating and consolidating the former BellSouth nine-state southeast Operations Support Systems platform into a single pre-ordering and ordering OSS platform for use across AT&T's new 22-state region. Operations Support Systems are the computer systems used by AT&T that support the ordering, provisioning, maintenance, and billing of services for CLECs.

DOCUMENT NUMBER-DATE

05233 JUL 28 =

FPSC-COMMISSION CLERK

The OSS consolidation process included plans to phase-out a Local Exchange Navigation System (LENS) ordering interface that was made available for use by CLECs in AT&T's nine-state region (the former BellSouth region). The LENS interface would be replaced with another front-end CLEC ordering interface, known as the Local Service Request Exchange System (LEX), used in the pre-merger AT&T 13-state region. The LEX ordering interface would be implemented in the AT&T 9-state region in November 2009. However, on September 3, 2009, Saturn Telecommunication Services, Inc. ("STS"), a CLEC, filed an Emergency Petition for Injunctive Relief and a Request for Stay of AT&T's CLEC November 2009 OSS release. According to STS, the LEX ordering interface does not allow for the same edit-checking capabilities that are currently being provided and made available to CLECs via the LENS ordering interface. As a result, STS claims that it "will be irreparably harmed by erosion of customer confidence, inability to efficiently add, convert and service its customers on Petitioner's network, and loss of customers to Respondent [AT&T]."

On October 2, 2009, in response to STS' Petition, Commission staff conducted a conference call with the parties to discuss a proposed stipulation. On the call, Commission staff proposed to conduct a post-implementation evaluation of the LEX and LENS interfaces to determine if LEX provides the same or similar edit capabilities as LENS. The review would be conducted in lieu of staying the November LEX OSS release.

On October 13, 2009, STS filed an Amended Petition for Injunctive Relief and Request to Restrict or Prohibit AT&T from Implementing its CLEC OSS-Related Releases. In its Amended Petition, STS continued to claim that the LEX ordering interface lacks adequate edit-checking capabilities. STS further requested for the Commission to issue an order prohibiting AT&T from retiring LENS until Commission staff completes an audit of LEX and AT&T corrects all deficiencies found in the audit.

In response to the STS' Amended Petition and pursuant to Order No. PSC-09-0799-PAA-TP, issued December 2, 2009, the Commission granted STS' Amended Petition in part. The Commission ordered AT&T to run the existing LENS OSS ordering interface in parallel to the LEX interface until completion of a staff audit and a decision made by the Commission on this matter.

Staff completed and filed a copy of the audit report in this docket on May 5, 2010.¹ As recommended in staff's audit and pursuant to Order No. PSC-10-0253-PAA-TP, issued April 26, 2010, the Commission allowed AT&T to move forward with the retirement of the LENS interface under certain conditions. One such condition was for AT&T, STS, and staff to work together to resolve specific LEX ordering issues raised by STS during the course of the audit. STS provided a detailed matrix to staff that documents 61 specific issues concerning service requests that STS will be ordering through the new LEX interface. The matrix also identifies concerns with the applicable AT&T ordering requirement guides or business rules that are necessary for CLECs to follow in order to correctly place orders.

¹ Commission staff audit entitled *Evaluation of AT&T's Local Service Request Exchange (LEX) and Local Exchange Navigation Systems (LENS) OSS Interfaces* is filed in this docket as Document No. 02479-10.

As of November 2010, three issues within the matrix remained unresolved between the parties. In March 2011, EarthLink, Inc., acquired STS. In order to accommodate the transition of ownership, negotiations regarding the remaining issues were delayed. To date, STS has indicated that it will forego pursuing two issues if an agreement can be reached on the third issue.

The one remaining issue pertains to STS' request for AT&T to maintain the Required/Conditional/Optional ("R/C/O") Tables contained within a set of AT&T's business rules known as the *Local Ordering Handbook*. The R/C/O Tables provide a "snapshot" view of the necessary steps CLECs must follow to accurately populate information fields when placing orders. As part of AT&T's OSS consolidation process, AT&T intends to integrate the *Local Ordering Handbook* into another set of business rules, the *Local Service Order Requirement* guide. In doing so, the R/C/O tables are being replaced with "Product Activity Tables." STS contends that the new Product Activity Tables are inefficient, time consuming, and puts them at a competitive disadvantage.

STS' concerns are supported by DeltaCom, Inc., XO Communications, Cbeyond, LLC, and TW Telecom. Each of these CLECs filed letters in this docket on June 1, 2011 that supports the concerns of STS. All CLECs using LEX may be impacted by AT&T's elimination of the R/C/O tables.

This recommendation addresses whether AT&T should continue to maintain and update the R/C/O Tables.

Jurisdiction

In 2009, when this docket was opened, the Commission was vested with jurisdiction over this matter pursuant to Sections 364.01(3) and (4)(g), Florida Statutes (F.S.). Pursuant to Sections 364.01(3) and (4)(g), F.S., the Florida Legislature found that regulatory oversight was necessary for the development of fair and effective competition in the telecommunications industry.

Effective July 1, 2011, pursuant to Chapter 2011-36, laws of Florida, the Legislature's intent regarding the Commission's jurisdiction as delineated in 2009 changed. However, pursuant to Section 364.16, F.S., the Legislature reaffirmed its intent for this Commission to continue its regulatory oversight of carrier-to-carrier relationships to provide for the development of fair and effective competition. Accordingly, despite the fact that the Legislature has made changes to Section 364.01, F.S., staff believes Section 364.16, F.S., still grants the Commission jurisdiction over this matter.

Discussion of Issues

Issue 1: Should AT&T be required to maintain and continue to update the Required/Conditional/Optional (R/C/O) Tables?

Recommendation: Yes. Staff recommends for a one year period from the date of the Commission's Order that AT&T be required to update the Required/Conditional/Optional (R/C/O) instructional tables to correspond with AT&T's updates to the information fields in the *Local Service Order Requirements*. The updates should be made available to STS and CLECs in a Microsoft Word file and be formatted in the same manner as the R/C/O tables contained within AT&T's *Local Ordering Handbook*. **(Harvey, Hallenstein)**

Staff Analysis: The Commission, in its continuing oversight role of AT&T's operations support systems (OSS), has authority to prevent anticompetitive behavior among telecommunications providers. Pursuant to Order No. PSC-10-0253-PAA-TP, issued April 26, 2010, the Commission allowed AT&T to move forward with the implementation of a new 22-state LEX OSS interface under certain conditions detailed in a Commission staff audit filed in this docket on May 5, 2010. All the conditions in the audit report, with the exception of one, were satisfied.

The one remaining condition pertains to AT&T, STS, and staff working together to resolve 61 specific LEX ordering issues raised by STS in a matrix provided to Commission staff on March 1, 2010. Given the complexity and quantity of information provided by STS in the matrix, AT&T, STS, and staff initiated a series of weekly calls to discuss the specific LEX ordering issues raised. By November 2010, AT&T, STS, and staff were able to work together to resolve all issues within the matrix with the exception of the following three:

1. LEX does not allow STS to use a Loop Type of "Other" for a Commingled DSO SL2 circuit.
2. The sequence in which the LSR and the End User Forms are processed by CLECs can cause the ACTL and LSO fields on the LSR page to need to be re-populated.
3. The R/C/O tables contained within AT&T's *Local Ordering Handbook* will not be retained in the same format when converted to AT&T's *Local Service Order Requirements* (LSOR).

STS has indicated that it will forego pursuing issues 1 and 2 if an agreement can be reached on issue 3. Issue 3 pertains to STS' request for AT&T to maintain and continue to update specific ordering instructions, known as R/C/O Tables, contained within AT&T's *Local Ordering Handbook*.

When ordering products and services from AT&T through the LEX interface, CLECs must complete a Local Service Request form. A Local Service Request form contains 142 fields which may or may not have to be populated by the CLEC depending on the product and activity

type being ordered. The R/C/O tables identify which information field must be populated for the various products.²

The R/C/O Tables are built-in to the *Local Ordering Handbook* which can be accessed via AT&T's online website for CLECs. The *Local Ordering Handbook* is arranged and navigated based on the product the CLEC is ordering. For example, if a CLEC is ordering a non-designed loop for a new customer through the LEX ordering interface, the CLEC user is able to click on a "non-designed loop" link and be directed to a set of ordering instructions. The CLEC user is then able to determine the specific forms and information fields that are required to be completed based on the product being ordered. The R/C/O tables are a "snap-shot" view of all the information fields required to be completed for specific type of order.

As part of the OSS consolidation process, AT&T began to phase-out and integrate pertinent information contained within the *Local Ordering Handbook* into the *Local Service Order Requirements* instructional manual that was supported by AT&T in another region. The *Local Service Order Requirements* is also available via AT&T's CLEC online website. In contrast to the *Local Ordering Handbook*, the *Local Service Order Requirements* are arranged and navigated based on the forms used to place an order (e.g., Local Service Request form, Directory Listing form). If a CLEC is ordering a non-designed loop for a new customer through the LEX ordering interface, the CLEC user must first determine which forms need to be completed. Next, the CLEC user is directed to a series of links for each information field to be completed within the ordering form. Each link provides the CLEC user with a "Product Activity Table" showing the various products that can be ordered and the necessary data entry for an information field. The "Product Activity Tables" replaced the R/C/O tables.

In order for STS to update the information fields to accurately complete a local service request, STS must click on every information field link within the *Local Service Order Requirements* to determine if the data entry for an information field is required, conditional, optional, not supported, or prohibited. STS typically completes four separate forms when submitting an order to AT&T through LEX; the Local Service Request form, End User form, Directory Listing form, and Loop Service Form. When completing a Local Service Request form alone, STS would have to click on 142 separate information field links in the *Local Service Order Requirements* as opposed to seeing a "snap-shot" view of all the information fields as provided in the R/C/O tables within the *Local Ordering Handbook*.

AT&T agrees that the format and use of the *Local Service Order Requirements*, including the Product Activity Tables, differs substantially from the R/C/O tables within the *Local Ordering Handbook*. AT&T contends that the design of the *Local Service Order Requirements* complies with the Ordering and Billing Forum industry standards that dictate the composition of the information fields. According to AT&T, the format of the *Local Service Order Requirements* is particularly useful for CLECs that have built their own front-end ordering interface, as opposed to CLECs that use LEX. AT&T agrees that first-time users of LEX would find the

² (1) **Required** – The field must be populated. (2) **Conditional** – The field is dependent upon the presence, absence or combination of other data entries. (3) **Optional** - The field may or may not be populated (e.g., request to expedite an order). (4) **Not Supported** – The field is not used by AT&T Southeast and when populated will be ignored by AT&T Southeast Region. (5) **Prohibited** – The field must not be populated and is not supported by AT&T's OSS.

Local Ordering Handbook more useful; however, as CLEC users become experienced, AT&T believes the Product Activity Tables within the *Local Service Order Requirements* will sufficiently serve as a replacement for the R/C/O tables. AT&T also believes that CLECs can create their own tables and guides to facilitate their data entry issues with LEX.

STS previously used the LENS OSS interface to place orders with AT&T. The LENS operational structure was linear and had built-in edit-checking capabilities that would notify a CLEC user on a “real-time” basis as to whether the data input for an information field was required, conditional, optional, or prohibited. In other words, the R/C/O Tables were implicitly built into the LENS ordering interface.

STS began using the LEX OSS interface in July 2010. STS contends that the operational structure of LEX is not as user-friendly when compared to LENS, and the edit-checking process performed in LEX may cause some delays in the overall time to complete an order when compared to LENS. LEX omits the “real-time” prompts or edit-checks that were provided in LENS. This process, in effect, may cause orders to be rejected or returned for clarification by AT&T after the order is submitted. In other words, the LEX system allows for a CLEC order to be submitted to AT&T with errors, rejected by AT&T, reworked by the CLEC, resubmitted by the CLEC, and possibly rejected by AT&T again.

Since the R/C/O tables are not implicitly built-in to the LEX interface, STS objects to the elimination of the R/C/O tables. STS argues that it is critical for AT&T to maintain and update the R/C/O tables to assist in the placement of orders using the LEX interface. STS now heavily relies on the R/C/O tables as a valuable tool to support the creation of error free orders before submitting to AT&T. However, if AT&T eliminates the *Local Ordering Handbook* as planned, the R/C/O Tables will no longer be available. According to STS, the use of the Product Activity Tables delays implementation of a customer’s service and may ultimately result in the loss of the customer if the delay is too long.

On July 8, 2009, AT&T conducted a Change Management/Change Control meeting. The meeting is held monthly and allows for joint CLECs and AT&T to discuss any interface or documentation changes to the Operation Support Systems. During the July meeting, AT&T informed the CLECs that section 3 of the *Local Ordering Handbook*, including the R/C/O Tables, would be moved into the *Local Service Order Requirements*. STS specifically inquired as to whether the formatting of the documents within the *Local Ordering Handbook* would change. AT&T stated that the change would not affect formatting.³ Despite AT&T’s response, the format changed.

After learning that the R/C/O tables were replaced with Product Activity Tables in the *Local Service Order Requirements*, STS submitted a Change Request to AT&T’s Change Management/Change Control team on March 26, 2010. STS requested that AT&T’s *Local*

³ AT&T’s July 8, 2009 Change Management/Control Process Meeting Minutes state, “AT&T also asked the CLECS if they would agree to move section 3 in the LOH into the LSOR document as a standalone volume linked to the other volumes. These changes can be implemented in the November release or prior to the release. An Accessible Letter will be released when this move is completed. STS Telecom inquired if the formatting of these documents would change. AT&T stated this change would not affect formatting.”

Service Order Requirements contain the R/C/O tables originally within the *Local Ordering Handbook*. After reviewing STS' request, AT&T's Change Management team emailed a response to STS on April 12, 2010, that stated:

The attached change request is shown as not approved due to cost. The LSOR [*Local Service Order Requirements*] is developed by an external software application. This application would require modification to create the R/C/O tables which only duplicates information that is already included within a field's Notes, Conditions and Data Entry Conditions. The R/C/O tables do not eliminate the need to view the individual fields because the rules are within the aforementioned Notes, Conditions and Data Entry Conditions.

AT&T denied STS' Change Request; however, in response to STS' concerns, AT&T offered to give STS and other CLECs a copy of the existing R/C/O tables in a Microsoft Word format. AT&T stated that STS could update the tables themselves as changes are introduced to the *Local Service Order Requirements*. Updates to the Word document would be communicated by AT&T's Accessible Letters available at AT&T's on-line website for CLECs and documented in AT&T's Local Service Revision History. The updates are typically tri-annual and coincide with new OSS releases.

While STS is willing to accept the R/C/O tables in Word format, STS contends that it would be overly burdensome and does not have the available resources to keep the Word file up-to-date. Updating the R/C/O tables would require STS to click on every information field link within the Local Service Revision History documentation to determine the changes that need to be made to the R/C/O tables. Next, STS would have to scroll through approximately 2,700 pages in the Word document to find the products, forms, and corresponding R/C/O tables that are to be updated. In short, STS believes this process would require an overly burdensome review at least three times per year.

On June 1, 2011, additional CLECs (DeltaCom, Inc., XO Communications, Cbeyond, LLC, and TW Telecom) filed letters in the docket in support of STS' concerns regarding the retention of the R/C/O tables. DeltaCom and XO Communications, who jointly filed, specifically stated, “. . . navigating through the AT&T documentation is cumbersome and inefficient and represents a significant step backwards by AT&T compared to what was available to CLECs before AT&T decided to abolish the R/C/O tables.” Furthermore, “The lack of current R/C/O Tables impacts Joint CLECs production centers by adding time and expense to locate ordering information to submit clear, error-free orders and places an undue burden on CLECs.”

Conclusion

This issue is a matter of organization and presentation of instructional information for CLEC LEX users who are trying to provide service to their end-users in an expeditious manner. Staff believes this issue is important because ordering wholesale services from an ILEC is extremely complex. As an example, to order a Digital Data Design Loop, a CLEC LEX user

must potentially complete three different forms with 35 required fields, 59 conditional fields and 14 optional fields. Not populating a field, or not populating it correctly will cause a CLEC order to be rejected, which results in a delay to an end-user getting service initiated. The instructional manuals are the key to what forms and fields are required for each product. Therefore, it is imperative that the instructional material provided by AT&T to CLECs should be clear, concise, user-friendly, and accurate. An instructional manual organized by form type (i.e., Local Service Order Requirements) is not as user-friendly as a manual organized by product type (i.e., Local Ordering Handbook) for CLECs like STS who use the LEX interface.

Staff agrees with AT&T that if STS was to build a front-end ordering interface, the need for the R/C/O tables would be eliminated. Considering the wide-range of products STS is ordering through LEX, a built-in front-end interface may be a more viable option. In light of the recent acquisition of STS by EarthLink in March 2011, staff encourages STS to pursue such an option. However, in the mean time, it is important to assure that the LEX ordering interface and its documentation continues to provide nondiscriminatory access to AT&T's OSS. Staff would further note that AT&T states that the *Local Service Order Requirements* complies with the Ordering and Billing Forum industry standards; however, the Ordering and Billing Forum does not dictate the organization and presentation of the instructional manuals.

Staff understands that providing updates to both the *Local Service Order Requirements* and the R/C/O tables contained within the *Local Ordering Handbook* is resource intensive. Staff believes it would be easier for AT&T to update the R/C/O tables than STS and every other CLEC who is in need of this information such as DeltaCom, XO Communications Services, Cbeyond, and TW Telecom.

As previously mentioned, AT&T is responsible for making changes to the Operation Support Systems through the Change Management/Change Control process. CLECs who request changes to the Operation Support Systems must submit a Change Request to AT&T. In 2002, this Commission ordered AT&T to implement a "50/50 Capacity Plan" to allow for CLECs to have a voice in the changes to the Operation Support Systems. Per the Plan, AT&T's release capacity would be equally split (50/50) between AT&T and CLECs.⁴ Staff's review of the release capacity reports for the past year revealed that AT&T is not allocating 50 percent of its release capacity to CLECs. Given this, staff fails to understand why the change request which STS submitted in March 2010 was denied due to cost. It appears that AT&T has sufficient capacity within its releases to make appropriate updates to the R/C/O tables which was requested by STS using the appropriate process.

To assure that AT&T is providing nondiscriminatory access to its OSS, staff believes that AT&T should update the R/C/O tables for a limited time period. Requesting AT&T to provide updates for a limited time period gives STS time to evaluate and consider building a front-end application.

⁴ Pursuant to Commission Order No. PSC-02-1034-FOF-TP, issued July 30, 2002 in Docket No. 960786B-TL, the Commission required implementation of End-to-End Process Flow to satisfy Exception 88 of the Third-Party Testing of BellSouth Operational Support Systems. The testing was used to determine if BellSouth met requirements of the 1996 Telecommunications Act.

As an alternative to requesting AT&T to update all the information fields within the R/C/O tables, AT&T, at a minimum, should update the “required” information fields contained in the R/C/O tables on an ongoing basis. Knowing the information fields that are “required” to be completed allows for STS and CLECs to place orders in the LEX interface without the orders being rejected by AT&T.

Staff recommends for a one year period from the date of the Commission’s Order that AT&T be required to update the Required/Conditional/Optional (R/C/O) instructional tables to correspond with AT&T’s updates to the information fields in the *Local Service Order Requirements*. The updates should be made available to STS and CLECs in a Microsoft Word file and be formatted in the same manner as the R/C/O tables contained within AT&T’s *Local Ordering Handbook*.

Docket No. 090430-TP
Date: July 28, 2011

Issue 2: Should this docket be closed?

Recommendation: Yes. If the Commission approves staff recommendation on Issue 1, then STS has indicated that there will be no remaining issues and staff recommends that the docket be closed. The resulting decision to approve issue 1 and close the docket will be issued as a Proposed Agency Action. The decision will become final upon issuance of a Consummating Order, if no one person whose substantial interests are affected timely files a protest within 21 days of the issuance of the Order. **(Robinson, Teitzman)**

Staff Analysis: If the Commission approves staff recommendation on Issue 1, staff recommends that the docket be closed. The resulting decision to approve issue 1 and close the docket will be issued as a Proposed Agency Action. The decision will become final upon issuance of a Consummating Order, if no one person whose substantial interests are affected timely files a protest within 21 days of the issuance of the Order. **(Evans, Teitzman)**