UTAH PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
PO-2A-1	GUI, UBL Aggr, %			19.19%		21.11%		23.86%		22.93%	
PO-2A-1	GUI, UNE-P, POTS, %			64.80%		65.97%		64.10%		57.37%	
PO-2A-2	EDI, LNP, %			57.97%		62.68%		64.58%		56.95%	
PO-2A-2	EDI, Resale Aggr w/o UNE-P-POTS, %			8.00%		6.25%		8.70%		8.57%	
PO-2A-2	EDI, UBL Aggr, %			48.20%		52.91%		54.12%		64.60%	
PO-2A-2	EDI, UNE-P, POTS, %			56.04%		64.62%		51.53%		60.10%	
PO-2B-1	All Eligible LSRs, GUI, LNP, %			71.43%		57.89%		77.78%		85.71%	a
PO-2B-1	All Eligible LSRs, GUI, POTS Resale, %			89.95%		78.12%		79.85%		75.95%	
PO-2B-1	All Eligible LSRs, GUI, UBL Aggr, %			80.70%		91.57%		92.05%		90.77%	
PO-2B-1	All Eligible LSRs, GUI, UNE-P, POTS, %			86.78%		91.81%		91.46%		88.01%	
PO-2B-2	All Eligible LSRs, EDI, LNP, %			98.95%		96.67%		95.30%		96.68%	
PO-2B-2	All Eligible LSRs, EDI, POTS Resale, %			40.00%		33.33%		50.00%		60.00%	a b c d
PO-2B-2	All Eligible LSRs, EDI, UBL Aggr, %			88.10%		91.16%		91.76%		91.10%	
PO-2B-2	All Eligible LSRs, EDI, UNE-P, POTS, %			86.44%		91.10%		90.21%		91.26%	
PO-3	**LSR Rejection Notice Interval**										
PO-3A-1	GUI - Manual Reject, Product Aggr, Hrs:Min			10:51		2:47		3:12		9:54	
PO-3A-2	GUI - Auto-Reject, Product Aggr, Min:Sec			00:04		00:04		00:03		00:03	
PO-3B-1	EDI - Manual Reject, Product Aggr, Hrs:Min			3:00		1:52		3:01		3:27	
PO-3B-2	EDI - Auto-Reject, Product Aggr, Min:Sec			00:06		00:06		00:05		00:05	
PO-3C	Manual and IIS, Product Aggr, Hrs:Min			18:52		13:48		22:06		10:12	
PO-4	**LSRs Rejected**										
PO-4A-1	GUI - Manual Reject, Product Aggr, %			4.36%		2.25%		2.41%		2.20%	
PO-4A-2	GUI - Auto-Reject, Product Aggr, %			31.30%		32.17%		31.07%		31.56%	
PO-4B-1	EDI - Manual Reject, Product Aggr, %			8.19%		4.46%		4.57%		4.67%	
PO-4B-2	EDI - Auto-Reject, Product Aggr, %			24.11%		24.10%		20.28%		20.79%	
PO-4C	Facsimile , Product Aggr, %			44.83%		20.31%		27.87%		42.86%	
PO-5	**Firm Order Confirmations (FOCs) On Time**										
PO-5A-1(a)	Fully Electronic, GUI, Resale Aggr, %			100%		100%		100%		100%	
PO-5A-1(b)	Fully Electronic, GUI, UBL Aggr, %			100%		100%		100%		100%	
PO-5A-1(c)	Fully Electronic, GUI, LNP, %			100%		100%		100%		100%	a d
PO-5A-2(a)	Fully Electronic, EDI, Resale Aggr, %			99.47%		99.74%		100%		100%	
PO-5A-2(b)	Fully Electronic, EDI, UBL Aggr, %			98.71%		100%		100%		100%	
PO-5A-2(c)	Fully Electronic, EDI, LNP, %			99.82%		100%		100%		100%	

UTAH PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
PO-5B-1(a)	Elec/Manual, GUI, Resale Aggr, %			97.83%		98.81%		95.61%		96.67%	
PO-5B-1(b)	Elec/Manual, GUI, UBL Aggr, %			99.72%		98.55%		99.11%		98.73%	
PO-5B-1(c)	Elec/Manual, GUI, LNP, %			100%		100%		99.42%		100%	
PO-5B-2(a)	Elec/Manual, EDI, Resale Aggr, %			99.36%		96.85%		96.89%		99.71%	
PO-5B-2(b)	Elec/Manual, EDI, UBL Aggr, %			100%		99.85%		99.28%		99.85%	
PO-5B-2(c)	Elec/Manual, EDI, LNP, %			100%		100%		100%		99.74%	
PO-5C-(a)	Manual, Resale Aggr, %			84.62%		66.67%		88.24%		93.75%	
PO-5C-(b)	Manual, UBL Aggr, %			100%		100%		100%		100%	b c d
PO-5C-(c)	Manual, LNP, %			100%		100%		100%		100%	c
PO-5D	LIS Trunk, %			100%		95.45%		100%		100%	
PO-6	**Work Completion Notification Timeliness**										
PO-6A	IMA - GUI, All, Hrs:Min			0:26		0:56		1:57		1:20	
PO-6B	IMA - EDI, All, Hrs:Min			0:15		0:47		1:19		0:35	
PO-7	**Billing Completion Notification Timeliness**										
PO-7A-C	IMA - GUI, All, %		97.32%	95.46%	98.11%	99.67%	98.46%	99.74%	98.48%	95.63%	
PO-7B-C	IMA - EDI, All, %		97.32%		98.11%		98.46%		98.48%		a b c d
PO-8	**Jeopardy Notice Interval**										
PO-8A	Non-Designed Services, Avg Days		4.48	2.00	4.86	0.00	5.05	2.00	5.22	2.40	a b c d
PO-8B	UBLs and LNP, Avg Days		4.48	3.44	4.86	7.60	5.05	4.75	5.22	4.28	
PO-8C	LIS Trunk, Avg Days				9.00						a b c d
PO-8D	UNE-P, POTS, Avg Days		4.48	1.67	4.86	27.75	5.05	3.75	5.22	4.88	a b c d
PO-9	**Timely Jeopardy Notices**										
PO-9A	Non-Designed Services, %		34.48%	50.00%	36.27%	0%	36.09%	100%	32.19%	50.00%	a b c d
PO-9B	UBLs and LNP, %		34.48%	4.31%	36.27%	25.00%	36.09%	36.36%	32.19%	42.86%	d
PO-9C	LIS Trunk, %			0%	50.00%		0%		0%		a b c d
PO-9D	UNE-P, POTS, %		34.48%	25.00%	36.27%	0%	36.09%	50.00%	32.19%	33.33%	a b c d
PO-10	**LSR Accountability**										
PO-10	Product Aggr, %			100%		100%		100%		100%	
PO-15	**Number of Due Date Changes per Order**										
PO-15	All, Avg Days		0.06	0.12	0.04	0.11	0.04	0.08	0.03	0.08	
PO-16	**Timely Release Notifications**										
PO-16	Default, %					100%		100%		100%	a b c d
PO-19	**Stand-Alone Test Environment (SATE) Accuracy**										

UTAH PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
PO-19	SATE Accuracy, %			98.95%							b c d
PO-19A	SATE Accuracy, Rel. 10.0, %					100%		98.45%		98.45%	a
PO-19A	SATE Accuracy, Rel. 8.0, %					100%		99.47%		98.94%	a
PO-19A	SATE Accuracy, Rel. 9.0, %					99.47%		100%		98.94%	a
PO-19A	SATE Accuracy, Rel. VICKI, %					100%		100%		100%	a
PO-19B	SATE Accuracy, %					99.16%					a c d
PO-20	**Manual Service Order Accuracy**										
PO-20	POTS Resale, %			90.25%		90.58%		92.78%		96.88%	
PO-20	UBL Aggr, %			96.46%		95.20%		95.16%		94.42%	

Metric Number:
* = Metrics recalculated after NTF tickets are excluded. These metrics have not been audited by a third party.

DR: Disaggregation Reporting
D = Dispatch (both within MSAs and outside MSAs)
ND = No Dispatch
blank = State Level

Notes:
a = Sample size less than or equal to 10 in June 2002
b = Sample size less than or equal to 10 in July 2002
c = Sample size less than or equal to 10 in August 2002
d = Sample size less than or equal to 10 in September 2002

Appendix I

Washington Performance Metrics

The data in this appendix are taken from Qwest November 15 Ex Parte Letter Attach. 1 (Statewide Average Performance Summary, CO, ID, IA, MT, NE, ND, UT, WA, WY, May-Sept 2002). This table is provided as a reference tool for the convenience of the reader. No conclusions are to be drawn from the raw data contained in this table. Our analysis is based on the totality of the circumstances, such that we may use non-metric evidence, and may rely more heavily on some metrics more than others, in making our determination. The inclusion of these particular metrics in this table does not necessarily mean that we relied on all of these metrics nor that other metrics may not also be important in our analysis. Some metrics that we have relied on in the past and may rely on for a future application were not included here because there was no data provided for them (usually either because there was no activity, or because the metrics are still under development). Metrics with no retail analog provided are usually compared with a benchmark. Note that for some metrics during the period provided, there may be changes in the metric definition, or changes in the retail analog applied, making it difficult to compare the data over time.

PERFORMANCE METRIC CATEGORIES

Metric Number	Metric Name
Billing	
BI-1	Time to Provide Recorded Usage Records
BI-2	Invoices Delivered within 10 Days
BI-3	Billing Accuracy - Adjustments for Errors
BI-4	Billing Completeness
BI-5	Billing Accuracy & Claims Processing
Collocation	
CP-1	Collocation Completion Interval
CP-2	Collocations Completed within Scheduled Intervals
CP-3	Collocation Feasibility Study Interval
CP-4	Collocation Feasibility Study Commitments Met
Directory Assistance	
DA-1	Speed of Answer - Directory Assistance
Database Updates	
DB-1	Time to Update Databases
DB-2	Accurate Database Updates
Electronic Gateway Availability	
GA-1	Gateway Availability - IMA-GUI
GA-2	Gateway Availability - IMA-EDI
GA-3	Gateway Availability - EB-TA
GA-4	System Availability - EXACT
GA-6	Gateway Availability - GUI - Repair
GA-7	Timely Outage Resolution Following Software Releases
Maintenance and Repair	
MR-2	Calls Answered within 20 Seconds - Interconnect Repair Ctr
MR-3	Out of Service Cleared within 24 Hours
MR-4	All Troubles Cleared within 48 Hours
MR-5	All Troubles Cleared within 4 Hours
MR-6	Mean Time to Restore
MR-7	Repair Repeat Report Rate
MR-8	Trouble Rate
MR-9	Repair Appointments Met
MR-10	Customer and Non-Qwest Related Trouble Reports
MR-11	LNP Trouble Reports Cleared within 24 Hours

Metric Number	Metric Name
Network Performance	
NI-1	Trunk Blocking
NP-1	NXX Code Activation
Order Accuracy	
OA-1	Order Accuracy, Default %
Ordering and Provisioning	
OP-2	Calls Answered within 20 Seconds - Interconnect Provisioning Ctr
OP-3	Installation Commitments Met
OP-4	Installation Interval
OP-5	New Service Installation Quality
OP-6A	Delayed Days for Non-Facility Reasons
OP-6B	Delayed Days for Facility Reasons
OP-7	Coordinated "Hot Cut" Interval - Unbundled Loop
OP-8	Number Portability Timeliness
OP-13	Coordinated Cuts - Unbundled Loop
OP-15A	Interval for Pending Orders Delayed
OP-15B	Number of Pending Orders Delayed for Facility Reasons
OP-17	Timeliness of Disconnects Associated with LNP Orders
Operator Services	
OS-1	Speed of Answer - Operator Services
Pre-Order/Order	
PO-1	Pre-Order/Order Response Times
PO-2	Electronic Flow-through
PO-3	LSR Rejection Notice Interval
PO-4	LSRs Rejected
PO-5	Firm Order Confirmations (FOCs) On Time
PO-6	Work Completion Notification Timeliness
PO-7	Billing Completion Notification Timeliness
PO-8	Jeopardy Notice Interval
PO-9	Timely Jeopardy Notices
PO-10	LSR Accountability
PO-15	Number of Due Date Changes per Order
PO-16	Timely Release Notifications
PO-19	Stand-Alone Test Environment (SATE) Accuracy
PO-20	Manual Service Order Accuracy

WASHINGTON PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
BILLING											
BI-1	**Time to Provide Recorded Usage Records**										
BI-1A	UNEs and Resale Aggr, Avg Days		6.43	2.58	5.62	2.66	5.98	2.54	4.54	2.28	
BI-1B	Jointly-provided Switched Access, %			99.53%		99.89%		99.85%		100%	
BI-1C-1	[CAT11], UNEs and Resale Aggr, Avg Days		6.43	2.57	5.62	2.67	5.98	2.58	4.54	2.33	
BI-1C-2	[CAT10], UNEs and Resale Aggr, Avg Days		6.43	2.59	5.62	2.65	5.98	2.47	4.54	2.21	
BI-2	**Invoices Delivered within 10 Days**										
BI-2	All, %			100%		100%		100%		100%	
BI-3	**Billing Accuracy - Adjustments for Errors**										
BI-3A	UNEs and Resale Aggr, %		99.44%	97.02%	99.05%	91.32%	99.32%	79.88%	99.19%	94.99%	
BI-3B	Reciprocal Compensation, %			100%		100%		100%		100%	
BI-4	**Billing Completeness**										
BI-4A	UNEs and Resale Aggr, %		98.37%	98.52%	98.25%	99.31%	98.44%	99.23%	98.78%	97.79%	
BI-4B	Reciprocal Compensation, %			100%		100%		100%		100%	
BI-5	**Billing Accuracy & Claims Processing**										
BI-5A	Acknowledgment, All, %			91.30%		89.52%		100%		99.70%	
BI-5B	Resolution, All, %			90.18%		74.66%		96.38%		100%	
COLLOCATION											
CP-1	**Collocation Completion Interval**										
CP-1A	90 Calendar Days or Less, All, Avg Days			59.00		58.00		69.00			a b c d
CP-1B	91 to 120 Calendar Days, All, Avg Days			95.00		83.20		47.00		62.80	a b c d
CP-1C	121 to 150 Calendar Days, All, Avg Days			90.00		73.67		98.00			a b c d
CP-2	**Collocations Completed within Scheduled Intervals**										
CP-2A	Forecasted , All, %					100%					a b c d
CP-2B	Non-Forecasted & Late Forecasted , All, %			100%		100%		100%		100%	a b c d
CP-2C	w/ Intervals Longer than 120 Days, All, %			100%		100%		100%			a b c d
CP-3	**Collocation Feasibility Study Interval**										
CP-3	All, Avg Days			6.00		2.75		4.67		6.50	a b c d
CP-4	**Collocation Feasibility Study Commitments Met**										
CP-4	All, %			100%		100%		100%		100%	a b c d
DIRECTORY ASSISTANCE											
DA-1	**Speed of Answer - Directory Assistance**										
DA-1	Average Seconds		8.54		8.77		8.36		8.68		a b c d
DATABASE UPDATES											

WASHINGTON PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
DB-1	**Time to Update Databases**										
DB-1A	E911, Hrs:Min			6:47		6:31		4:23		3:30	
DB-1B	LIDB, Avg Sec			1.47		1.32		1.26		1.27	
DB-1C-1	Directory Listing, Avg Sec			0.06		0.05		0.05		0.05	
DB-2	**Accurate Database Updates**										
DB-2C-1	Directory Listing, %			95.70%		95.12%		96.12%		96.38%	
ELECTRONIC GATEWAY AVAILABILITY											
GA-1A	IMA-GUI, All, %			99.93%		100%		98.75%		100%	
GA-1B	IMA-GUI, Fetch-n-Stuff, %			100%		100%		100%		100%	
GA-1C	IMA-GUI, Data Arbiter, %			100%		100%		99.96%		100%	
GA-1D	IMA-GUI, SIA, %			100%		99.55%		100%		99.95%	
GA-2	IMA-EDI, %			99.93%		100%		98.26%		99.80%	
GA-3	EB-TA, %			100%		99.54%		99.31%		99.94%	
GA-4	EXACT, %			99.93%		100%		100%		100%	
GA-6	GUI - Repair, %			100%		99.50%		99.92%		100%	
GA-7	Timely Outage Resolution following Software Releases , %							100%			a b c d
MAINTENANCE AND REPAIR											
MR-2	**Calls Answered within Twenty Seconds - Interconnect Repair Center**										
MR-2	All, %		78.59%	80.32%	78.57%	78.71%	84.85%	87.02%	86.24%	85.75%	
MR-3	**Out of Service Cleared within 24 Hours**										
MR-3	Basic Rate ISDN, %	D	98.80%		100%		98.97%		100%		a b c d
MR-3	Basic Rate ISDN, %	ND	100%		100%		100%		100%		a b c d
MR-3	Business, %	D	93.28%	97.14%	90.73%	89.19%	93.04%	90.74%	92.78%	97.92%	
MR-3	Business, %	ND	95.93%	100%	99.09%	100%	97.05%	100%	83.22%	93.33%	
MR-3	Centrex 21, %	D	91.78%		95.81%		91.91%		87.82%		a b c d
MR-3	Centrex 21, %	ND	98.00%		98.41%		98.28%		80.88%		a b c d
MR-3	Centrex, %	ND	96.10%	100%	92.59%	100%	97.47%	50.00%	95.70%		a b c d
MR-3	Centrex, %	D	89.44%	100%	85.71%	100%	93.94%	100%	92.50%		a b c d
MR-3	Line Sharing, %	D	93.16%	75.00%	90.77%	42.86%	92.31%	76.92%	92.93%	71.43%	a b d
MR-3	Line Sharing, %	ND	98.27%	100%	97.73%	100%	97.91%	90.00%	92.12%	75.00%	a b c d
MR-3	PBX, %	D	92.68%	100%	94.23%		97.92%	100%	94.44%	100%	a b c d
MR-3	PBX, %	ND	98.73%	100%	99.03%	100%	100%	100%	100%	100%	a b c d
MR-3	Qwest DSL, %		90.16%		82.15%		90.40%		90.46%	100%	a b c d

WASHINGTON PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-3	Residence, %	ND	98.60%	83.33%	97.44%	100%	98.03%	100%	94.18%	80.00%	d
MR-3	Residence, %	D	93.14%	98.44%	90.77%	97.20%	92.22%	98.02%	92.95%	95.51%	
MR-3	UBL - 2-wire, %		99.52%	100%	100%	100%	99.55%	100%	100%	100%	
MR-3	UBL - ADSL Qualified, %		90.16%	100%	82.15%	100%	90.40%	100%	90.46%	100%	a b c d
MR-3	UBL Analog, %		93.97%	100%	92.13%	100%	93.24%	100%	92.79%	100%	
MR-3	UBL ISDN Capable, %		99.52%	94.12%	100%	100%	99.55%	100%	100%	100%	
MR-3	UNE-P, POTS, %	ND	98.27%	100%	97.73%	100%	97.91%	100%	92.12%	80.00%	
MR-3	UNE-P, POTS, %	D	93.16%	97.53%	90.77%	85.71%	92.31%	94.25%	92.93%	94.67%	
MR-3	UNE-P, Centrex, %	ND	96.10%	100%	92.59%	100%	97.47%	100%	95.70%	75.00%	a b c d
MR-3	UNE-P, Centrex, %	D	89.44%	100%	85.71%	100%	93.94%	100%	92.50%	100%	a b c
MR-3	UNE-P, Centrex 21, %	D	91.78%	100%	95.81%	83.33%	91.91%	100%	87.82%	50.00%	a b c d
MR-3	UNE-P, Centrex 21, %	ND	98.00%	100%	98.41%	100%	98.28%		80.88%	100%	a b c d
MR-4	**All Troubles Cleared within 48 Hours**										
MR-4	Basic Rate ISDN, %	D	100%		100%		100%		100%		a b c d
MR-4	Basic Rate ISDN, %	ND	100%		100%		100%		100%		a b c d
MR-4	Business, %	D	97.67%	97.67%	96.68%	97.62%	97.95%	97.37%	96.98%	96.92%	
MR-4	Business, %	ND	99.16%	100%	99.71%	100%	99.15%	100%	92.03%	97.62%	
MR-4	Centrex 21, %	D	96.97%		97.75%		95.31%		97.00%		a b c d
MR-4	Centrex 21, %	ND	99.10%		99.25%	100%	100%		91.67%		a b c d
MR-4	Centrex, %	ND	98.39%	100%	96.15%	100%	98.37%	66.67%	96.88%		a b c d
MR-4	Centrex, %	D	97.80%	100%	92.20%	100%	95.95%	100%	96.24%		a c d
MR-4	Line Sharing, %	ND	99.65%	95.24%	99.70%	94.44%	99.44%	100%	97.15%	100%	c d
MR-4	Line Sharing, %	D	98.37%	72.73%	97.67%	87.50%	98.17%	92.31%	98.31%	85.71%	d
MR-4	PBX, %	D	97.83%	100%	96.55%		98.04%	100%	100%	100%	a b c d
MR-4	PBX, %	ND	98.85%	100%	99.13%	100%	100%	100%	100%	100%	a b c d
MR-4	Qwest DSL, %		96.88%		90.39%		96.01%		95.06%	100%	a b c d
MR-4	Residence, %	D	98.46%	100%	97.79%	99.17%	98.20%	100%	98.48%	99.01%	
MR-4	Residence, %	ND	99.72%	100%	99.70%	100%	99.49%	100%	98.20%	93.33%	
MR-4	UBL - 2-wire, %		100%	100%	100%	100%	100%	100%	100%	100%	
MR-4	UBL - ADSL Qualified, %		96.88%	100%	90.39%	100%	96.01%	100%	95.06%	100%	a b c d
MR-4	UBL Analog, %		98.68%	100%	98.20%	100%	98.48%	100%	98.02%	100%	
MR-4	UBL ISDN Capable, %		100%	98.15%	100%	100%	100%	100%	100%	100%	
MR-4	UNE-P, POTS, %	ND	99.65%	100%	99.70%	100%	99.44%	100%	97.15%	96.83%	
MR-4	UNE-P, POTS, %	D	98.37%	99.15%	97.67%	98.36%	98.17%	99.02%	98.31%	96.51%	

WASHINGTON PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-4	UNE-P, Centrex, %	D	97.80%	100%	92.20%	100%	95.95%	100%	96.24%	94.12%	b c
MR-4	UNE-P, Centrex, %	ND	98.39%	100%	96.15%	100%	98.37%	100%	96.88%	92.31%	a b c
MR-4	UNE-P, Centrex 21, %	D	96.97%	100%	97.75%	100%	95.31%	100%	97.00%	66.67%	a b c d
MR-4	UNE-P, Centrex 21, %	ND	99.10%	100%	99.25%	100%	100%	100%	91.67%	100%	b c d
MR-5	**All Troubles Cleared within 4 Hours**										
MR-5	DS0, %		81.33%	50.00%	74.35%	100%	81.43%	100%	73.72%	100%	a b c d
MR-5	DS1, %		84.60%	91.67%	79.34%	85.71%	81.07%	83.33%	83.70%	75.00%	b c d
MR-5	DS3, %		77.78%		75.00%		88.89%		94.44%		a b c d
MR-5	E911, %		66.67%		100%	100%	100%	100%			a b c d
MR-5	EELs, %			83.33%		100%		33.33%		100%	b c d
MR-5	Frame Relay, %		85.59%		85.91%		84.24%		81.71%		a b c d
MR-5	ISDN Primary, %		96.30%	100%	93.75%	100%	88.46%		90.70%		a b c d
MR-5	LIS Trunk, %		100%	95.00%	100%	87.50%	86.67%	88.89%	93.33%	90.91%	c
MR-5	UBL - 4-wire, %		84.60%	100%	79.34%	100%	81.07%	100%	83.70%		a b c d
MR-5	UBL - DS1 Capable, %		84.60%	79.45%	79.34%	81.94%	81.07%	73.13%	83.70%	81.36%	
MR-5	UBL - DS3 Capable, %		77.78%		75.00%		88.89%		94.44%		a b c d
MR-5	UDIT Above DS1 Level, %		77.78%	100%	75.00%	50.00%	88.89%	66.67%	94.44%	100%	a b c d
MR-5	UDIT DS1, %		84.60%	100%	79.34%	100%	81.07%	100%	83.70%		a b c d
MR-6	**Mean Time to Restore**										
MR-6	Basic Rate ISDN, Hrs:Min	D	4:53		3:54		4:12		4:02		a b c d
MR-6	Basic Rate ISDN, Hrs:Min	ND	0:56		1:21		1:14		1:01		a b c d
MR-6	Business, Hrs:Min	D	10:21	7:54	12:12	14:30	11:45	11:19	11:30	9:16	
MR-6	Business, Hrs:Min	ND	4:02	2:38	3:59	3:48	4:27	4:19	9:59	5:32	
MR-6	Centrex 21, Hrs:Min	D	9:55		10:57		14:04		12:00		a b c d
MR-6	Centrex 21, Hrs:Min	ND	4:05		5:20	0:21	3:42		10:53		a b c d
MR-6	Centrex, Hrs:Min	D	12:08	2:23	23:17	9:00	10:44	1:17	10:23		a c d
MR-6	Centrex, Hrs:Min	ND	9:06	6:09	13:10	4:22	7:19	21:39	6:58		a b c d
MR-6	DS0, Hrs:Min		2:59	4:16	2:47	1:53	2:47	1:17	4:15	1:05	a b c d
MR-6	DS1, Hrs:Min		1:59	1:17	2:36	2:41	2:39	2:27	2:21	2:14	b c d
MR-6	DS3, Hrs:Min		1:58		2:36		1:36		1:23		a b c d
MR-6	E911, Hrs:Min		8:21		0:33	0:34	0:02	1:40			a b c d
MR-6	EELs, Hrs:Min			1:55		1:35		5:15		0:44	b c d
MR-6	Frame Relay, Hrs:Min		2:06		2:00		2:18		3:15		a b c d
MR-6	ISDN Primary, Hrs:Min		1:11	0:58	3:04	0:38	2:18		1:33		a b c d

WASHINGTON PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-6	Line Sharing, Hrs:Min	D	13:37	37:49	14:40	39:47	14:03	21:31	13:50	14:50	d
MR-6	Line Sharing, Hrs:Min	ND	5:18	12:29	6:11	8:57	6:24	4:55	8:03	13:03	c d
MR-6	LIS Trunk, Hrs:Min		0:32	1:09	1:12	2:23	2:19	2:09	1:19	1:35	c
MR-6	PBX, Hrs:Min	D	11:02	1:21	9:30		7:42	3:08	6:30	6:46	a b c d
MR-6	PBX, Hrs:Min	ND	2:10	1:33	4:06	2:09	2:06	0:17	2:21	0:20	a b c d
MR-6	Qwest DSL, Hrs:Min		11:17		15:22		9:35		9:37	10:17	a b c d
MR-6	Residence, Hrs:Min	D	14:01	9:53	14:58	11:34	14:20	13:15	14:08	11:01	
MR-6	Residence, Hrs:Min	ND	5:30	4:38	6:39	2:19	6:43	5:01	7:40	9:51	
MR-6	UBL - 2-wire, Hrs:Min		2:30	2:14	2:17	3:07	2:31	2:36	2:22	2:18	
MR-6	UBL - 4-wire, Hrs:Min		1:59	0:50	2:36	1:47	2:39	1:39	2:21		a b c d
MR-6	UBL - ADSL Qualified, Hrs:Min		11:17	4:12	15:22	3:41	9:35	3:48	9:37	1:25	a b c d
MR-6	UBL - DS1 Capable, Hrs:Min		1:59	2:43	2:36	3:00	2:39	3:10	2:21	2:25	
MR-6	UBL - DS3 Capable, Hrs:Min		1:58		2:36		1:36		1:23		a b c d
MR-6	UBL Analog, Hrs:Min		11:35	2:51	12:27	2:56	12:12	3:03	12:25	2:39	
MR-6	UBL ISDN Capable, Hrs:Min		2:30	5:09	2:17	2:24	2:31	2:23	2:22	2:13	
MR-6	UDIT Above DS1 Level, Hrs:Min		1:58	1:09	2:36	4:48	1:36	2:07	1:23	0:33	a b c d
MR-6	UDIT DS1, Hrs:Min		1:59	1:00	2:36	1:31	2:39	1:10	2:21		a b c d
MR-6	UNE-P, POTS, Hrs:Min	D	13:37	9:04	14:40	13:00	14:03	9:48	13:50	11:49	
MR-6	UNE-P, POTS, Hrs:Min	ND	5:18	3:30	6:11	3:53	6:24	4:20	8:03	5:30	
MR-6	UNE-P, Centrex, Hrs:Min	D	12:08	10:04	23:17	15:01	10:44	8:25	10:23	12:42	b c
MR-6	UNE-P, Centrex, Hrs:Min	ND	9:06	6:31	13:10	3:33	7:19	2:36	6:58	14:05	a b c
MR-6	UNE-P, Centrex 21, Hrs:Min	D	9:55	7:15	10:57	13:53	14:04	5:17	12:00	28:53	a b c d
MR-6	UNE-P, Centrex 21, Hrs:Min	ND	4:05	4:38	5:20	7:14	3:42	2:45	10:53	2:41	b c d
MR-7	**Repair Repeat Report Rate**										
MR-7	Basic Rate ISDN, %	D	22.62%		16.05%		27.84%		17.28%		a b c d
MR-7	Basic Rate ISDN, %	ND	18.11%		18.84%		21.26%		13.13%		a b c d
MR-7	Business, %	D	11.18%	6.82%	12.41%	17.78%	12.21%	16.46%	10.91%	7.69%	
MR-7	Business, %	ND	13.93%	10.42%	9.94%	13.21%	13.62%	9.80%	11.71%	16.67%	
MR-7	Centrex 21, %	D	11.94%		14.60%		11.17%		13.66%		a b c d
MR-7	Centrex 21, %	ND	16.22%		17.91%	0%	19.53%		18.75%		a b c d
MR-7	Centrex, %	D	7.94%	0%	8.53%	0%	8.67%	0%	12.95%		a c d
MR-7	Centrex, %	ND	12.90%	0%	10.00%	0%	17.07%	33.33%	10.16%		a b c d
MR-7	DS0, %		16.44%	25.00%	19.48%	0%	21.53%	0%	18.59%	0%	a b c d
MR-7	DS1, %		28.48%	58.33%	31.39%	28.57%	28.46%	16.67%	25.10%	50.00%	b c d

WASHINGTON PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-7	DS3, %		22.22%		25.00%		25.93%		11.11%		a b c d
MR-7	E911, %		66.67%		66.67%	0%	0%	0%			a b c d
MR-7	EELs, %			33.33%		33.33%		66.67%		33.33%	b c d
MR-7	Frame Relay, %		20.52%		19.55%		19.21%		16.57%		a b c d
MR-7	ISDN Primary, %		14.81%	0%	21.88%	100%	15.38%		18.60%		a b c d
MR-7	Line Sharing, %	D	46.34%	59.09%	41.62%	41.18%	48.59%	21.43%	53.73%	37.50%	d
MR-7	Line Sharing, %	ND	23.69%	19.05%	27.71%	16.67%	38.50%	10.00%	41.16%	37.50%	c d
MR-7	LIS Trunk, %		0%	30.00%	16.67%	12.50%	20.00%	0%	6.67%	0%	c
MR-7	PBX, %	D	17.39%	0%	13.56%		13.73%	0%	7.50%	50.00%	a b c d
MR-7	PBX, %	ND	14.94%	50.00%	13.04%	0%	8.93%	0%	16.67%	50.00%	a b c d
MR-7	Qwest DSL, %		29.91%		31.50%		40.72%		44.24%	100%	a b c d
MR-7	Residence, %	D	11.77%	8.75%	12.25%	8.87%	11.60%	10.48%	11.68%	7.77%	
MR-7	Residence, %	ND	12.62%	14.29%	11.25%	12.20%	11.23%	17.14%	11.24%	13.33%	
MR-7	UBL - 2-wire, %		19.91%	2.56%	17.81%	14.81%	24.11%	9.68%	15.00%	23.53%	
MR-7	UBL - 4-wire, %		28.48%	50.00%	31.39%	0%	28.46%	0%	25.10%		a b c d
MR-7	UBL - ADSL Qualified, %		29.91%	0%	31.50%	0%	40.72%	0%	44.24%	0%	a b c d
MR-7	UBL - DS1 Capable, %		28.48%	28.77%	31.39%	26.39%	28.46%	26.87%	25.10%	22.03%	
MR-7	UBL - DS3 Capable, %		22.22%		25.00%		25.93%		11.11%		a b c d
MR-7	UBL Analog, %		11.97%	10.97%	11.95%	8.99%	11.64%	11.97%	11.53%	14.60%	
MR-7	UBL ISDN Capable, %		19.91%	18.52%	17.81%	16.28%	24.11%	20.93%	15.00%	25.93%	
MR-7	UDIT Above DS1 Level, %		22.22%	0%	25.00%	0%	25.93%	33.33%	11.11%	33.33%	a b c d
MR-7	UDIT DS1, %		28.48%	33.33%	31.39%	0%	28.46%	0%	25.10%		a b c d
MR-7	UNE-P, POTS, %	ND	12.81%	25.35%	11.03%	13.89%	11.55%	14.29%	11.32%	25.40%	
MR-7	UNE-P, POTS, %	D	11.71%	15.57%	12.27%	7.26%	11.67%	16.35%	11.59%	8.99%	
MR-7	UNE-P, Centrex, %	ND	12.90%	16.67%	10.00%	60.00%	17.07%	25.00%	10.16%	23.08%	a b c
MR-7	UNE-P, Centrex, %	D	7.94%	14.29%	8.53%	16.67%	8.67%	33.33%	12.95%	17.65%	b c
MR-7	UNE-P, Centrex 21, %	ND	16.22%	28.57%	17.91%	16.67%	19.53%	0%	18.75%	22.22%	b c d
MR-7	UNE-P, Centrex 21, %	D	11.94%	0%	14.60%	14.29%	11.17%	0%	13.66%	0%	a b c d
MR-7*	Basic Rate ISDN, %	D	20.27%		16.95%		34.25%				a b c d
MR-7*	Basic Rate ISDN, %	ND	14.00%		31.82%		15.22%				a b c d
MR-7*	Business, %	D	10.99%	8.57%	12.51%	15.38%	11.78%	17.65%			d
MR-7*	Business, %	ND	15.31%	15.63%	9.15%	15.38%	14.56%	8.33%			d
MR-7*	Centrex 21, %	D	13.25%		14.36%		10.29%				a b c d
MR-7*	Centrex 21, %	ND	16.67%		12.86%	0%	23.44%				a b c d

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Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-7*	Centrex, %	D	8.02%	0%	9.50%	0%	10.08%	0%			a c d
MR-7*	Centrex, %	ND	15.00%	0%	7.79%	0%	14.46%	0%			a b c d
MR-7*	DS0, %		13.51%	33.33%	16.93%	0%	21.62%				a b c d
MR-7*	DS1, %		29.96%	55.56%	33.69%	100%	31.41%	33.33%			a b c d
MR-7*	DS3, %		23.08%		16.67%		21.43%				a b c d
MR-7*	E911, %		50.00%		50.00%			0%			a b c d
MR-7*	EELs, %			33.33%		33.33%		100%			a b c d
MR-7*	Frame Relay, %		19.71%		21.80%		21.48%				a b c d
MR-7*	ISDN Primary, %		12.50%	0%	0%	100%	8.33%				a b c d
MR-7*	Line Sharing, %	D	56.60%	61.90%	42.47%	53.85%	56.63%	20.00%			c d
MR-7*	Line Sharing, %	ND	18.68%	23.08%	27.85%	25.00%	42.49%	33.33%			b c d
MR-7*	LIS Trunk, %		0%	50.00%	7.69%	10.00%	21.43%	0%			b c d
MR-7*	PBX, %	D	19.44%		16.33%		16.67%	0%			a b c d
MR-7*	PBX, %	ND	12.90%		12.07%		13.21%				a b c d
MR-7*	Qwest DSL, %		27.23%		31.29%		45.18%				a b c d
MR-7*	Residence, %	D	11.59%	7.69%	11.89%	8.62%	11.56%	10.00%			d
MR-7*	Residence, %	ND	13.96%	11.76%	12.28%	16.00%	12.64%	16.67%			d
MR-7*	UBL - 2-wire, %		17.74%	0%	23.30%	13.33%	26.89%	14.29%			d
MR-7*	UBL - 4-wire, %		29.96%	50.00%	33.69%		31.41%				a b c d
MR-7*	UBL - ADSL Qualified, %		27.23%	0%	31.29%	0%	45.18%	0%			a b c d
MR-7*	UBL - DS1 Capable, %		29.96%	32.73%	33.69%	22.00%	31.41%	36.00%			d
MR-7*	UBL - DS3 Capable, %		23.08%		16.67%		21.43%				a b c d
MR-7*	UBL Analog, %		11.87%	9.76%	11.90%	7.39%	11.76%	13.19%			d
MR-7*	UBL ISDN Capable, %		17.74%	17.50%	23.30%	12.90%	26.89%	17.65%			d
MR-7*	UDIT Above DS1 Level, %		23.08%	0%	16.67%	0%	21.43%	0%			a b c d
MR-7*	UDIT DS1, %		29.96%	33.33%	33.69%	0%	31.41%	0%			a b c d
MR-7*	UNE-P, POTS, %	D	11.52%	15.32%	11.95%	5.88%	11.58%	13.98%			d
MR-7*	UNE-P, POTS, %	ND	14.19%	20.93%	11.62%	13.51%	12.94%	10.26%			d
MR-7*	UNE-P, Centrex, %	D	8.02%	16.67%	9.50%	16.67%	10.08%	40.00%			b c d
MR-7*	UNE-P, Centrex, %	ND	15.00%	0%	7.79%	50.00%	14.46%	40.00%			a b c d
MR-7*	UNE-P, Centrex 21, %	D	13.25%	0%	14.36%	16.67%	10.29%	0%			a b c d
MR-7*	UNE-P, Centrex 21, %	ND	16.67%	42.86%	12.86%	0%	23.44%	0%			a b c d
MR-8	**Trouble Rate**										
MR-8	Basic Rate ISDN, %		0.92%	0%	0.96%	0%	0.99%	0%	0.81%	0%	

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Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-8	Business, %		0.56%	0.77%	0.67%	0.77%	0.55%	0.97%	0.57%	0.78%	
MR-8	Centrex 21, %		0.45%	0%	0.52%	0.74%	0.47%	0%	0.50%	0%	
MR-8	Centrex, %		0.31%	0.25%	0.34%	0.55%	0.28%	0.20%	0.27%	0%	
MR-8	Dark Fiber - IOF, %			0%		0%		0%		0%	
MR-8	Dark Fiber - Loop, %			0%		0%		0%		0%	a b c d
MR-8	DS0, %		0.59%	0.54%	0.67%	0.55%	0.62%	0.11%	0.64%	0.12%	
MR-8	DS1, %		1.75%	9.02%	1.87%	5.22%	1.64%	4.17%	1.66%	2.74%	
MR-8	DS3, %		0.55%		0.37%	0%	0.82%		0.55%		a b c d
MR-8	E911, %		0.25%	0%	0.24%	0.20%	0.08%	0.40%	0%	0%	
MR-8	EELs, %			8.45%		1.78%		1.52%		3.02%	
MR-8	Frame Relay, %		1.68%		1.64%		1.53%		1.35%		a b c d
MR-8	ISDN Primary, %		0.03%	1.56%	0.03%	1.56%	0.03%	0%	0.04%	0%	
MR-8	Line Sharing, %		0.98%	0.86%	1.09%	0.68%	1.02%	0.45%	0.94%	0.29%	
MR-8	LIS Trunk, %		0.01%	0.01%	0.01%	0.01%	0.01%	0%	0.01%	0.01%	
MR-8	PBX, %		0.14%	0.23%	0.18%	0.12%	0.17%	0.23%	0.16%	0.58%	
MR-8	Qwest DSL, %		1.37%	0%	2.01%	0%	2.63%	0%	1.85%	33.33%	a b c d
MR-8	Residence, %		1.10%	1.13%	1.20%	1.65%	1.15%	1.48%	1.03%	1.19%	
MR-8	UBL - 2-wire, %		0.92%	0.59%	0.96%	0.41%	0.99%	0.47%	0.81%	0.26%	
MR-8	UBL - 4-wire, %		1.75%	0.77%	1.87%	0.39%	1.64%	0.81%	1.66%	0%	
MR-8	UBL - ADSL Qualified, %		1.37%	0.34%	2.01%	0.52%	2.63%	0.71%	1.85%	0.18%	
MR-8	UBL - DS1 Capable, %		1.75%	2.60%	1.87%	2.47%	1.64%	2.19%	1.66%	1.87%	
MR-8	UBL - DS3 Capable, %		0.55%		0.37%		0.82%		0.55%		a b c d
MR-8	UBL Analog, %		0.98%	0.53%	1.09%	0.58%	1.02%	0.55%	0.94%	0.48%	
MR-8	UBL ISDN Capable, %		0.92%	1.67%	0.96%	1.34%	0.99%	1.33%	0.81%	0.84%	
MR-8	UDIT Above DS1 Level, %		0.55%	1.47%	0.37%	0.98%	0.82%	1.44%	0.55%	1.33%	
MR-8	UDIT DS1, %		1.75%	3.31%	1.87%	0.53%	1.64%	3.17%	1.66%	0%	
MR-8	UNE-P, POTS, %		0.98%	0.73%	1.09%	0.76%	1.02%	0.71%	0.94%	0.61%	
MR-8	UNE-P, Centrex, %		0.31%	0.69%	0.34%	0.43%	0.28%	0.59%	0.27%	1.29%	
MR-8	UNE-P, Centrex 21, %		0.45%	0.85%	0.52%	0.72%	0.47%	0.28%	0.50%	0.67%	
MR-8*	Basic Rate ISDN, %		0.54%	0%	0.45%	0%	0.53%	0%			d
MR-8*	Business, %		0.45%	0.56%	0.53%	0.51%	0.44%	0.69%			d
MR-8*	Centrex 21, %		0.32%	0%	0.37%	0.74%	0.34%	0%			d
MR-8*	Centrex, %		0.24%	0.14%	0.26%	0.44%	0.22%	0.12%			d
MR-8*	Dark Fiber - IOF, %			0%		0%		0%			d

WASHINGTON PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-8*	Dark Fiber - Loop, %			0%		0%		0%			a b c d
MR-8*	DS0, %		0.42%	0.40%	0.48%	0.33%	0.40%	0%			d
MR-8*	DS1, %		1.08%	6.77%	1.20%	1.49%	1.00%	2.08%			d
MR-8*	DS3, %		0.40%		0.18%	0%	0.43%				a b c d
MR-8*	E911, %		0.16%	0%	0.16%	0%	0%	0.20%			d
MR-8*	EELs, %			6.34%		1.78%		1.02%			d
MR-8*	Frame Relay, %		1.00%		0.99%		1.02%				a b c d
MR-8*	ISDN Primary, %		0.01%	1.56%	0.01%	1.56%	0.01%	0%			d
MR-8*	Line Sharing, %		0.81%	0.68%	0.90%	0.33%	0.84%	0.24%			d
MR-8*	LIS Trunk, %		0.01%	0.01%	0.01%	0%	0.01%	0%			d
MR-8*	PBX, %		0.07%	0%	0.11%	0%	0.10%	0.12%			d
MR-8*	Qwest DSL, %		0.72%	0%	0.98%	0%	1.43%	0%			a b c d
MR-8*	Residence, %		0.91%	0.99%	1.00%	1.41%	0.95%	1.23%			d
MR-8*	UBL - 2-wire, %		0.54%	0.24%	0.45%	0.23%	0.53%	0.32%			d
MR-8*	UBL - 4-wire, %		1.08%	0.77%	1.20%	0%	1.00%	0%			d
MR-8*	UBL - ADSL Qualified, %		0.72%	0.17%	0.98%	0.35%	1.43%	0.53%			d
MR-8*	UBL - DS1 Capable, %		1.08%	1.96%	1.20%	1.72%	1.00%	1.64%			d
MR-8*	UBL - DS3 Capable, %		0.40%		0.18%		0.43%				a b c d
MR-8*	UBL Analog, %		0.81%	0.36%	0.90%	0.38%	0.84%	0.39%			d
MR-8*	UBL ISDN Capable, %		0.54%	1.23%	0.45%	0.97%	0.53%	1.05%			d
MR-8*	UDIT Above DS1 Level, %		0.40%	0.98%	0.18%	0.49%	0.43%	0.48%			d
MR-8*	UDIT DS1, %		1.08%	3.31%	1.20%	0.53%	1.00%	2.65%			d
MR-8*	UNE-P, POTS, %		0.81%	0.58%	0.90%	0.54%	0.84%	0.52%			d
MR-8*	UNE-P, Centrex, %		0.24%	0.45%	0.26%	0.39%	0.22%	0.42%			d
MR-8*	UNE-P, Centrex 21, %		0.32%	0.45%	0.37%	0.45%	0.34%	0.22%			d
MR-9	**Repair Appointments Met**										
MR-9	Basic Rate ISDN, %	D	100%		50.00%						a b c d
MR-9	Basic Rate ISDN, %	ND			100%		100%				a b c d
MR-9	Business, %	D	90.47%	100%	90.99%	95.56%	89.56%	98.73%	89.56%	92.31%	
MR-9	Business, %	ND	96.10%	97.92%	97.88%	98.11%	96.60%	98.04%	87.55%	90.48%	
MR-9	Centrex 21, %	D	84.58%		80.53%		78.17%		73.17%		a b c d
MR-9	Centrex 21, %	ND	90.99%		94.78%	100%	92.19%		85.42%		a b c d
MR-9	Centrex, %	D	60.69%	100%	64.14%	76.92%	73.68%	100%	66.12%		a c d
MR-9	Centrex, %	ND	80.00%	100%	80.41%	100%	87.88%	66.67%	84.44%		a b c d

WASHINGTON PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-9	PBX, %	D	85.71%		66.67%		88.24%	100%	71.43%	100%	a b c d
MR-9	PBX, %	ND	100%	100%	90.32%		100%		100%	100%	a b c d
MR-9	Residence, %	ND	98.85%	96.43%	98.29%	100%	98.12%	100%	96.62%	90.00%	
MR-9	Residence, %	D	94.93%	97.50%	93.28%	98.39%	93.84%	98.39%	95.29%	96.12%	
MR-9	UNE-P, POTS, %	D	94.45%	95.90%	93.03%	87.10%	93.39%	87.50%	94.64%	94.38%	
MR-9	UNE-P, POTS, %	ND	98.46%	98.59%	98.21%	97.22%	97.91%	98.70%	95.08%	93.65%	
MR-10	**Customer and Non-Qwest Related Trouble Reports**										
MR-10	Basic Rate ISDN, %		17.58%		20.65%		16.10%		20.00%		a b c d
MR-10	Business, %		36.35%	28.13%	35.39%	42.01%	37.92%	28.96%	35.63%	40.22%	
MR-10	Centrex 21, %		37.10%		36.40%	50.00%	35.64%		32.88%		a b c d
MR-10	Centrex, %		27.55%	30.00%	32.21%	31.82%	30.53%	28.57%	30.47%	100%	a c d
MR-10	DS0, %		28.87%	0%	27.13%	16.67%	30.10%	0%	26.21%	50.00%	a b c d
MR-10	DS1, %		13.35%	20.00%	19.63%	30.00%	18.51%	33.33%	20.56%	20.00%	b c d
MR-10	DS3, %		25.00%		40.00%		18.18%		18.18%		a b c d
MR-10	E911, %		0%	100%	0%	66.67%	50.00%	0%	100%		a b c d
MR-10	Frame Relay, %		22.11%		19.12%		22.22%		20.09%		a b c d
MR-10	ISDN Primary, %		25.00%	0%	36.00%	0%	27.78%		18.87%		a b c d
MR-10	LIS Trunk, %		40.00%	31.03%	35.71%	27.27%	42.31%	43.75%	11.76%	38.89%	
MR-10	PBX, %		28.88%	20.00%	24.02%	0%	33.47%	20.00%	25.25%	9.09%	a b c
MR-10	Qwest DSL, %		41.13%		46.91%		46.32%		51.72%	50.00%	a b c d
MR-10	Residence, %		34.82%	34.55%	35.11%	34.78%	34.82%	33.47%	36.11%	35.44%	
MR-10	UBL - 2-wire, %		17.58%	15.22%	20.65%	20.59%	16.10%	20.51%	20.00%	29.17%	
MR-10	UBL - 4-wire, %		13.35%	0%	19.63%	0%	18.51%	0%	20.56%	100%	a b c d
MR-10	UBL - ADSL Qualified, %		41.13%	33.33%	46.91%	25.00%	46.32%	20.00%	51.72%	66.67%	a b c d
MR-10	UBL - DS1 Capable, %		13.35%	9.88%	19.63%	7.69%	18.51%	9.46%	20.56%	13.24%	
MR-10	UBL - DS3 Capable, %		25.00%		40.00%		18.18%		18.18%		a b c d
MR-10	UBL Analog, %		35.00%	18.56%	35.14%	22.83%	35.19%	19.81%	36.05%	22.60%	
MR-10	UBL ISDN Capable, %		17.58%	6.90%	20.65%	4.44%	16.10%	6.52%	20.00%	10.00%	
MR-10	UDIT Above DS1 Level, %		25.00%	0%	40.00%	0%	18.18%	40.00%	18.18%	25.00%	a b c d
MR-10	UDIT DS1, %		13.35%	14.29%	19.63%	0%	18.51%	0%	20.56%		a b c d
MR-10	UNE-P, POTS, %		35.00%	33.90%	35.14%	32.88%	35.19%	38.85%	36.05%	36.93%	
MR-10	UNE-P, Centrex, %		27.55%	35.48%	32.21%	59.26%	30.53%	39.13%	30.47%	45.45%	
MR-10	UNE-P, Centrex 21, %		37.10%	34.78%	36.40%	38.10%	35.64%	44.44%	32.88%	25.00%	c
MR-11	**LNP Trouble Reports Cleared**										

WASHINGTON PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-11A	within 4 Hours, %		62.73%		55.12%	100%	55.13%		47.82%		a b c d
MR-11B	within 48 Hours, %		99.65%		99.70%	100%	99.44%		97.15%	100%	a b c d
NETWORK PERFORMANCE											
NI-1	**Trunk Blocking**										
NI-1A	to Qwest Tandem Offices, LIS Trunk, %		0.27%	0.02%	0.26%	0%	0.11%	0.04%	0.11%	0.03%	
NI-1B	to Qwest End Offices, LIS Trunk, %		0%	0%	0%	0.01%	0%	0%	0%	0%	
NI-1C	to Qwest Tandem Offices, LIS Trunk, %		0.27%	0.11%	0.26%	0%	0.11%	0.04%	0.11%	0.03%	
NI-1D	to Qwest End Offices, LIS Trunk, %		0%	0.09%	0%	0.12%	0%	0.02%	0%	0.23%	
NP-1	**NXX Code Activation**										
NP-1A	All, %		100%								a b c d
NP-1B	Facility Delays, All, %		0%								a b c d
ORDER ACCURACY											
OA-1	Order Accuracy, % (OP-5++)					99.32%		99.75%		99.66%	a
ORDERING AND PROVISIONING											
OP-2	**Calls Answered within Twenty Seconds - Interconnect Provisioning Center**										
OP-2	Default, %		80.97%	96.94%	75.62%	97.87%	72.08%	98.27%	82.25%	97.82%	
OP-3	**Installation Commitments Met**										
OP-3	Basic Rate ISDN, %	D	90.21%		95.83%		100%		50.00%		a b c d
OP-3	Basic Rate ISDN, %	ND	93.75%		100%		100%		100%		a b c d
OP-3	Basic Rate ISDN, %		77.14%		86.50%		86.17%		84.44%		a b c d
OP-3	Business, %	D	92.95%	75.00%	92.88%	100%	93.39%	100%	93.42%	90.91%	a
OP-3	Business, %	ND	98.77%	100%	98.97%	100%	98.25%	98.77%	98.97%	100%	
OP-3	Centrex 21, %	D	87.73%		92.21%		87.41%		87.42%		a b c d
OP-3	Centrex 21, %	ND	100%		98.11%	100%	94.03%		99.21%	100%	a b c d
OP-3	Centrex, %	D	95.47%	100%	90.00%	66.67%	93.68%	0%	93.38%		a b c d
OP-3	Centrex, %	ND	100%	100%	94.12%		90.00%		100%		a b c d
OP-3	DS0, %	D	53.85%		0%		87.50%		84.21%		a b c d
OP-3	DS0, %	ND	57.14%	0%	100%		66.67%		100%		a b c d
OP-3	DS0, %		81.82%	100%	86.54%		69.47%		76.19%		a b c d
OP-3	DS1, %		79.10%		80.03%	100%	81.87%		85.51%		a b c d
OP-3	DS3, %		86.67%		70.00%		69.64%		84.21%		a b c d
OP-3	E911, %								0%		a b c d
OP-3	EELs, %			75.00%		70.00%		94.12%		100%	
OP-3	Frame Relay, %		76.92%		77.01%		86.96%		86.62%		a b c d

WASHINGTON PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-3	ISDN Primary, %	D	100%						100%		a b c d
OP-3	ISDN Primary, %	ND	100%								a b c d
OP-3	ISDN Primary, %		72.15%		81.19%		84.48%		40.00%		a b c d
OP-3	Line Sharing, %	D	94.90%		94.68%		94.59%		94.71%		a b c d
OP-3	Line Sharing, %	ND	99.44%	100%	99.28%	100%	99.37%	100%	99.40%	99.40%	
OP-3	LIS Trunk, %		96.15%	96.88%	93.75%	96.00%	100%	97.62%	100%	100%	
OP-3	PBX, %	D	100%		95.00%		90.00%		80.00%		a b c d
OP-3	PBX, %	ND	100%		100%		100%		100%		a b c d
OP-3	PBX, %		83.72%	100%	58.06%	100%	80.85%	66.67%	63.33%		a b c d
OP-3	Qwest DSL, %	D	98.03%		97.19%	100%	97.00%		97.06%	100%	a b c d
OP-3	Qwest DSL, %	ND	99.54%	100%	98.93%	100%	98.76%	100%	98.90%	100%	
OP-3	Qwest DSL, %		91.67%		92.98%		90.32%	100%	79.17%		a b c d
OP-3	Residence, %	D	95.38%	99.18%	95.13%	98.49%	94.88%	97.12%	95.03%	97.66%	
OP-3	Residence, %	ND	99.46%	100%	99.29%	99.81%	99.39%	100%	99.41%	99.71%	
OP-3	UBL - 2-wire, %		85.14%	98.92%	92.48%	100%	86.53%	99.49%	82.99%	100%	
OP-3	UBL - 4-wire, %		79.10%	100%	80.03%		81.87%		85.51%		a b c d
OP-3	UBL - ADSL Qualified, %		98.05%	100%	97.20%	100%	96.92%	95.00%	96.80%	100%	d
OP-3	UBL - DS1 Capable, %		79.10%	91.95%	80.03%	88.80%	81.87%	91.56%	85.51%	91.41%	
OP-3	UBL - DS3 Capable, %		86.67%		70.00%		69.64%		84.21%		a b c d
OP-3	UBL Analog, %	D	94.90%								a b c d
OP-3	UBL Analog, %		94.90%	98.58%	94.68%	98.92%	94.59%	98.87%	94.71%	99.63%	
OP-3	UBL Conditioned, %			96.09%		92.73%		96.77%		74.35%	
OP-3	UBL ISDN Capable, %		85.14%	97.10%	92.48%	98.57%	86.53%	97.33%	82.99%	98.15%	
OP-3	UDIT Above DS1 Level, %		86.67%		70.00%		69.64%		84.21%	100%	a b c d
OP-3	UDIT DS1, %		79.10%		80.03%	100%	81.87%	100%	85.51%	100%	a b c d
OP-3	UNE-P, POTS, %	D	94.90%	99.02%	94.68%	99.21%	94.59%	95.57%	94.71%	96.35%	
OP-3	UNE-P, POTS, %	ND	99.44%	99.78%	99.28%	99.78%	99.37%	99.74%	99.40%	99.92%	
OP-3	UNE-P, Centrex, %	D	95.47%	100%	90.00%	100%	93.68%	92.31%	93.38%	100%	a b d
OP-3	UNE-P, Centrex, %	ND	100%		94.12%	100%	90.00%	100%	100%	100%	a b c d
OP-3	UNE-P, Centrex 21, %	D	87.73%	50.00%	92.21%	100%	87.41%	100%	87.42%	100%	a b c d
OP-3	UNE-P, Centrex 21, %	ND	100%	100%	98.11%	100%	94.03%	97.53%	99.21%	97.06%	
OP-4	**Installation Interval**										
OP-4	Basic Rate ISDN, Avg Days	D	9.04		6.90		2.33		5.63		a b c d
OP-4	Basic Rate ISDN, Avg Days	ND	9.00		0.45		3.00		2.00		a b c d

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Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-4	Basic Rate ISDN, Avg Days		13.86		9.84		9.24		10.64		a b c d
OP-4	Business, Avg Days	D	5.50	7.75	5.87	4.20	5.81	2.91	5.81	6.00	a
OP-4	Business, Avg Days	ND	3.67	2.60	3.32	2.35	3.62	2.27	3.02	2.15	
OP-4	Centrex 21, Avg Days	D	6.49		5.74		6.80		6.46		a b c d
OP-4	Centrex 21, Avg Days	ND	2.81		3.15	4.00	3.61		3.49		a b c d
OP-4	Centrex, Avg Days	D	3.18	2.50	3.62	5.67	4.98	10.00	4.23		a b c d
OP-4	Centrex, Avg Days	ND	1.76	0.00	3.76		4.45		6.40		a b c d
OP-4	Dark Fiber - Loop, Avg Days									20.00	a b c d
OP-4	DS0, Avg Days	D	12.73		9.95		2.88		4.79		a b c d
OP-4	DS0, Avg Days	ND	2.75	2.50	2.33		5.00		0.00		a b c d
OP-4	DS0, Avg Days		7.50	2.00	7.61		9.41		9.72		a b c d
OP-4	DS1, Avg Days		17.52		17.05	9.00	16.59		16.57		a b c d
OP-4	DS3, Avg Days		15.34		17.80		20.58		15.93		a b c d
OP-4	E911, Avg Days								42.43	54.00	a b c d
OP-4	EELs, Avg Days			9.53		7.42		6.53		7.30	d
OP-4	Frame Relay, Avg Days		11.33		17.00		11.50		10.00		a b c d
OP-4	ISDN Primary, Avg Days	D	8.50						3.00		a b c d
OP-4	ISDN Primary, Avg Days	ND	10.00								a b c d
OP-4	ISDN Primary, Avg Days		36.93		11.03		10.43		22.44	12.00	a b c d
OP-4	Line Sharing, Avg Days	D	5.00		5.34		5.36		5.45		a b c d
OP-4	Line Sharing, Avg Days	ND	3.50	2.99	3.59	2.99	3.51	2.99	3.70	3.14	
OP-4	LIS Trunk, Avg Days		19.90	18.79	17.98	17.82	22.50	16.41	20.84	15.18	
OP-4	PBX, Avg Days	D	5.72		5.30		2.00		13.73		a b c d
OP-4	PBX, Avg Days	ND	1.50		0.20		2.00		2.40		a b c d
OP-4	PBX, Avg Days		11.03	6.00	13.63	5.00	20.01	26.67	17.24	23.50	a b c d
OP-4	Qwest DSL, Avg Days	D	9.59		5.92	13.00	5.30		5.16	5.00	a b c d
OP-4	Qwest DSL, Avg Days	ND	9.33	8.06	4.87	4.35	4.87	4.61	4.85	5.13	
OP-4	Qwest DSL, Avg Days		5.35		5.10		4.41	5.00	4.14		a b c d
OP-4	Residence, Avg Days	D	4.88	3.25	5.21	3.51	5.25	3.58	5.37	4.02	
OP-4	Residence, Avg Days	ND	3.49	2.94	3.59	2.90	3.50	2.90	3.71	2.90	
OP-4	UBL - 2-wire, Avg Days		11.05	3.91	7.85	3.93	9.07	3.63	10.14	3.67	
OP-4	UBL - 4-wire, Avg Days		17.52		17.05		16.59		16.57		a b c d
OP-4	UBL - ADSL Qualified, Avg Days		9.52	4.20	5.91	3.90	5.31	3.19	5.15	5.00	d
OP-4	UBL - DS1 Capable, Avg Days		17.52	11.94	17.05	5.83	16.59	5.38	16.57	5.15	

WASHINGTON PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-4	UBL - DS3 Capable, Avg Days		15.34		17.80		20.58		15.93		a b c d
OP-4	UBL Analog, Avg Days	D	5.00								a b c d
OP-4	UBL Analog, Avg Days		5.00	4.81	5.34	5.04	5.36	5.22	5.45	5.12	
OP-4	UBL Conditioned, Avg Days			5.41		5.80		7.47		7.34	
OP-4	UBL ISDN Capable, Avg Days		11.05	4.52	7.85	4.31	9.07	4.28	10.14	4.10	
OP-4	UDIT Above DS1 Level, Avg Days		15.34	7.67	17.80		20.58	12.33	15.93	7.40	a b c d
OP-4	UDIT DS1, Avg Days		17.52		17.05	6.60	16.59	4.50	16.57	4.00	a b c d
OP-4	UNE-P, POTS, Avg Days	D	5.00	3.83	5.34	5.07	5.36	4.74	5.45	4.52	
OP-4	UNE-P, POTS, Avg Days	ND	3.50	3.13	3.59	2.99	3.51	2.99	3.70	3.40	
OP-4	UNE-P, Centrex, Avg Days	D	3.18	5.00	3.62	4.20	4.98	4.85	4.23	6.20	a b d
OP-4	UNE-P, Centrex, Avg Days	ND	1.76		3.76	3.75	4.45	4.50	6.40	0.00	a b c d
OP-4	UNE-P, Centrex 21, Avg Days	ND	2.81	3.36	3.15	3.50	3.61	2.50	3.49	3.33	b c d
OP-4	UNE-P, Centrex 21, Avg Days	D	6.49	9.40	5.74	5.00	6.80	4.33	6.46	6.67	a b c d
OP-5	**New Service Installation Quality**										
OP-5	Basic Rate ISDN, %		96.23%	100%	98.02%		94.48%		89.33%		a b c d
OP-5	Business, %		88.60%	76.77%	85.81%	76.00%	87.98%	69.07%	88.65%	69.88%	
OP-5	Centrex 21, %		87.22%	100%	81.86%	100%	75.94%	100%	85.71%	100%	a b c d
OP-5	Centrex, %		73.21%	100%	82.45%	0%	91.15%	50.00%	93.76%	100%	a b c d
OP-5	Dark Fiber - Loop, %									100%	a b c d
OP-5	DS0, %		70.73%	100%	65.88%	100%	66.67%		44.23%		a b c d
OP-5	DS1, %		94.47%		92.75%	100%	94.48%	0%	93.89%		a b c d
OP-5	DS3, %		100%		98.08%		97.18%		100%		a b c d
OP-5	E911, %		100%	100%	100%		100%	100%	100%	100%	a b c d
OP-5	EELs, %			78.26%		95.65%		96.00%		90.00%	
OP-5	Frame Relay, %		95.61%		96.68%		97.21%		85.63%		a b c d
OP-5	ISDN Primary, %		100%		98.51%		98.85%		97.22%	100%	a b c d
OP-5	Line Sharing, %		90.32%	96.83%	88.98%	95.79%	89.93%	97.03%	90.53%	99.15%	
OP-5	LIS Trunk, %		100%	100%	100%	100%	95.24%	100%	97.30%	93.48%	
OP-5	PBX, %		90.52%	100%	83.18%	100%	83.17%	100%	89.02%	100%	a b c d
OP-5	Qwest DSL, %		99.79%	100%	99.74%	100%	99.72%	100%	99.86%	100%	
OP-5	Residence, %		90.49%	94.56%	89.28%	92.26%	90.10%	94.50%	90.68%	95.35%	
OP-5	UBL - 2-wire, %		96.23%	96.82%	98.02%	96.85%	94.48%	98.71%	89.33%	99.11%	
OP-5	UBL - 4-wire, %		94.47%	100%	92.75%	100%	94.48%		93.89%		a b c d
OP-5	UBL - ADSL Qualified, %		98.66%	100%	98.26%	100%	98.14%	100%	99.13%	100%	

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Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-5	UBL - DS1 Capable, %		94.47%	91.97%	92.75%	95.45%	94.48%	94.58%	93.89%	91.57%	
OP-5	UBL - DS3 Capable, %		100%		98.08%		97.18%		100%		a b c d
OP-5	UBL Analog, %		71.91%	98.54%	67.48%	98.25%	69.28%	98.78%	69.97%	99.25%	
OP-5	UBL ISDN Capable, %		96.23%	88.17%	98.02%	92.39%	94.48%	95.96%	89.33%	93.33%	
OP-5	UDIT Above DS1 Level, %		100%	50.00%	98.08%	100%	97.18%	100%	100%	100%	a b c d
OP-5	UDIT DS1, %		94.47%	100%	92.75%	100%	94.48%	100%	93.89%	100%	a b c d
OP-5	UNE-P, POTS, %		90.32%	98.61%	88.98%	98.06%	89.93%	97.30%	90.53%	97.94%	
OP-5	UNE-P, Centrex, %		73.21%	100%	82.45%	100%	91.15%	91.67%	93.76%	76.92%	a b
OP-5	UNE-P, Centrex 21, %		87.22%	94.74%	81.86%	94.12%	75.94%	98.04%	85.71%	95.08%	
OP-5*	Basic Rate ISDN, %		98.35%	100%	98.27%		96.93%				a b c d
OP-5*	Business, %		90.71%	83.84%	88.65%	83.00%	90.74%	82.47%			d
OP-5*	Centrex 21, %		93.06%	100%	87.91%	100%	82.08%	100%			a b c d
OP-5*	Centrex, %		79.31%	100%	85.10%	33.33%	92.56%	50.00%			a b c d
OP-5*	DS0, %		78.05%	100%	75.29%	100%	75.68%				a b c d
OP-5*	DS1, %		96.77%		95.77%	100%	96.52%	0%			a b c d
OP-5*	DS3, %		100%		100%		98.59%				a b c d
OP-5*	E911, %		100%	100%	100%		100%	100%			a b c d
OP-5*	EELs, %			78.26%		95.65%		100%			d
OP-5*	Frame Relay, %		97.30%		97.16%		98.32%				a b c d
OP-5*	ISDN Primary, %		100%		99.01%		99.14%				a b c d
OP-5*	Line Sharing, %		92.04%	98.42%	90.80%	98.23%	91.68%	98.51%			d
OP-5*	LIS Trunk, %		100%	100%	100%	100%	95.24%	100%			d
OP-5*	PBX, %		93.97%	100%	92.52%	100%	90.10%	100%			a b c d
OP-5*	Qwest DSL, %		99.82%	100%	99.81%	100%	99.83%	100%			d
OP-5*	Residence, %		92.17%	94.81%	91.00%	92.93%	91.76%	95.32%			d
OP-5*	UBL - 2-wire, %		98.35%	99.09%	98.27%	99.55%	96.93%	99.14%			d
OP-5*	UBL - 4-wire, %		96.77%	100%	95.77%	100%	96.52%				a b c d
OP-5*	UBL - ADSL Qualified, %		98.87%	100%	98.72%	100%	98.85%	100%			d
OP-5*	UBL - DS1 Capable, %		96.77%	93.43%	95.77%	96.97%	96.52%	97.59%			d
OP-5*	UBL - DS3 Capable, %		100%		100%		98.59%				a b c d
OP-5*	UBL Analog, %		76.89%	99.40%	72.84%	99.00%	74.62%	99.32%			d
OP-5*	UBL ISDN Capable, %		98.35%	91.40%	98.27%	94.57%	96.93%	97.98%			d
OP-5*	UDIT Above DS1 Level, %		100%	50.00%	100%	100%	98.59%	100%			a b c d
OP-5*	UDIT DS1, %		96.77%	100%	95.77%	100%	96.52%	100%			a b c d

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Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-5*	UNE-P, POTS, %		92.04%	98.79%	90.80%	98.60%	91.68%	97.72%			d
OP-5*	UNE-P, Centrex, %		79.31%	100%	85.10%	100%	92.56%	91.67%			a b d
OP-5*	UNE-P, Centrex 21, %		93.06%	94.74%	87.91%	100%	82.08%	100%			d
OP-6A	**Delayed Days for Non-Facility Reasons**										
OP-6A	Basic Rate ISDN, Avg Days	D	40.50		1.50				4.25		a b c d
OP-6A	Basic Rate ISDN, Avg Days		22.03		11.50		8.84		12.31		a b c d
OP-6A	Business, Avg Days	D	4.92	6.00	5.64		3.94		6.78	2.00	a b c d
OP-6A	Business, Avg Days	ND	10.55		1.78		7.27	1.00	3.29		a b c d
OP-6A	Centrex 21, Avg Days	D	4.29		2.45		4.50		2.56		a b c d
OP-6A	Centrex 21, Avg Days	ND			8.00		4.00		8.00		a b c d
OP-6A	Centrex, Avg Days	D	2.50		3.00	1.00	3.39	2.00	5.17		a b c d
OP-6A	Centrex, Avg Days	ND			15.00		10.00				a b c d
OP-6A	DS0, Avg Days	D	15.38		4.24		2.00		6.33		a b c d
OP-6A	DS0, Avg Days	ND	1.33	1.00			3.00				a b c d
OP-6A	DS0, Avg Days		8.75		7.00		13.30		19.67		a b c d
OP-6A	DS1, Avg Days		14.40		20.74		20.44		30.36		a b c d
OP-6A	DS3, Avg Days		22.00		30.08		20.62		29.63		a b c d
OP-6A	E911, Avg Days								11.40		a b c d
OP-6A	EELs, Avg Days			13.40		14.50		10.67		14.00	a b c d
OP-6A	Frame Relay, Avg Days		13.24		14.67		24.23		15.86		a b c d
OP-6A	ISDN Primary, Avg Days		40.70		8.01		21.71		31.39		a b c d
OP-6A	Line Sharing, Avg Days	D	4.40	2.00	4.35	1.00	3.87		6.07		a b c d
OP-6A	Line Sharing, Avg Days	ND	5.97		5.42	16.00	4.66	2.00	6.11		a b c d
OP-6A	LIS Trunk, Avg Days		10.00	38.00	11.25	16.00		8.00	7.00		a b c d
OP-6A	PBX, Avg Days	D			11.00				4.00		a b c d
OP-6A	PBX, Avg Days		9.56		12.18		29.19	56.00	17.62	14.50	a b c d
OP-6A	Qwest DSL, Avg Days	D	3.07		3.24		5.89		4.89		a b c d
OP-6A	Qwest DSL, Avg Days	ND	7.88		5.27		3.13		5.08		a b c d
OP-6A	Qwest DSL, Avg Days		15.20		3.25		5.25		3.00		a b c d
OP-6A	Residence, Avg Days	D	4.16	12.00	3.68	3.00	3.84	2.00	5.81	2.00	a b c d
OP-6A	Residence, Avg Days	ND	5.60		5.58	2.50	4.51		6.21	5.00	a b c d
OP-6A	UBL - 2-wire, Avg Days		28.68	2.00	9.15	2.50	8.84	1.00	10.70		a b c d
OP-6A	UBL - 4-wire, Avg Days		14.40		20.74		20.44		30.36		a b c d
OP-6A	UBL - ADSL Qualified, Avg Days		3.07		3.24		6.14	1.00	4.50		a b c d

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Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-6A	UBL - DS1 Capable, Avg Days		14.40	26.28	20.74	3.25	20.44	3.77	30.36	5.40	d
OP-6A	UBL - DS3 Capable, Avg Days		22.00		30.08		20.62		29.63		a b c d
OP-6A	UBL Analog, Avg Days	D	4.40								a b c d
OP-6A	UBL Analog, Avg Days		4.40	3.97	4.35	5.82	3.87	3.11	6.07	4.00	d
OP-6A	UBL ISDN Capable, Avg Days		28.68	6.00	9.15		8.84	7.00	10.70	1.00	a b c d
OP-6A	UDIT Above DS1 Level, Avg Days		22.00		30.08		20.62		29.63		a b c d
OP-6A	UDIT DS1, Avg Days		14.40		20.74		20.44		30.36		a b c d
OP-6A	UNE-P, POTS, Avg Days	D	4.40	1.00	4.35	1.00	3.87	2.80	6.07	2.50	a b c d
OP-6A	UNE-P, POTS, Avg Days	ND	5.97	1.67	5.42	3.00	4.66	5.67	6.11	11.00	a b c d
OP-6A	UNE-P, Centrex, Avg Days	D	2.50		3.00		3.39	3.00	5.17		a b c d
OP-6A	UNE-P, Centrex, Avg Days	ND			15.00		10.00				a b c d
OP-6A	UNE-P, Centrex 21, Avg Days	D	4.29	1.00	2.45		4.50		2.56		a b c d
OP-6A	UNE-P, Centrex 21, Avg Days	ND			8.00		4.00	3.00	8.00	9.00	a b c d
OP-6B	**Delayed Days for Facility Reasons**										
OP-6B	Basic Rate ISDN, Avg Days	D	19.00		16.00						a b c d
OP-6B	Basic Rate ISDN, Avg Days	ND	42.00								a b c d
OP-6B	Basic Rate ISDN, Avg Days		5.00				10.50		38.50		a b c d
OP-6B	Business, Avg Days	D	16.19	1.00	11.39		13.28		12.05	32.00	a b c d
OP-6B	Business, Avg Days	ND					25.00				a b c d
OP-6B	Centrex 21, Avg Days	D	13.17		12.00		13.25		6.27		a b c d
OP-6B	Centrex, Avg Days	D	5.63		6.69		6.50		9.67		a b c d
OP-6B	DS0, Avg Days		3.00		16.00		5.25		11.80		a b c d
OP-6B	DS1, Avg Days		23.89		19.00		31.11		16.80		a b c d
OP-6B	DS3, Avg Days				19.00		37.00		30.00		a b c d
OP-6B	Frame Relay, Avg Days		29.00		29.88		20.50		49.50		a b c d
OP-6B	ISDN Primary, Avg Days								14.00		a b c d
OP-6B	Line Sharing, Avg Days	D	10.29		10.36	2.50	10.01	8.00	9.96	4.00	a b c d
OP-6B	Line Sharing, Avg Days	ND	4.69	8.75	6.00	5.13	8.85	15.00	5.69	4.90	a b c
OP-6B	PBX, Avg Days	D					1.00		33.00		a b c d
OP-6B	PBX, Avg Days		3.00		33.50		23.20		25.00		a b c d
OP-6B	Qwest DSL, Avg Days	D	4.00		5.63		5.00		5.00		a b c d
OP-6B	Qwest DSL, Avg Days	ND			3.80		5.00		8.00		a b c d
OP-6B	Residence, Avg Days	D	8.67		10.11	1.00	9.25	12.50	9.40	5.50	a b c d
OP-6B	Residence, Avg Days	ND	4.69		6.00		5.91		5.69	13.00	a b c d

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Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-6B	UBL - 2-wire, Avg Days		15.20		16.00		10.50	5.00	38.50		a b c d
OP-6B	UBL - 4-wire, Avg Days		23.89		19.00		31.11		16.80		a b c d
OP-6B	UBL - ADSL Qualified, Avg Days		4.00		5.63		5.00		5.00		a b c d
OP-6B	UBL - DS1 Capable, Avg Days		23.89		19.00		31.11	14.50	16.80	10.50	a b c d
OP-6B	UBL - DS3 Capable, Avg Days				19.00		37.00		30.00		a b c d
OP-6B	UBL Analog, Avg Days	D	10.29								a b c d
OP-6B	UBL Analog, Avg Days		10.29		10.36		10.01		9.96		a b c d
OP-6B	UBL ISDN Capable, Avg Days		15.20		16.00	1.50	10.50		38.50		a b c d
OP-6B	UDIT Above DS1 Level, Avg Days				19.00		37.00		30.00		a b c d
OP-6B	UDIT DS1, Avg Days		23.89		19.00		31.11		16.80		a b c d
OP-6B	UNE-P, POTS, Avg Days	D	10.29		10.36		10.01	6.00	9.96	4.50	a b c d
OP-6B	UNE-P, POTS, Avg Days	ND	4.69		6.00		8.85		5.69		a b c d
OP-6B	UNE-P, Centrex, Avg Days	D	5.63		6.69		6.50		9.67		a b c d
OP-6B	UNE-P, Centrex 21, Avg Days	D	13.17	8.00	12.00		13.25		6.27		a b c d
OP-7	**Coordinated "Hot Cut" Interval - Unbundled Loop**										
OP-7	Analog, Hrs:Min			0:03		0:03		0:03		0:03	
OP-7	Other, Hrs:Min			0:02		0:10		0:15		0:22	a b c d
OP-8	**Number Portability Timeliness**										
OP-8B	LNP, %			99.91%		99.30%		99.76%		99.30%	
OP-8C	% LNP Triggers Set Prior to the Frame Due Time, LNP%			99.14%		99.45%		95.28%		98.44%	
OP-13	**Coordinated Cuts - Unbundled Loop**										
OP-13A	Completed on Time, UBL - Analog, %			99.23%		99.49%		99.81%		99.72%	
OP-13A	Completed on Time, UBL Other, %			98.00%		98.36%		97.99%		98.36%	
OP-13B	Started Without CLEC Approval, UBL - Analog, %			0.26%		0%		0%		0%	
OP-13B	Started Without CLEC Approval, UBL Other, %			0%		0%		0.67%		0%	
OP-15A	**Interval for Pending Orders Delayed Past Due Date**										
OP-15A	Basic Rate ISDN, Avg Days		129.53		130.50		167.97		179.83		a b c d
OP-15A	Business, Avg Days		65.61	83.50	62.57	112.67	72.83	139.67	76.09	379.00	a b c d
OP-15A	Centrex 21, Avg Days		57.52		66.56		85.14		91.81		a b c d
OP-15A	Centrex, Avg Days		24.29		70.54		30.74		36.45		a b c d
OP-15A	Dark Fiber - Loop, Avg Days									38.00	a b c d
OP-15A	DS0, Avg Days		98.65		102.90		109.42		128.71		a b c d
OP-15A	DS1, Avg Days		43.68		54.81		56.13		58.25		a b c d

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Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-15A	DS3, Avg Days		53.11		57.19		64.58		40.57		a b c d
OP-15A	E911, Avg Days						3.40				a b c d
OP-15A	EELs, Avg Days			24.50		13.50		14.17		29.60	a b c d
OP-15A	Frame Relay, Avg Days		33.64		39.91		33.73		20.84		a b c d
OP-15A	ISDN Primary, Avg Days		6.42		25.87		34.25		21.38		a b c d
OP-15A	Line Sharing, Avg Days			19.13		9.58		9.48		7.49	a
OP-15A	LIS Trunk, Avg Days			51.00		50.67		69.33		89.33	a b c d
OP-15A	PBX, Avg Days		40.90	121.00	37.58	143.00	31.47	135.00	53.50	286.00	a b c d
OP-15A	Residence, Avg Days		74.00	84.00	77.94	39.80	82.27	69.70	96.33	168.50	a c d
OP-15A	UBL - 2-wire, Avg Days		129.53	53.57	130.50	56.78	167.97	74.89	179.83	83.89	a b c d
OP-15A	UBL - 4-wire, Avg Days		43.68		54.81		56.13		58.25		a b c d
OP-15A	UBL - DS1 Capable, Avg Days		43.68	30.73	54.81	31.45	56.13	18.91	58.25	25.38	
OP-15A	UBL - DS3 Capable, Avg Days		53.11	28.00	57.19	50.00	64.58	72.00	40.57	92.00	a b c d
OP-15A	UBL Analog, Avg Days		75.90	20.33	75.21	46.71	88.98	75.00	94.84	69.57	b c d
OP-15A	UBL ISDN Capable, Avg Days		129.53	17.50	130.50	21.00	167.97	23.33	179.83	22.20	a b c d
OP-15A	UDIT Above DS1 Level, Avg Days		53.11		57.19		64.58	30.00	40.57		a b c d
OP-15A	UDIT DS1, Avg Days		43.68		54.81		56.13		58.25		a b c d
OP-15A	UNE-P, POTS, Avg Days		72.42	68.95	74.87	57.03	80.56	70.43	92.25	87.45	
OP-15A	UNE-P, Centrex, Avg Days		24.29		70.54	0.00	30.74		36.45	19.00	a b c d
OP-15A	UNE-P, Centrex 21, Avg Days		57.52		66.56		85.14	3.00	91.81		a b c d
OP-15B	**Pending Orders Delayed for Facilities Reasons**										
OP-15B	Basic Rate ISDN		16		14		21		25		a b c d
OP-15B	Business		107	0	131	1	112	1	131	0	a b c d
OP-15B	Centrex 21		7		9		8		7		a b c d
OP-15B	Centrex		18		2		8		9		a b c d
OP-15B	Dark Fiber - Loop									2	a b c d
OP-15B	DS0		0		2		4		2		a b c d
OP-15B	DS1		77		51		47		49		a b c d
OP-15B	DS3		15		17		15		17		a b c d
OP-15B	E911						0				a b c d
OP-15B	EELs			2		2		4		4	a b c d
OP-15B	Frame Relay		9		6		10		6		a b c d
OP-15B	ISDN Primary		5		6		48		2		a b c d
OP-15B	Line Sharing			5		25		24		41	a b c d

WASHINGTON PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-15B	LIS Trunk			0		0		2		2	a b c d
OP-15B	PBX		12	1	11	1	9	1	3	0	a b c d
OP-15B	Residence		403	1	410	2	396	2	344	0	a b c d
OP-15B	UBL - 2-wire		16	0	14	0	21	9	25	9	a b c d
OP-15B	UBL - 4-wire		77		51		47		49		a b c d
OP-15B	UBL - DS1 Capable		77	4	51	4	47	9	49	12	a b c d
OP-15B	UBL - DS3 Capable		15	0	17	0	15	1	17	1	a b c d
OP-15B	UBL Analog		297	12	303	2	252	4	258	6	a b c d
OP-15B	UBL ISDN Capable		16	0	14	0	21	1	25	2	a b c d
OP-15B	UDIT Above DS1 Level		15		17		15	1	17		a b c d
OP-15B	UDIT DS1		77		51		47		49		a b c d
OP-15B	UNE-P, POTS		510	3	541	4	508	1	475	4	a b c d
OP-15B	UNE-P, Centrex		18		2	0	8		9	0	a b c d
OP-15B	UNE-P, Centrex 21		7		9		8	0	7		a b c d
OP-17	**Timeliness of Disconnects associated with LNP Orders**										
OP-17A	LNP, %			100%		99.73%		100%		100%	
OP-17B	LNP, %			99.99%		100%		100%		100%	
OPERATOR SERVICES											
OS-1	**Speed of Answer - Operator Services**										
OS-1	Average Seconds		9.26		9.86		8.92		8.69		a b c d
PRE-ORDER/ORDER											
PO-1	**Pre-Order/Order Response Times**										
PO-1A-1(a)	Appt. Sched, GUI Req, Avg Sec			0.55		0.57		0.55		0.56	
PO-1A-1(b-c)	Appt. Sched, GUI Resp/Accept, Avg Sec			2.44		2.6		2.24		1.77	
PO-1A-1Total	Appt. Sched, GUI Aggr, Avg Sec			2.99		3.17		2.79		2.33	
PO-1A-2(a)	Service Avail, GUI Req, Avg Sec			0.51		0.52		0.51		0.5	
PO-1A-2(b)	Service Avail, GUI Resp, Avg Sec			5.66		6.11		6.37		6.75	
PO-1A-2Total	Service Avail, GUI Aggr, Avg Sec			6.17		6.63		6.89		7.25	
PO-1A-3(a)	Facility Check, GUI Req, Avg Sec			0.7		0.72		0.7		0.7	
PO-1A-3(b)	Facility Check, GUI Resp, Avg Sec			7.41		7.73		7.63		7.48	
PO-1A-3Total	Facility Check, GUI Aggr, Avg Sec			8.11		8.45		8.33		8.18	
PO-1A-4(a)	Address Validation, GUI Req, Avg Sec			1.3		1.32		1.34		1.31	
PO-1A-4(b)	Address Validation, GUI Resp, Avg Sec			4.64		4.65		4.67		5.1	
PO-1A-4Total	Address Validation, GUI Aggr, Avg Sec			5.94		5.97		6.01		6.41	

WASHINGTON PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
PO-1A-5(a)	Get CSR, GUI Req, Avg Sec			0.69		0.74		0.72		0.7	
PO-1A-5(b)	Get CSR, GUI Resp, Avg Sec			6.55		5.79		5.82		5.59	
PO-1A-5Total	Get CSR, GUI Aggr, Avg Sec			7.23		6.53		6.54		6.28	
PO-1A-6(a)	TN Reserv, GUI Req, Avg Sec			0.79		0.82		0.8		0.79	
PO-1A-6(b)	TN Reserv, GUI Resp, Avg Sec			4.45		4.91		4.69		4.5	
PO-1A-6(c)	TN Reserv, GUI Accept, Avg Sec			0.65		0.74		0.71		0.66	
PO-1A-6Total	TN Reserv, GUI Aggr, Avg Sec			5.89		6.47		6.2		5.94	
PO-1A-7(a)	Loop Qual Tools, GUI Req, Avg Sec			0.95		0.98		0.96		1.05	
PO-1A-7(b)	Loop Qual Tools, GUI Resp, Avg Sec			8.73		8.09		7.9		5.75	
PO-1A-7Total	Loop Qual Tools, GUI Aggr, Avg Sec			9.68		9.07		8.86		6.8	
PO-1A-8(a)	Resale of Qwest DSL Qual, GUI Req, Avg Sec			0.9		0.98		0.91		0.91	
PO-1A-8(b)	Resale of Qwest DSL Qual, GUI Resp, Avg Sec			5.51		6.66		6.09		5.63	
PO-1A-8Total	Resale of Qwest DSL Qual, GUI Aggr, Avg Sec			6.41		7.64		7		6.54	
PO-1A-9(a)	Connecting Facility Assign, GUI Req, Avg Sec			0.44		0.44		0.47		0.44	
PO-1A-9(b)	Connecting Facility Assign, GUI Resp, Avg Sec			17.83		18.14		14.1		8.25	
PO-1A-9Total	Connecting Facility Assign, GUI Aggr, Avg Sec			18.28		18.58		14.56		8.69	
PO-1A-10(a)	Meet Point Inquiry, GUI Req, Avg Sec			0.48		0.48		0.48		0.47	
PO-1A-10(b)	Meet Point Inquiry, GUI Resp, Avg Sec			19.85		19.95		13.51		4.87	
PO-1A-10Total	Meet Point Inquiry, GUI Aggr, Avg Sec			20.34		20.43		14		5.34	
PO-1B-1	Appt. Sched, EDI Req/Resp, Avg Sec			4.77		4.55		3.99		3.55	
PO-1B-2	Service Avail, EDI Req/Resp, Avg Sec			6.32		6.09		6.23		6.61	
PO-1B-3	Facility Check, EDI Req/Resp, Avg Sec			6.38		5.73		6.75		7.33	
PO-1B-4	Address Validation, EDI Req/Resp, Avg Sec			3.11		2.47		2.52		2.88	
PO-1B-5	Get CSR, EDI Req/Resp, Avg Sec			3.43		2.01		2.6		2.66	
PO-1B-6	TN Reserv, EDI Req/Resp, Avg Sec			5.41		5.52		5.06		5.18	
PO-1B-7	Loop Qual Tools, EDI Req/Resp, Avg Sec			9.23		8.64		9.67		7.24	
PO-1B-8	Resale of Qwest DSL Qual, EDI Req/Resp, Avg Sec			6.31		6.11		5.16		5.74	
PO-1B-9	Connecting Facility Assign, EDI Req/Resp, Avg Sec			18.12		16.97		12.37		8.03	
PO-1B-10	Meet Point Inquiry, EDI Req/Resp, Avg Sec			20.77		20.29		13.09		5.41	
PO-1C-2	Timeout, EDI Total, %			0.07%		0%		0.02%		0.24%	
PO-1D-1	Rejected Query, GUI Total, Avg Sec			1.46		1.57		1.36		1.34	
PO-1D-2	Rejected Query, EDI Total, Avg Sec			2.84		3.15		2.15		1.84	
PO-2	**Electronic Flow-through**										
PO-2A-1	GUI, LNP, %			45.55%		53.51%		44.90%		43.03%	

WASHINGTON PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
PO-2A-1	GUI, Resale Aggr w/o UNE-P-POTS, %			71.32%		76.11%		76.47%		82.40%	
PO-2A-1	GUI, UBL Aggr, %			31.67%		28.41%		34.74%		40.75%	
PO-2A-1	GUI, UNE-P, POTS, %			60.54%		54.03%		60.80%		64.96%	
PO-2A-2	EDI, LNP, %			66.84%		76.40%		75.67%		78.76%	
PO-2A-2	EDI, Resale Aggr w/o UNE-P-POTS, %			79.78%		73.44%		84.67%		85.48%	
PO-2A-2	EDI, UBL Aggr, %			49.79%		52.94%		54.68%		54.98%	
PO-2A-2	EDI, UNE-P, POTS, %			52.37%		62.81%		60.64%		61.81%	
PO-2B-1	All Eligible LSRs, GUI, LNP, %			96.83%		96.08%		95.08%		95.50%	
PO-2B-1	All Eligible LSRs, GUI, POTS Resale, %			92.54%		94.33%		94.74%		97.00%	
PO-2B-1	All Eligible LSRs, GUI, UBL Aggr, %			82.84%		84.99%		91.92%		94.58%	
PO-2B-1	All Eligible LSRs, GUI, UNE-P, POTS, %			88.52%		84.45%		85.67%		90.41%	
PO-2B-2	All Eligible LSRs, EDI, LNP, %			96.18%		96.82%		95.85%		97.90%	
PO-2B-2	All Eligible LSRs, EDI, POTS Resale, %			95.95%		92.16%		96.67%		94.64%	
PO-2B-2	All Eligible LSRs, EDI, UBL Aggr, %			84.54%		90.01%		90.29%		91.11%	
PO-2B-2	All Eligible LSRs, EDI, UNE-P, POTS, %			83.98%		87.27%		90.48%		92.03%	
PO-3	**LSR Rejection Notice Interval**										
PO-3A-1	GUI - Manual Reject, Product Aggr, Hrs:Min			4:22		3:00		4:11		3:22	
PO-3A-2	GUI - Auto-Reject, Product Aggr, Min:Sec			00:04		00:04		00:03		00:03	
PO-3B-1	EDI - Manual Reject, Product Aggr, Hrs:Min			3:01		3:42		4:23		4:23	
PO-3B-2	EDI - Auto-Reject, Product Aggr, Min:Sec			00:06		00:06		00:05		00:05	
PO-3C	Manual and IIS, Product Aggr, Hrs:Min			10:29		17:31		14:52		9:19	
PO-4	**LSRs Rejected**										
PO-4A-1	GUI - Manual Reject, Product Aggr, %			4.36%		2.25%		2.41%		2.20%	
PO-4A-2	GUI - Auto-Reject, Product Aggr, %			31.30%		32.17%		31.07%		31.56%	
PO-4B-1	EDI - Manual Reject, Product Aggr, %			8.19%		4.46%		4.57%		4.67%	
PO-4B-2	EDI - Auto-Reject, Product Aggr, %			24.11%		24.10%		20.28%		20.79%	
PO-4C	Facsimile , Product Aggr, %			37.70%		25.39%		25.25%		32.31%	
PO-5	**Firm Order Confirmations (FOCs) On Time**										
PO-5A-1(a)	Fully Electronic, GUI, Resale Aggr, %			100%		99.97%		99.69%		99.93%	
PO-5A-1(b)	Fully Electronic, GUI, UBL Aggr, %			99.71%		100%		99.75%		100%	
PO-5A-1(c)	Fully Electronic, GUI, LNP, %			99.69%		100%		100%		100%	
PO-5A-2(a)	Fully Electronic, EDI, Resale Aggr, %			99.12%		100%		99.80%		100%	
PO-5A-2(b)	Fully Electronic, EDI, UBL Aggr, %			99.72%		100%		100%		100%	
PO-5A-2(c)	Fully Electronic, EDI, LNP, %			99.63%		99.94%		99.96%		100%	

WASHINGTON PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
PO-5B-1(a)	Elec/Manual, GUI, Resale Aggr, %			94.59%		95.75%		96.19%		97.43%	
PO-5B-1(b)	Elec/Manual, GUI, UBL Aggr, %			98.77%		98.74%		98.00%		96.88%	
PO-5B-1(c)	Elec/Manual, GUI, LNP, %			99.87%		99.71%		100%		99.87%	
PO-5B-2(a)	Elec/Manual, EDI, Resale Aggr, %			99.35%		99.13%		98.48%		98.66%	
PO-5B-2(b)	Elec/Manual, EDI, UBL Aggr, %			99.65%		98.64%		99.01%		98.99%	
PO-5B-2(c)	Elec/Manual, EDI, LNP, %			99.77%		99.84%		99.89%		100%	
PO-5C-(a)	Manual, Resale Aggr, %			94.64%		99.22%		89.32%		97.75%	
PO-5C-(b)	Manual, UBL Aggr, %			100%		95.65%		100%		100%	d
PO-5C-(c)	Manual, LNP, %			100%		100%		100%		100%	
PO-5D	LIS Trunk, %			100%		100%		100%		100%	
PO-6	**Work Completion Notification Timeliness**										
PO-6A	IMA - GUI, All, Hrs:Min			0:34		0:52		1:04		1:06	
PO-6B	IMA - EDI, All, Hrs:Min			0:24		1:57		1:49		1:02	
PO-7	**Billing Completion Notification Timeliness**										
PO-7A-C	IMA - GUI, All, %		97.23%	99.47%	100%	99.95%	100%	99.92%	100%	99.96%	
PO-7B-C	IMA - EDI, All, %		97.23%		100%		100%		100%		a b c d
PO-8	**Jeopardy Notice Interval**										
PO-8A	Non-Designed Services, Avg Days		4.08	2.00	4.53	1.33	5.01	2.00	4.48	2.67	a b c d
PO-8B	UBLs and LNP, Avg Days		4.08	3.24	4.53	3.82	5.01	3.55	4.48	4.32	
PO-8C	LIS Trunk, Avg Days						9.00				a b c d
PO-8D	UNE-P, POTS, Avg Days		4.08	3.00	4.53	10.17	5.01	3.50	4.48	5.00	a b c d
PO-9	**Timely Jeopardy Notices**										
PO-9A	Non-Designed Services, %		13.71%	0%	16.72%	0%	16.52%	10.00%	16.24%	14.29%	a b c d
PO-9B	UBLs and LNP, %		13.71%	10.23%	16.72%	19.78%	16.52%	14.49%	16.24%	53.45%	
PO-9C	LIS Trunk, %		0%	0%	0%	0%	0%		0%	0%	a b c d
PO-9D	UNE-P, POTS, %		13.71%	0%	16.72%	0%	16.52%	10.00%	16.24%	0%	a b c d
PO-10	**LSR Accountability**										
PO-10	Product Aggr, %			100%		100%		100%		100%	
PO-15	**Number of Due Date Changes per Order**										
PO-15	All, Avg Days		0.04	0.09	0.03	0.13	0.02	0.10	0.02	0.15	
PO-16	**Timely Release Notifications**										
PO-16	Default, %					100%		100%		100%	a b c d
PO-19	**Stand-Alone Test Environment (SATE) Accuracy**										
PO-19	SATE Accuracy, %			98.95%							b c d

WASHINGTON PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
PO-19A	SATE Accuracy, Rel. 10.0, %					100%		98.45%		98.45%	a
PO-19A	SATE Accuracy, Rel. 8.0, %					100%		99.47%		98.94%	a
PO-19A	SATE Accuracy, Rel. 9.0, %					99.47%		100%		98.94%	a
PO-19A	SATE Accuracy, Rel. VICKI, %					100%		100%		100%	a
PO-19B	SATE Accuracy, %					99.16%					a c d
PO-20	**Manual Service Order Accuracy**										
PO-20	POTS Resale, %			90.25%		90.58%		92.78%		96.88%	
PO-20	UBL Aggr, %			96.46%		95.20%		95.16%		94.42%	

Metric Number:

* = Metrics recalculated after NTF tickets are excluded. These metrics have not been audited by a third party.

DR: Disaggregation Reporting

D = Dispatch (both within MSAs and outside MSAs)

ND = No Dispatch

blank = State Level

Notes:

a = Sample size less than or equal to 10 in June 2002

b = Sample size less than or equal to 10 in July 2002

c = Sample size less than or equal to 10 in August 2002

d = Sample size less than or equal to 10 in September 2002

Appendix J

Wyoming Performance Metrics

The data in this appendix are taken from Qwest November 15 Ex Parte Letter Attach. 1 (Statewide Average Performance Summary, CO, ID, IA, MT, NE, ND, UT, WA, WY, May-Sept 2002). This table is provided as a reference tool for the convenience of the reader. No conclusions are to be drawn from the raw data contained in this table. Our analysis is based on the totality of the circumstances, such that we may use non-metric evidence, and may rely more heavily on some metrics more than others, in making our determination. The inclusion of these particular metrics in this table does not necessarily mean that we relied on all of these metrics nor that other metrics may not also be important in our analysis. Some metrics that we have relied on in the past and may rely on for a future application were not included here because there was no data provided for them (usually either because there was no activity, or because the metrics are still under development). Metrics with no retail analog provided are usually compared with a benchmark. Note that for some metrics during the period provided, there may be changes in the metric definition, or changes in the retail analog applied, making it difficult to compare the data over time.

PERFORMANCE METRIC CATEGORIES

Metric Number	Metric Name
Billing	
BI-1	Time to Provide Recorded Usage Records
BI-2	Invoices Delivered within 10 Days
BI-3	Billing Accuracy - Adjustments for Errors
BI-4	Billing Completeness
BI-5	Billing Accuracy & Claims Processing
Collocation	
CP-1	Collocation Completion Interval
CP-2	Collocations Completed within Scheduled Intervals
CP-3	Collocation Feasibility Study Interval
CP-4	Collocation Feasibility Study Commitments Met
Directory Assistance	
DA-1	Speed of Answer - Directory Assistance
Database Updates	
DB-1	Time to Update Databases
DB-2	Accurate Database Updates
Electronic Gateway Availability	
GA-1	Gateway Availability - IMA-GUI
GA-2	Gateway Availability - IMA-EDI
GA-3	Gateway Availability - EB-TA
GA-4	System Availability - EXACT
GA-6	Gateway Availability - GUI - Repair
GA-7	Timely Outage Resolution Following Software Releases
Maintenance and Repair	
MR-2	Calls Answered within 20 Seconds - Interconnect Repair Ctr
MR-3	Out of Service Cleared within 24 Hours
MR-4	All Troubles Cleared within 48 Hours
MR-5	All Troubles Cleared within 4 Hours
MR-6	Mean Time to Restore
MR-7	Repair Repeat Report Rate
MR-8	Trouble Rate
MR-9	Repair Appointments Met
MR-10	Customer and Non-Qwest Related Trouble Reports
MR-11	LNP Trouble Reports Cleared within 24 Hours

Metric Number	Metric Name
Network Performance	
NI-1	Trunk Blocking
NP-1	NXX Code Activation
Order Accuracy	
OA-1	Order Accuracy, Default %
Ordering and Provisioning	
OP-2	Calls Answered within 20 Seconds - Interconnect Provisioning Ctr
OP-3	Installation Commitments Met
OP-4	Installation Interval
OP-5	New Service Installation Quality
OP-6A	Delayed Days for Non-Facility Reasons
OP-6B	Delayed Days for Facility Reasons
OP-7	Coordinated "Hot Cut" Interval - Unbundled Loop
OP-8	Number Portability Timeliness
OP-13	Coordinated Cuts - Unbundled Loop
OP-15A	Interval for Pending Orders Delayed
OP-15B	Number of Pending Orders Delayed for Facility Reasons
OP-17	Timeliness of Disconnects Associated with LNP Orders
Operator Services	
OS-1	Speed of Answer - Operator Services
Pre-Order/Order	
PO-1	Pre-Order/Order Response Times
PO-2	Electronic Flow-through
PO-3	LSR Rejection Notice Interval
PO-4	LSRs Rejected
PO-5	Firm Order Confirmations (FOCs) On Time
PO-6	Work Completion Notification Timeliness
PO-7	Billing Completion Notification Timeliness
PO-8	Jeopardy Notice Interval
PO-9	Timely Jeopardy Notices
PO-10	LSR Accountability
PO-15	Number of Due Date Changes per Order
PO-16	Timely Release Notifications
PO-19	Stand-Alone Test Environment (SATE) Accuracy
PO-20	Manual Service Order Accuracy

WYOMING PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
BILLING											
BI-1	**Time to Provide Recorded Usage Records**										
BI-1A	UNEs and Resale Aggr, Avg Days		8.16	2.89	7.79	2.40	7.86	2.26	6.40	1.75	
BI-1B	Jointly-provided Switched Access, %			100%		100%		100%		100%	
BI-1C-1	[CAT11], UNEs and Resale Aggr, Avg Days		8.16	2.89	7.79	2.40	7.86	2.26	6.40	1.75	
BI-1C-2	[CAT10], UNEs and Resale Aggr, Avg Days		8.16	3.20	7.79	3.26	7.86	2.17	6.40	1.73	
BI-2	**Invoices Delivered within 10 Days**										
BI-2	All, %			100%		100%		100%		100%	
BI-3	**Billing Accuracy - Adjustments for Errors**										
BI-3A	UNEs and Resale Aggr, %		99.23%	-1.22%	99.39%	99.90%	98.76%	99.42%	99.65%	99.29%	
BI-4	**Billing Completeness**										
BI-4A	UNEs and Resale Aggr, %		99.22%	98.73%	99.32%	97.26%	99.08%	97.74%	99.43%	98.76%	
BI-5	**Billing Accuracy & Claims Processing**										
BI-5A	Acknowledgment, All, %			91.30%		89.52%		100%		99.70%	
BI-5B	Resolution, All, %			90.18%		74.66%		96.38%		100%	
COLLOCATION											
CP-1	**Collocation Completion Interval**										
CP-1A	90 Calendar Days or Less, All, Avg Days					83.00					a b c d
CP-1C	121 to 150 Calendar Days, All, Avg Days					107.00					a b c d
CP-2	**Collocations Completed within Scheduled Intervals**										
CP-2B	Non-Forecasted & Late Forecasted , All, %					100%					a b c d
CP-2C	w/ Intervals Longer than 120 Days, All, %					100%					a b c d
DIRECTORY ASSISTANCE											
DA-1	**Speed of Answer - Directory Assistance**										
DA-1	Average Seconds		8.54		8.77		8.36		8.68		a b c d
DATABASE UPDATES											
DB-1	**Time to Update Databases**										
DB-1A	E911, Hrs:Min			6:14		3:53		2:26		1:59	
DB-1B	LIDB, Avg Sec			1.47		1.32		1.26		1.27	
DB-1C-1	Directory Listing, Avg Sec			0.09		0.11		0.09		0.11	
DB-2	**Accurate Database Updates**										
DB-2C-1	Directory Listing, %			94.91%		95.03%		94.54%		92.58%	
ELECTRONIC GATEWAY AVAILABILITY											

WYOMING PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
GA-1A	IMA-GUI, All, %			99.93%		100%		98.75%		100%	
GA-1B	IMA-GUI, Fetch-n-Stuff, %			100%		100%		100%		100%	
GA-1C	IMA-GUI, Data Arbiter, %			100%		100%		99.96%		100%	
GA-1D	IMA-GUI, SIA, %			100%		99.55%		100%		99.95%	
GA-2	IMA-EDI, %			99.93%		100%		98.26%		99.80%	
GA-3	EB-TA, %			100%		99.54%		99.31%		99.94%	
GA-4	EXACT, %			99.93%		100%		100%		100%	
GA-6	GUI - Repair, %			100%		99.50%		99.92%		100%	
GA-7	Timely Outage Resolution following Software Releases , %							100%			a b c d
MAINTENANCE AND REPAIR											
MR-2	**Calls Answered within Twenty Seconds - Interconnect Repair Center**										
MR-2	All, %		78.59%	80.32%	78.57%	78.71%	84.85%	87.02%	86.24%	85.75%	
MR-3	**Out of Service Cleared within 24 Hours**										
MR-3	Basic Rate ISDN, %	D	100%		100%		100%		100%		a b c d
MR-3	Basic Rate ISDN, %	ND	100%		100%		100%		100%		a b c d
MR-3	Business, %	D	92.92%	100%	95.22%	66.67%	95.17%	100%	94.89%	100%	a b c d
MR-3	Business, %	ND	97.56%		96.83%	100%	100%	100%	100%	100%	a b c d
MR-3	Centrex 21, %	D	100%		84.62%	100%	94.12%		100%	100%	a b c d
MR-3	Centrex 21, %	ND	100%		83.33%		100%		100%		a b c d
MR-3	Centrex, %	D	88.89%	100%	100%	100%	100%	100%	100%	100%	a b c d
MR-3	Centrex, %	ND	100%		100%	100%	100%		100%		a b c d
MR-3	Line Sharing, %	D	95.48%		93.70%		96.22%		94.95%		a b c d
MR-3	Line Sharing, %	ND	96.99%		98.65%		98.91%		96.75%		a b c d
MR-3	PBX, %	D	85.71%		100%	100%	100%		87.50%	100%	a b c d
MR-3	PBX, %	ND	100%		100%	100%	100%	100%	100%		a b c d
MR-3	Qwest DSL, %		100%		80.00%		88.89%		70.00%		a b c d
MR-3	Residence, %	D	95.89%	100%	93.45%	100%	96.41%	100%	94.96%	100%	a b c d
MR-3	Residence, %	ND	96.89%	100%	99.02%		98.71%	100%	96.31%	100%	a b c d
MR-3	UBL - 2-wire, %		100%	100%	100%	100%	100%	100%	100%	100%	a b c d
MR-3	UBL - ADSL Qualified, %		100%		80.00%		88.89%		70.00%		a b c d
MR-3	UBL Analog, %		95.69%		94.43%		96.66%		95.21%		a b c d
MR-3	UBL ISDN Capable, %		100%		100%		100%	100%	100%		a b c d

WYOMING PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-3	UNE-P, POTS, %	D	95.48%	100%	93.70%	100%	96.22%	100%	94.95%	100%	a c d
MR-3	UNE-P, POTS, %	ND	96.99%		98.65%	100%	98.91%	100%	96.75%		a b c d
MR-3	UNE-P, Centrex, %	D	88.89%	100%	100%	98.64%	100%	97.59%	100%	99.19%	
MR-3	UNE-P, Centrex, %	ND	100%	100%	100%	96.00%	100%	100%	100%	100%	
MR-3	UNE-P, Centrex 21, %	D	100%		84.62%		94.12%		100%		a b c d
MR-3	UNE-P, Centrex 21, %	ND	100%		83.33%		100%		100%		a b c d
MR-4	**All Troubles Cleared within 48 Hours**										
MR-4	Basic Rate ISDN, %	D	100%		100%		100%		100%		a b c d
MR-4	Basic Rate ISDN, %	ND	100%		100%		100%		100%		a b c d
MR-4	Business, %	D	98.03%	100%	98.84%	66.67%	99.12%	100%	98.94%	100%	a b c d
MR-4	Business, %	ND	100%		99.19%	100%	100%	100%	100%	100%	a b c d
MR-4	Centrex 21, %	D	96.15%		94.12%	100%	100%		100%	100%	a b c d
MR-4	Centrex 21, %	ND	100%		100%		100%		100%		a b c d
MR-4	Centrex, %	D	100%	100%	100%	100%	100%	100%	100%	100%	a b c d
MR-4	Centrex, %	ND	100%		100%	100%	100%		100%		a b c d
MR-4	Line Sharing, %	D	99.14%	100%	98.57%		99.21%		98.33%		a b c d
MR-4	Line Sharing, %	ND	99.42%		99.42%	100%	100%		99.78%		a b c d
MR-4	PBX, %	D	100%		100%	100%	100%		87.50%	100%	a b c d
MR-4	PBX, %	ND	100%		100%	100%	100%	100%	100%		a b c d
MR-4	Qwest DSL, %		100%		90.00%		94.44%		80.00%		a b c d
MR-4	Residence, %	D	99.32%	100%	98.53%	100%	99.22%	100%	98.23%	100%	a b c d
MR-4	Residence, %	ND	99.29%	100%	99.47%		100%	100%	99.74%	100%	a b c d
MR-4	UBL - 2-wire, %		100%	100%	100%	100%	100%	100%	100%	100%	a b c d
MR-4	UBL - ADSL Qualified, %		100%		90.00%		94.44%		80.00%		a b c d
MR-4	UBL Analog, %		99.19%		98.75%		99.38%		98.59%		a b c d
MR-4	UBL ISDN Capable, %		100%		100%		100%	100%	100%		a b c d
MR-4	UNE-P, POTS, %	ND	99.42%	100%	99.42%	90.00%	100%	100%	99.78%		a b c d
MR-4	UNE-P, POTS, %	D	99.14%	100%	98.57%	100%	99.21%	100%	98.33%	100%	a c d
MR-4	UNE-P, Centrex, %	D	100%	99.49%	100%	98.89%	100%	98.98%	100%	100%	
MR-4	UNE-P, Centrex, %	ND	100%	100%	100%	100%	100%	100%	100%	100%	
MR-4	UNE-P, Centrex 21, %	D	96.15%		94.12%		100%		100%		a b c d
MR-4	UNE-P, Centrex 21, %	ND	100%		100%		100%		100%		a b c d
MR-5	**All Troubles Cleared within 4 Hours**										

WYOMING PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-5	DS0, %		88.10%		91.51%		87.03%		79.41%		a b c d
MR-5	DS1, %		90.00%		89.33%		78.45%	100%	77.92%	100%	a b c d
MR-5	DS3, %				100%		50.00%				a b c d
MR-5	Frame Relay, %		89.47%		93.18%		87.88%		75.00%		a b c d
MR-5	ISDN Primary, %		100%		100%		0%		100%		a b c d
MR-5	LIS Trunk, %			100%	60.00%	100%	100%		100%	100%	a b c d
MR-5	UBL - 4-wire, %		90.00%		89.33%		78.45%		77.92%		a b c d
MR-5	UBL - DS1 Capable, %		90.00%		89.33%		78.45%	100%	77.92%		a b c d
MR-5	UBL - DS3 Capable, %				100%		50.00%				a b c d
MR-5	UDIT Above DS1 Level, %				100%		50.00%				a b c d
MR-5	UDIT DS1, %		90.00%		89.33%		78.45%		77.92%		a b c d
MR-6	**Mean Time to Restore**										
MR-6	Basic Rate ISDN, Hrs:Min	D	6:44		6:30		3:30		4:34		a b c d
MR-6	Basic Rate ISDN, Hrs:Min	ND	1:30		1:02		1:23		2:07		a b c d
MR-6	Business, Hrs:Min	D	10:39	4:32	9:33	27:22	8:19	7:06	8:35	3:00	a b c d
MR-6	Business, Hrs:Min	ND	3:18		4:52	4:27	3:06	1:45	3:26	6:32	a b c d
MR-6	Centrex 21, Hrs:Min	D	7:22		13:40	3:31	5:55		5:34	3:07	a b c d
MR-6	Centrex 21, Hrs:Min	ND	1:23		4:13		4:19		5:49		a b c d
MR-6	Centrex, Hrs:Min	D	12:26	10:08	4:08	1:10	4:25	6:29	5:17	2:06	a b c d
MR-6	Centrex, Hrs:Min	ND	2:59		3:39	0:53	2:31		8:16		a b c d
MR-6	DS0, Hrs:Min		2:14		2:00		2:16		2:40		a b c d
MR-6	DS1, Hrs:Min		1:45		2:18		3:25	0:25	3:05	0:16	a b c d
MR-6	DS3, Hrs:Min				0:13		2:59				a b c d
MR-6	Frame Relay, Hrs:Min		1:40		1:32		2:17		2:43		a b c d
MR-6	ISDN Primary, Hrs:Min		0:05		1:12		21:42		1:43		a b c d
MR-6	Line Sharing, Hrs:Min	D	11:06	3:10	11:49		10:34		11:06		a b c d
MR-6	Line Sharing, Hrs:Min	ND	5:28		6:51	0:52	5:05		6:12		a b c d
MR-6	LIS Trunk, Hrs:Min			0:27	3:02	0:53	1:36		0:36	0:24	a b c d
MR-6	PBX, Hrs:Min	D	8:41		6:19	3:42	3:14		16:07	1:30	a b c d
MR-6	PBX, Hrs:Min	ND	0:59		2:25	4:42	1:51	0:19	7:12		a b c d
MR-6	Qwest DSL, Hrs:Min		12:10		26:42		7:17		18:36		a b c d
MR-6	Residence, Hrs:Min	D	11:10	2:29	12:09	2:35	10:56	4:50	11:30	5:07	a b c d
MR-6	Residence, Hrs:Min	ND	5:56	2:29	7:17		5:27	3:00	6:36	5:17	a b c d

WYOMING PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-6	UBL - 2-wire, Hrs:Min		3:44	1:05	1:57	1:32	2:32	1:47	2:31	1:48	a b c d
MR-6	UBL - 4-wire, Hrs:Min		1:45		2:18		3:25		3:05		a b c d
MR-6	UBL - ADSL Qualified, Hrs:Min		12:10		26:42		7:17		18:36		a b c d
MR-6	UBL - DS1 Capable, Hrs:Min		1:45		2:18		3:25	2:13	3:05		a b c d
MR-6	UBL - DS3 Capable, Hrs:Min				0:13		2:59				a b c d
MR-6	UBL Analog, Hrs:Min		10:02		10:48		9:24		10:13		a b c d
MR-6	UBL ISDN Capable, Hrs:Min		3:44		1:57		2:32	0:41	2:31		a b c d
MR-6	UDIT Above DS1 Level, Hrs:Min				0:13		2:59				a b c d
MR-6	UDIT DS1, Hrs:Min		1:45		2:18		3:25		3:05		a b c d
MR-6	UNE-P, POTS, Hrs:Min	D	11:06	6:07	11:49	5:14	10:34	4:58	11:06	7:12	a c d
MR-6	UNE-P, POTS, Hrs:Min	ND	5:28	0:28	6:51	10:01	5:05	11:05	6:12		a b c d
MR-6	UNE-P, Centrex, Hrs:Min	D	12:26	7:15	4:08	6:35	4:25	6:37	5:17	4:23	
MR-6	UNE-P, Centrex, Hrs:Min	ND	2:59	3:04	3:39	4:35	2:31	3:08	8:16	2:29	
MR-6	UNE-P, Centrex 21, Hrs:Min	D	7:22		13:40		5:55		5:34		a b c d
MR-6	UNE-P, Centrex 21, Hrs:Min	ND	1:23		4:13		4:19		5:49		a b c d
MR-7	**Repair Repeat Report Rate**										
MR-7	Basic Rate ISDN, %	D	33.33%		0%		16.67%		0%		a b c d
MR-7	Basic Rate ISDN, %	ND	0%		40.00%		0%		40.00%		a b c d
MR-7	Business, %	D	13.03%	0%	13.28%	0%	15.61%	16.67%	14.29%	0%	a b c d
MR-7	Business, %	ND	9.89%		16.26%	0%	12.87%	0%	15.79%	0%	a b c d
MR-7	Centrex 21, %	D	3.85%		8.82%	0%	0%		0%	0%	a b c d
MR-7	Centrex 21, %	ND	15.38%		25.00%		10.00%		0%		a b c d
MR-7	Centrex, %	D	0%	0%	5.56%	0%	6.90%	20.00%	14.29%	0%	a b c d
MR-7	Centrex, %	ND	0%		7.69%	0%	0%		18.18%		a b c d
MR-7	DS0, %		21.43%		19.81%		16.76%		19.12%		a b c d
MR-7	DS1, %		35.00%		28.00%		21.55%	75.00%	18.18%	50.00%	a b c d
MR-7	DS3, %				0%		0%				a b c d
MR-7	Frame Relay, %		23.68%		22.73%		10.61%		12.50%		a b c d
MR-7	ISDN Primary, %		0%		0%		0%		0%		a b c d
MR-7	Line Sharing, %	D	66.67%	0%	50.00%		0%		50.00%		a b c d
MR-7	Line Sharing, %	ND	50.00%		16.67%	0%	14.29%		37.50%		a b c d
MR-7	LIS Trunk, %			100%	40.00%	0%	100%		0%	0%	a b c d
MR-7	PBX, %	D	12.50%		9.09%	0%	5.88%		25.00%	0%	a b c d

WYOMING PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-7	PBX, %	ND	5.26%		14.29%	0%	9.52%	0%	25.00%		a b c d
MR-7	Qwest DSL, %		60.00%		30.00%		11.11%		40.00%		a b c d
MR-7	Residence, %	D	14.80%	0%	13.26%	0%	13.22%	0%	14.96%	0%	a b c d
MR-7	Residence, %	ND	10.61%	0%	11.05%		11.33%	0%	9.23%	0%	a b c d
MR-7	UBL - 2-wire, %		14.29%	0%	33.33%	0%	9.09%	20.00%	33.33%	0%	a b c d
MR-7	UBL - 4-wire, %		35.00%		28.00%		21.55%		18.18%		a b c d
MR-7	UBL - ADSL Qualified, %		60.00%		30.00%		11.11%		40.00%		a b c d
MR-7	UBL - DS1 Capable, %		35.00%		28.00%		21.55%	0%	18.18%		a b c d
MR-7	UBL - DS3 Capable, %				0%		0%				a b c d
MR-7	UBL Analog, %		13.80%		13.00%		13.14%		14.03%		a b c d
MR-7	UBL ISDN Capable, %		14.29%		33.33%		9.09%	0%	33.33%		a b c d
MR-7	UDIT Above DS1 Level, %				0%		0%				a b c d
MR-7	UDIT DS1, %		35.00%		28.00%		21.55%		18.18%		a b c d
MR-7	UNE-P, POTS, %	D	14.56%	0%	13.26%	23.08%	13.56%	20.00%	14.87%	0%	a c d
MR-7	UNE-P, POTS, %	ND	10.49%	0%	11.99%	10.00%	11.57%	0%	10.07%		a b c d
MR-7	UNE-P, Centrex, %	ND	0%	16.39%	7.69%	11.54%	0%	10.45%	18.18%	14.55%	
MR-7	UNE-P, Centrex, %	D	0%	11.73%	5.56%	12.71%	6.90%	14.65%	14.29%	11.72%	
MR-7	UNE-P, Centrex 21, %	D	3.85%		8.82%		0%		0%		a b c d
MR-7	UNE-P, Centrex 21, %	ND	15.38%		25.00%		10.00%		0%		a b c d
MR-7*	Basic Rate ISDN, %	D	33.33%		0%		20.00%				a b c d
MR-7*	Basic Rate ISDN, %	ND	0%		0%		0%				a b c d
MR-7*	Business, %	D	13.17%	0%	11.47%	0%	16.23%	16.67%			a b c d
MR-7*	Business, %	ND	13.89%		25.00%	0%	10.71%	0%			a b c d
MR-7*	Centrex 21, %	D	4.17%		10.34%	0%	0%				a b c d
MR-7*	Centrex 21, %	ND	11.11%		33.33%		25.00%				a b c d
MR-7*	Centrex, %	D	0%	0%	5.88%	0%	7.41%	20.00%			a b c d
MR-7*	Centrex, %	ND	0%		11.11%	0%	0%				a b c d
MR-7*	DS0, %		20.41%		17.86%		15.97%				a b c d
MR-7*	DS1, %		33.33%		30.91%		22.73%	100%			a b c d
MR-7*	DS3, %						0%				a b c d
MR-7*	Frame Relay, %		26.32%		22.22%		10.53%				a b c d
MR-7*	ISDN Primary, %						0%				a b c d
MR-7*	Line Sharing, %	D	100%	0%	66.67%		0%				a b c d

WYOMING PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-7*	Line Sharing, %	ND	0%		0%		7.69%				a b c d
MR-7*	LIS Trunk, %				40.00%	0%	100%				a b c d
MR-7*	PBX, %	D	12.50%		11.11%	0%	0%				a b c d
MR-7*	PBX, %	ND	20.00%		20.00%		9.09%				a b c d
MR-7*	Qwest DSL, %		50.00%		40.00%		6.25%				a b c d
MR-7*	Residence, %	D	15.03%	0%	13.23%	0%	13.17%	0%			a b c d
MR-7*	Residence, %	ND	12.14%	0%	15.95%		8.64%	0%			a b c d
MR-7*	UBL - 2-wire, %		20.00%	0%	0%	0%	16.67%	0%			a b c d
MR-7*	UBL - 4-wire, %		33.33%		30.91%		22.73%				a b c d
MR-7*	UBL - ADSL Qualified, %		50.00%		40.00%		6.25%				a b c d
MR-7*	UBL - DS1 Capable, %		33.33%		30.91%		22.73%	0%			a b c d
MR-7*	UBL - DS3 Capable, %						0%				a b c d
MR-7*	UBL Analog, %		14.56%		13.47%		13.05%				a b c d
MR-7*	UBL ISDN Capable, %		20.00%		0%		16.67%				a b c d
MR-7*	UDIT Above DS1 Level, %						0%				a b c d
MR-7*	UDIT DS1, %		33.33%		30.91%		22.73%				a b c d
MR-7*	UNE-P, POTS, %	D	14.77%	0%	13.01%	25.00%	13.59%	25.00%			a c d
MR-7*	UNE-P, POTS, %	ND	12.44%	0%	17.50%	14.29%	9.03%	0%			a b c d
MR-7*	UNE-P, Centrex, %	D	0%	12.02%	5.88%	12.35%	7.41%	14.67%			d
MR-7*	UNE-P, Centrex, %	ND	0%	8.33%	11.11%	12.00%	0%	13.95%			d
MR-7*	UNE-P, Centrex 21, %	D	4.17%		10.34%		0%				a b c d
MR-7*	UNE-P, Centrex 21, %	ND	11.11%		33.33%		25.00%				a b c d
MR-8	**Trouble Rate**										
MR-8	Basic Rate ISDN, %		0.73%	0%	1.24%	0%	1.13%	0%	0.62%	0%	a b c d
MR-8	Business, %		0.67%	0.55%	0.80%	0.48%	0.75%	0.65%	0.58%	0.75%	
MR-8	Centrex 21, %		0.66%	0%	0.84%	0.79%	0.52%	0%	0.46%	0.40%	
MR-8	Centrex, %		0.23%	1.02%	0.47%	0.63%	0.66%	1.04%	0.40%	0.42%	
MR-8	DS0, %		0.80%	0%	1.01%	0%	1.78%	0%	0.67%	0%	
MR-8	DS1, %		1.57%	0%	1.95%	0%	2.97%	21.05%	1.95%	10.53%	
MR-8	DS3, %		0%		0.56%		1.08%		0%		a b c d
MR-8	E911, %		0%		0%		0%		0%		a b c d
MR-8	Frame Relay, %		2.33%		2.69%		3.90%		2.41%		a b c d
MR-8	ISDN Primary, %		0.01%	0%	0.01%	0%	0.01%	0%	0.03%	0%	

WYOMING PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-8	Line Sharing, %		1.21%	1.52%	1.49%	1.37%	1.37%	0%	1.12%	0%	
MR-8	LIS Trunk, %		0%	0.05%	0.04%	0.08%	0.01%	0%	0.02%	0.06%	
MR-8	PBX, %		0.18%	0%	0.17%	0.99%	0.25%	0.31%	0.11%	0.31%	
MR-8	Qwest DSL, %		0.50%		1.03%		1.93%		1.11%		a b c d
MR-8	Residence, %		1.40%	1.16%	1.73%	0.82%	1.59%	1.41%	1.31%	0.84%	
MR-8	UBL - 2-wire, %		0.73%	0.85%	1.24%	0.78%	1.13%	1.19%	0.62%	0.45%	
MR-8	UBL - 4-wire, %		1.57%		1.95%		2.97%		1.95%		a b c d
MR-8	UBL - ADSL Qualified, %		0.50%		1.03%		1.93%		1.11%		a b c d
MR-8	UBL - DS1 Capable, %		1.57%	0%	1.95%	0%	2.97%	16.67%	1.95%	0%	a b c d
MR-8	UBL - DS3 Capable, %		0%		0.56%		1.08%		0%		a b c d
MR-8	UBL Analog, %		1.21%	0%	1.49%	0%	1.37%	0%	1.12%	0%	a b c d
MR-8	UBL ISDN Capable, %		0.73%	0%	1.24%	0%	1.13%	2.17%	0.62%	0%	
MR-8	UDIT Above DS1 Level, %		0%	0%	0.56%	0%	1.08%	0%	0%	0%	a b c d
MR-8	UDIT DS1, %		1.57%	0%	1.95%	0%	2.97%	0%	1.95%	0%	a b
MR-8	UNE-P, POTS, %		1.21%	0.77%	1.49%	1.37%	1.37%	0.42%	1.12%	0.24%	
MR-8	UNE-P, Centrex, %		0.23%	1.12%	0.47%	1.02%	0.66%	1.18%	0.40%	0.90%	
MR-8	UNE-P, Centrex 21, %		0.66%	0%	0.84%	0%	0.52%	0%	0.46%	0%	a b c d
MR-8*	Basic Rate ISDN, %		0.52%	0%	0.41%	0%	0.62%	0%			a b c d
MR-8*	Business, %		0.53%	0.46%	0.61%	0.38%	0.61%	0.65%			d
MR-8*	Centrex 21, %		0.56%	0%	0.69%	0.79%	0.37%	0%			d
MR-8*	Centrex, %		0.17%	1.02%	0.40%	0.63%	0.55%	1.04%			d
MR-8*	DS0, %		0.47%	0%	0.53%	0%	1.14%	0%			d
MR-8*	DS1, %		0.94%	0%	1.43%	0%	2.25%	10.53%			d
MR-8*	DS3, %		0%		0%		1.08%				a b c d
MR-8*	E911, %		0%		0%		0%				a b c d
MR-8*	Frame Relay, %		1.17%		1.65%		2.24%				a b c d
MR-8*	ISDN Primary, %		0%	0%	0%	0%	0.01%	0%			d
MR-8*	Line Sharing, %		0.99%	1.52%	1.21%	0%	1.12%	0%			d
MR-8*	LIS Trunk, %		0%	0%	0.04%	0.03%	0.01%	0%			d
MR-8*	PBX, %		0.09%	0%	0.09%	0.33%	0.13%	0%			d
MR-8*	Qwest DSL, %		0.20%		0.51%		1.72%				a b c d
MR-8*	Residence, %		1.15%	0.77%	1.42%	0.82%	1.29%	1.41%			d
MR-8*	UBL - 2-wire, %		0.52%	0.28%	0.41%	0.52%	0.62%	0.48%			d

WYOMING PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-8*	UBL - 4-wire, %		0.94%		1.43%		2.25%				a b c d
MR-8*	UBL - ADSL Qualified, %		0.20%		0.51%		1.72%				a b c d
MR-8*	UBL - DS1 Capable, %		0.94%	0%	1.43%	0%	2.25%	16.67%			a b c d
MR-8*	UBL - DS3 Capable, %		0%		0%		1.08%				a b c d
MR-8*	UBL Analog, %		0.99%	0%	1.21%	0%	1.12%	0%			a b c d
MR-8*	UBL ISDN Capable, %		0.52%	0%	0.41%	0%	0.62%	0%			d
MR-8*	UDIT Above DS1 Level, %		0%	0%	0%	0%	1.08%	0%			a b c d
MR-8*	UDIT DS1, %		0.94%	0%	1.43%	0%	2.25%	0%			a b d
MR-8*	UNE-P, POTS, %		0.99%	0.53%	1.21%	1.13%	1.12%	0.30%			d
MR-8*	UNE-P, Centrex, %		0.17%	0.96%	0.40%	0.82%	0.55%	1.01%			d
MR-8*	UNE-P, Centrex 21, %		0.56%	0%	0.69%	0%	0.37%	0%			a b c d
MR-9	**Repair Appointments Met**										
MR-9	Basic Rate ISDN, %	ND					100%				a b c d
MR-9	Business, %	ND	98.90%		97.56%	50.00%	98.02%	100%	98.25%	100%	a b c d
MR-9	Business, %	D	97.39%	100%	94.92%	100%	99.13%	100%	97.91%	100%	a b c d
MR-9	Centrex 21, %	D	96.15%		100%	100%	100%		100%	100%	a b c d
MR-9	Centrex 21, %	ND	100%		100%		100%		91.67%		a b c d
MR-9	Centrex, %	D	100%	100%	100%	100%	100%	100%	100%	100%	a b c d
MR-9	Centrex, %	ND	100%		100%	100%	100%		90.91%		a b c d
MR-9	PBX, %	D	100%		100%	100%	88.89%		100%	100%	a b c d
MR-9	PBX, %	ND	100%		66.67%	50.00%	100%		66.67%		a b c d
MR-9	Residence, %	D	99.02%	100%	97.16%	100%	98.77%	100%	98.67%	100%	a b c d
MR-9	Residence, %	ND	99.29%	100%	98.57%		99.63%	100%	98.72%	100%	a b c d
MR-9	UNE-P, POTS, %	D	98.80%	100%	96.87%	100%	98.82%	100%	98.57%	100%	a c d
MR-9	UNE-P, POTS, %	ND	99.22%	100%	98.39%	100%	99.38%	100%	98.66%		a b c d
MR-10	**Customer and Non-Qwest Related Trouble Reports**										
MR-10	Basic Rate ISDN, %		41.67%		36.84%		21.43%		14.29%		a b c d
MR-10	Business, %		30.66%	25.00%	31.47%	50.00%	30.05%	53.33%	36.41%	20.00%	a b d
MR-10	Centrex 21, %		40.00%		28.57%	33.33%	27.91%	100%	28.21%	0%	a b c d
MR-10	Centrex, %		28.57%	37.50%	29.55%	40.00%	6.67%	28.57%	28.57%	50.00%	a b c d
MR-10	DS0, %		28.21%		18.46%		11.90%		21.84%		a b c d
MR-10	DS1, %		26.83%		26.47%		17.73%	20.00%	23.00%	33.33%	a b c d
MR-10	DS3, %				0%		0%				a b c d

WYOMING PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-10	Frame Relay, %		29.63%		13.73%		19.51%		9.09%		a b c d
MR-10	ISDN Primary, %		0%		0%		66.67%		25.00%		a b c d
MR-10	LIS Trunk, %		100%	60.00%	61.54%	0%	75.00%		40.00%	62.50%	a b c d
MR-10	PBX, %		34.15%		30.56%	25.00%	45.71%	0%	44.83%	0%	a b c d
MR-10	Qwest DSL, %		54.55%		50.00%		41.94%		47.37%		a b c d
MR-10	Residence, %		29.92%	14.29%	31.08%	55.56%	31.08%	33.33%	31.92%	42.86%	a b
MR-10	UBL - 2-wire, %		41.67%	0%	36.84%	0%	21.43%	16.67%	14.29%	33.33%	a b c d
MR-10	UBL - 4-wire, %		26.83%		26.47%		17.73%		23.00%		a b c d
MR-10	UBL - ADSL Qualified, %		54.55%		50.00%		41.94%		47.37%		a b c d
MR-10	UBL - DS1 Capable, %		26.83%		26.47%		17.73%	0%	23.00%		a b c d
MR-10	UBL - DS3 Capable, %				0%		0%				a b c d
MR-10	UBL Analog, %		30.03%		31.14%		30.94%	100%	32.56%		a b c d
MR-10	UBL ISDN Capable, %		41.67%		36.84%		21.43%	0%	14.29%		a b c d
MR-10	UDIT Above DS1 Level, %				0%		0%				a b c d
MR-10	UDIT DS1, %		26.83%		26.47%		17.73%		23.00%		a b c d
MR-10	UNE-P, POTS, %		30.03%	31.58%	31.14%	14.81%	30.94%	50.00%	32.56%	20.00%	d
MR-10	UNE-P, Centrex, %		28.57%	19.94%	29.55%	30.03%	6.67%	25.35%	28.57%	28.06%	
MR-10	UNE-P, Centrex 21, %		40.00%		28.57%		27.91%		28.21%		a b c d
MR-11	**LNP Trouble Reports Cleared**										
MR-11A	within 4 Hours, %		60.53%		44.99%		51.77%		52.85%		a b c d
MR-11B	within 48 Hours, %		99.42%		99.42%		100%		99.78%		a b c d
NETWORK PERFORMANCE											
NI-1	**Trunk Blocking**										
NI-1A	to Qwest Tandem Offices, LIS Trunk, %			0%		0%		0%		0%	
NI-1B	to Qwest End Offices, LIS Trunk, %		0%	0.11%	0%	0.03%	0%	0.20%	0%	0%	
NI-1C	to Qwest Tandem Offices, LIS Trunk, %			0%		0%		0%		0%	
NI-1D	to Qwest End Offices, LIS Trunk, %		0%	1.55%	0%	0.41%	0%	0.73%	0%	0.39%	
NP-1	**NXX Code Activation**										
NP-1A	All, %									100%	a b c d
NP-1B	Facility Delays, All, %									0%	a b c d
ORDER ACCURACY											
OA-1	Order Accuracy, % (OP-5++)					96.80%		98.56%		95.19%	a
ORDERING AND PROVISIONING											

WYOMING PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-2	**Calls Answered within Twenty Seconds - Interconnect Provisioning Center**										
OP-2	Default, %		80.97%	96.94%	75.62%	97.87%	72.08%	98.27%	82.25%	97.82%	
OP-3	**Installation Commitments Met**										
OP-3	Basic Rate ISDN, %		75.00%		100%		85.71%		77.78%		a b c d
OP-3	Business, %	D	95.29%	100%	97.82%	100%	95.32%	100%	96.09%	100%	a b c d
OP-3	Business, %	ND	100%	100%	97.10%	100%	100%	100%	98.36%	100%	a d
OP-3	Centrex 21, %	D	100%	100%	100%	100%	100%		83.33%		a b c d
OP-3	Centrex 21, %	ND	100%	100%	100%	100%	100%		100%		b c d
OP-3	Centrex, %	D	85.71%	100%	100%	100%	100%	100%	100%	100%	b c d
OP-3	Centrex, %	ND	0%	100%		100%		100%		100%	a b c d
OP-3	DS0, %	D	0%								a b c d
OP-3	DS0, %	ND	100%		100%						a b c d
OP-3	DS0, %		100%		88.89%		77.78%		90.00%	100%	a b c d
OP-3	DS1, %		90.36%		75.00%		84.72%		66.67%		a b c d
OP-3	DS3, %		100%		50.00%		100%		83.33%		a b c d
OP-3	Frame Relay, %		78.57%		91.67%		55.00%		57.89%		a b c d
OP-3	ISDN Primary, %	ND							100%		a b c d
OP-3	ISDN Primary, %		75.00%		4.76%		66.67%		55.56%		a b c d
OP-3	Line Sharing, %	D	95.79%		96.72%		96.28%		96.67%		a b c d
OP-3	Line Sharing, %	ND	99.80%	100%	99.58%	100%	99.83%	100%	99.67%	100%	a b c d
OP-3	LIS Trunk, %		85.71%	100%	100%		50.00%	100%	100%	100%	a b c d
OP-3	PBX, %	D	100%	100%	100%		100%		100%		a b c d
OP-3	PBX, %	ND			100%						a b c d
OP-3	PBX, %		33.33%		100%		1.69%		100%		a b c d
OP-3	Qwest DSL, %	D	93.33%		80.00%		92.31%		93.33%		a b c d
OP-3	Qwest DSL, %	ND	99.56%		99.66%		99.62%		98.80%		a b c d
OP-3	Qwest DSL, %		0%				0%		100%		a b c d
OP-3	Residence, %	D	95.96%	100%	96.32%	100%	96.57%	100%	96.89%	98.95%	a
OP-3	Residence, %	ND	99.80%	100%	99.64%	100%	99.83%	100%	99.70%	100%	a
OP-3	UBL - 2-wire, %		75.00%	100%	100%	100%	85.71%	100%	77.78%	100%	
OP-3	UBL - 4-wire, %		90.36%		75.00%		84.72%		66.67%		a b c d
OP-3	UBL - ADSL Qualified, %		93.33%		80.00%		92.31%		93.33%		a b c d
OP-3	UBL - DS1 Capable, %		90.36%	100%	75.00%	0%	84.72%	0%	66.67%		a b c d

WYOMING PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-3	UBL - DS3 Capable, %		100%		50.00%		100%		83.33%		a b c d
OP-3	UBL Analog, %	D	95.79%								a b c d
OP-3	UBL Analog, %		95.79%		96.72%		96.28%		96.67%		a b c d
OP-3	UBL Conditioned, %			100%		100%					a b c d
OP-3	UBL ISDN Capable, %		75.00%	100%	100%	66.67%	85.71%	100%	77.78%	75.00%	a b c d
OP-3	UDIT Above DS1 Level, %		100%		50.00%		100%		83.33%		a b c d
OP-3	UDIT DS1, %		90.36%		75.00%		84.72%	100%	66.67%		a b c d
OP-3	UNE-P, POTS, %	D	95.79%	100%	96.72%	87.50%	96.28%	100%	96.67%	100%	a b c d
OP-3	UNE-P, POTS, %	ND	99.80%	100%	99.58%	100%	99.83%	100%	99.67%	100%	a b c d
OP-3	UNE-P, Centrex, %	D	85.71%	98.30%	100%	97.10%	100%	97.96%	100%	100%	
OP-3	UNE-P, Centrex, %	ND	0%	97.39%		98.84%		93.94%		100%	
OP-3	UNE-P, Centrex 21, %	D	100%		100%		100%		83.33%		a b c d
OP-3	UNE-P, Centrex 21, %	ND	100%		100%		100%		100%		a b c d
OP-4	**Installation Interval**										
OP-4	Basic Rate ISDN, Avg Days		11.27		9.17		14.00		11.70		a b c d
OP-4	Business, Avg Days	D	5.05	3.67	4.71	15.00	5.23	4.75	4.61	3.00	a b c d
OP-4	Business, Avg Days	ND	3.84	1.40	2.89	2.63	3.49	2.09	4.07	2.17	a b d
OP-4	Centrex 21, Avg Days	ND	3.00	5.10	3.25	5.00	3.50		2.00		a b c d
OP-4	Centrex 21, Avg Days	D	4.46	3.00	3.22	5.00	4.50		3.46		a b c d
OP-4	Centrex, Avg Days	D	5.57	4.67	2.88	5.00	2.71	5.50	3.29	5.00	b c d
OP-4	Centrex, Avg Days	ND	1.00	5.00		5.00		4.88		3.50	a b c d
OP-4	DS0, Avg Days	D	8.50								a b c d
OP-4	DS0, Avg Days	ND	4.00		0.00						a b c d
OP-4	DS0, Avg Days		4.40		7.91		8.86		4.78	5.50	a b c d
OP-4	DS1, Avg Days		15.92		17.20		16.96		15.58		a b c d
OP-4	DS3, Avg Days		9.67		8.67		11.00		7.60		a b c d
OP-4	E911, Avg Days								26.00		a b c d
OP-4	Frame Relay, Avg Days						4.00				a b c d
OP-4	ISDN Primary, Avg Days	ND							0.00		a b c d
OP-4	ISDN Primary, Avg Days		11.22		56.65		9.29		13.33		a b c d
OP-4	Line Sharing, Avg Days	D	4.84		5.92		5.06		4.66		a b c d
OP-4	Line Sharing, Avg Days	ND	3.55	2.86	3.54	3.00	3.48	3.00	3.64	2.57	a b c d
OP-4	LIS Trunk, Avg Days		26.88	19.00	12.83		33.25	21.00	15.33	16.33	a b c d

WYOMING PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-4	PBX, Avg Days	D	12.00	3.00	4.33		6.00		20.50		a b c d
OP-4	PBX, Avg Days	ND			2.00						a b c d
OP-4	PBX, Avg Days		30.56		39.80		50.28		14.50		a b c d
OP-4	Qwest DSL, Avg Days	D	10.00		7.60		5.62		6.13		a b c d
OP-4	Qwest DSL, Avg Days	ND	9.49		4.89		4.86		4.92		a b c d
OP-4	Qwest DSL, Avg Days		48.00						8.00		a b c d
OP-4	Residence, Avg Days	D	4.77	3.40	6.36	3.54	5.00	3.67	4.68	4.19	a
OP-4	Residence, Avg Days	ND	3.54	2.57	3.55	3.00	3.48	2.99	3.64	2.90	a b
OP-4	UBL - 2-wire, Avg Days		11.27	3.04	9.17	2.92	14.00	3.15	11.70	3.18	
OP-4	UBL - 4-wire, Avg Days		15.92		17.20		16.96		15.58		a b c d
OP-4	UBL - ADSL Qualified, Avg Days		10.00		7.60		5.62		6.13		a b c d
OP-4	UBL - DS1 Capable, Avg Days		15.92	4.00	17.20	18.33	16.96	25.00	15.58		a b c d
OP-4	UBL - DS3 Capable, Avg Days		9.67		8.67		11.00		7.60		a b c d
OP-4	UBL Analog, Avg Days	D	4.84								a b c d
OP-4	UBL Analog, Avg Days		4.84		5.92		5.06		4.66		a b c d
OP-4	UBL Conditioned, Avg Days			7.00		6.50					a b c d
OP-4	UBL ISDN Capable, Avg Days		11.27	4.33	9.17	15.00	14.00	3.33	11.70	6.25	a b c d
OP-4	UDIT Above DS1 Level, Avg Days		9.67		8.67		11.00		7.60		a b c d
OP-4	UDIT DS1, Avg Days		15.92	9.00	17.20	10.00	16.96	9.86	15.58		a b c d
OP-4	UNE-P, POTS, Avg Days	ND	3.55	4.00	3.54	2.00	3.48	3.00	3.64		a b c d
OP-4	UNE-P, POTS, Avg Days	D	4.84	2.88	5.92	4.88	5.06	5.89	4.66	3.25	a b c d
OP-4	UNE-P, Centrex, Avg Days	D	5.57	5.26	2.88	5.50	2.71	5.48	3.29	4.29	
OP-4	UNE-P, Centrex, Avg Days	ND	1.00	4.62		4.34		4.22		3.61	
OP-4	UNE-P, Centrex 21, Avg Days	D	4.46		3.22		4.50		3.46		a b c d
OP-4	UNE-P, Centrex 21, Avg Days	ND	3.00		3.25		3.50		2.00		a b c d
OP-5	**New Service Installation Quality**										
OP-5	Basic Rate ISDN, %		100%	100%	90.00%		100%		100%		a b c d
OP-5	Business, %		84.96%	80.00%	88.73%	100%	85.32%	93.75%	89.01%	73.33%	a
OP-5	Centrex 21, %		38.89%	100%	50.00%	100%	93.75%	100%	85.00%		a b c d
OP-5	Centrex, %		75.00%	100%	50.00%	91.67%	37.50%	90.91%	57.14%	100%	d
OP-5	DS0, %		40.00%		63.64%		63.64%		30.00%	100%	a b c d
OP-5	DS1, %		94.74%		91.58%		95.45%		95.19%		a b c d
OP-5	DS3, %		100%		100%		100%		100%		a b c d

WYOMING PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-5	E911, %								100%		a b c d
OP-5	Frame Relay, %		86.84%		66.67%		82.61%		85.71%		a b c d
OP-5	ISDN Primary, %		100%		100%		100%		77.78%		a b c d
OP-5	Line Sharing, %		87.95%	100%	88.38%	88.89%	89.21%	100%	90.23%	100%	a b c d
OP-5	LIS Trunk, %		100%	100%	100%	100%	100%	100%	100%	100%	a b c d
OP-5	PBX, %		83.33%	100%	86.96%	0%	98.04%		100%		a b c d
OP-5	Qwest DSL, %		100%		100%		100%		100%		a b c d
OP-5	Residence, %		88.34%	90.00%	88.34%	100%	89.63%	97.90%	90.37%	98.32%	
OP-5	UBL - 2-wire, %		100%	100%	90.00%	96.43%	100%	100%	100%	97.30%	
OP-5	UBL - 4-wire, %		94.74%		91.58%		95.45%		95.19%		a b c d
OP-5	UBL - ADSL Qualified, %		100%		100%		100%		100%		a b c d
OP-5	UBL - DS1 Capable, %		94.74%	100%	91.58%	100%	95.45%	50.00%	95.19%	100%	a b c d
OP-5	UBL - DS3 Capable, %		100%		100%		100%		100%		a b c d
OP-5	UBL Analog, %		64.48%		66.08%		67.33%		69.63%		a b c d
OP-5	UBL ISDN Capable, %		100%	100%	90.00%	100%	100%	100%	100%	100%	a b c d
OP-5	UDIT Above DS1 Level, %		100%		100%		100%		100%		a b c d
OP-5	UDIT DS1, %		94.74%	100%	91.58%	100%	95.45%	100%	95.19%	100%	a b c d
OP-5	UNE-P, POTS, %		87.95%	92.31%	88.38%	100%	89.21%	87.50%	90.23%	100%	
OP-5	UNE-P, Centrex, %		75.00%	87.03%	50.00%	88.37%	37.50%	88.76%	57.14%	83.74%	
OP-5	UNE-P, Centrex 21, %		38.89%		50.00%		93.75%		85.00%		a b c d
OP-5*	Basic Rate ISDN, %		100%	100%	90.00%		100%				a b c d
OP-5*	Business, %		87.78%	90.00%	90.81%	100%	87.23%	93.75%			a d
OP-5*	Centrex 21, %		38.89%	100%	56.25%	100%	93.75%	100%			a b c d
OP-5*	Centrex, %		100%	100%	62.50%	91.67%	50.00%	90.91%			d
OP-5*	DS0, %		80.00%		81.82%		90.91%				a b c d
OP-5*	DS1, %		94.74%		92.63%		97.73%				a b c d
OP-5*	DS3, %		100%		100%		100%				a b c d
OP-5*	Frame Relay, %		97.37%		85.19%		86.96%				a b c d
OP-5*	ISDN Primary, %		100%		100%		100%				a b c d
OP-5*	Line Sharing, %		90.26%	100%	90.54%	100%	90.96%	100%			a b c d
OP-5*	LIS Trunk, %		100%	100%	100%	100%	100%	100%			a b c d
OP-5*	PBX, %		87.50%	100%	86.96%	100%	100%				a b c d
OP-5*	Qwest DSL, %		100%		100%		100%				a b c d

WYOMING PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-5*	Residence, %		90.59%	95.00%	90.50%	100%	91.36%	97.90%			d
OP-5*	UBL - 2-wire, %		100%	100%	90.00%	96.43%	100%	100%			d
OP-5*	UBL - 4-wire, %		94.74%		92.63%		97.73%				a b c d
OP-5*	UBL - ADSL Qualified, %		100%		100%		100%				a b c d
OP-5*	UBL - DS1 Capable, %		94.74%	100%	92.63%	100%	97.73%	50.00%			a b c d
OP-5*	UBL - DS3 Capable, %		100%		100%		100%				a b c d
OP-5*	UBL Analog, %		71.29%		72.38%		72.64%				a b c d
OP-5*	UBL ISDN Capable, %		100%	100%	90.00%	100%	100%	100%			a b c d
OP-5*	UDIT Above DS1 Level, %		100%		100%		100%				a b c d
OP-5*	UDIT DS1, %		94.74%	100%	92.63%	100%	97.73%	100%			a b c d
OP-5*	UNE-P, POTS, %		90.26%	92.31%	90.54%	100%	90.96%	93.75%			d
OP-5*	UNE-P, Centrex, %		100%	88.92%	62.50%	89.92%	50.00%	91.57%			d
OP-5*	UNE-P, Centrex 21, %		38.89%		56.25%		93.75%				a b c d
OP-6A	**Delayed Days for Non-Facility Reasons**										
OP-6A	Basic Rate ISDN, Avg Days		7.00						11.00		a b c d
OP-6A	Business, Avg Days	D	12.38		5.50		5.00		5.00		a b c d
OP-6A	Business, Avg Days	ND			23.50				26.00		a b c d
OP-6A	Centrex 21, Avg Days	D							2.50		a b c d
OP-6A	Centrex, Avg Days	ND	1.00								a b c d
OP-6A	DS0, Avg Days	D	3.50								a b c d
OP-6A	DS0, Avg Days				13.00		10.00		19.00		a b c d
OP-6A	DS1, Avg Days		18.07		17.71		24.33		14.52		a b c d
OP-6A	DS3, Avg Days								8.00		a b c d
OP-6A	Frame Relay, Avg Days		24.60		51.33		12.20		16.00		a b c d
OP-6A	ISDN Primary, Avg Days		8.50		32.94		4.00		7.50		a b c d
OP-6A	Line Sharing, Avg Days	D	7.11		47.44		4.67		5.14		a b c d
OP-6A	Line Sharing, Avg Days	ND	17.33		11.70		2.67		6.40		a b c d
OP-6A	LIS Trunk, Avg Days		24.00				31.75				a b c d
OP-6A	PBX, Avg Days	D	12.00								a b c d
OP-6A	PBX, Avg Days		31.25		28.21		16.68		21.00		a b c d
OP-6A	Qwest DSL, Avg Days	D	2.00		1.33		2.00		9.00		a b c d
OP-6A	Qwest DSL, Avg Days	ND	6.00		9.00		2.00		2.25		a b c d
OP-6A	Qwest DSL, Avg Days		35.00				3.00				a b c d

WYOMING PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-6A	Residence, Avg Days	D	4.00		68.42		4.50		5.24		a b c d
OP-6A	Residence, Avg Days	ND	17.33		8.75		2.67		4.22		a b c d
OP-6A	UBL - 2-wire, Avg Days		7.00						11.00		a b c d
OP-6A	UBL - 4-wire, Avg Days		18.07		17.71		24.33		14.52		a b c d
OP-6A	UBL - ADSL Qualified, Avg Days		2.00		1.33		2.00		9.00		a b c d
OP-6A	UBL - DS1 Capable, Avg Days		18.07		17.71	14.50	24.33	19.00	14.52		a b c d
OP-6A	UBL - DS3 Capable, Avg Days								8.00		a b c d
OP-6A	UBL Analog, Avg Days	D	7.11								a b c d
OP-6A	UBL Analog, Avg Days		7.11		47.44		4.67		5.14		a b c d
OP-6A	UBL ISDN Capable, Avg Days		7.00			20.00			11.00	6.00	a b c d
OP-6A	UDIT Above DS1 Level, Avg Days								8.00		a b c d
OP-6A	UDIT DS1, Avg Days		18.07		17.71		24.33		14.52		a b c d
OP-6A	UNE-P, POTS, Avg Days	D	7.11		47.44	2.00	4.67		5.14		a b c d
OP-6A	UNE-P, POTS, Avg Days	ND	17.33		11.70		2.67		6.40		a b c d
OP-6A	UNE-P, Centrex, Avg Days	D		1.00		1.00					a b c d
OP-6A	UNE-P, Centrex, Avg Days	ND	1.00	1.00		3.00		11.00			a b c d
OP-6A	UNE-P, Centrex 21, Avg Days	D							2.50		a b c d
OP-6B	**Delayed Days for Facility Reasons**										
OP-6B	Basic Rate ISDN, Avg Days						31.00				a b c d
OP-6B	Business, Avg Days	D	12.71		18.50		11.63		7.57		a b c d
OP-6B	Centrex, Avg Days	D	11.00								a b c d
OP-6B	DS1, Avg Days				125.00		14.00		3.00		a b c d
OP-6B	DS3, Avg Days				9.00						a b c d
OP-6B	Frame Relay, Avg Days		20.00								a b c d
OP-6B	Line Sharing, Avg Days	D	9.10		39.00		11.82		9.10		a b c d
OP-6B	Line Sharing, Avg Days	ND			1.50				1.00		a b c d
OP-6B	Residence, Avg Days	D	8.00		41.48		11.88		9.59	7.00	a b c d
OP-6B	Residence, Avg Days	ND			1.50				1.00		a b c d
OP-6B	UBL - 2-wire, Avg Days						31.00				a b c d
OP-6B	UBL - 4-wire, Avg Days				125.00		14.00		3.00		a b c d
OP-6B	UBL - DS1 Capable, Avg Days				125.00		14.00		3.00		a b c d
OP-6B	UBL - DS3 Capable, Avg Days				9.00						a b c d
OP-6B	UBL Analog, Avg Days	D	9.10								a b c d

WYOMING PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-6B	UBL Analog, Avg Days		9.10		39.00		11.82		9.10		a b c d
OP-6B	UBL ISDN Capable, Avg Days						31.00				a b c d
OP-6B	UDIT Above DS1 Level, Avg Days				9.00						a b c d
OP-6B	UDIT DS1, Avg Days				125.00		14.00		3.00		a b c d
OP-6B	UNE-P, POTS, Avg Days	D	9.10		39.00		11.82		9.10		a b c d
OP-6B	UNE-P, POTS, Avg Days	ND			1.50				1.00		a b c d
OP-6B	UNE-P, Centrex, Avg Days	D	11.00	6.67		6.67		11.00			a b c d
OP-8	**Number Portability Timeliness**										
OP-8C	% LNP Triggers Set Prior to the Frame Due Time, LNP%					100%				100%	a b c
OP-13	**Coordinated Cuts - Unbundled Loop**										
OP-13A	Completed on Time, UBL Other, %					100%					a b c d
OP-13B	Started Without CLEC Approval, UBL Other, %					0%					a b c d
OP-15A	**Interval for Pending Orders Delayed Past Due Date**										
OP-15A	Basic Rate ISDN, Avg Days		197.17		203.50		258.00		339.00		a b c d
OP-15A	Business, Avg Days		124.79		109.89		136.15		130.88		a b c d
OP-15A	Centrex 21, Avg Days		192.33		72.33		72.38		102.29		a b c d
OP-15A	Centrex, Avg Days		132.14		221.50		243.50		263.50	10.00	a b c d
OP-15A	DS0, Avg Days		122.50		184.00		125.80		224.67		a b c d
OP-15A	DS1, Avg Days		85.76		96.11		86.39		101.63		a b c d
OP-15A	DS3, Avg Days		189.25		211.25		233.25		240.00		a b c d
OP-15A	Frame Relay, Avg Days		130.67		83.45		61.33		76.75		a b c d
OP-15A	ISDN Primary, Avg Days		240.54		467.00		489.00		509.00	5.00	a b c d
OP-15A	PBX, Avg Days		279.83		255.43		188.71		194.00		a b c d
OP-15A	Residence, Avg Days		175.59		181.48		204.77	1.00	205.97		a b c d
OP-15A	UBL - 2-wire, Avg Days		197.17		203.50		258.00		339.00		a b c d
OP-15A	UBL - 4-wire, Avg Days		85.76		96.11		86.39		101.63		a b c d
OP-15A	UBL - DS1 Capable, Avg Days		85.76	12.00	96.11		86.39		101.63		a b c d
OP-15A	UBL - DS3 Capable, Avg Days		189.25		211.25		233.25		240.00		a b c d
OP-15A	UBL Analog, Avg Days		140.35		144.13		167.22		159.83		a b c d
OP-15A	UBL ISDN Capable, Avg Days		197.17		203.50		258.00		339.00		a b c d
OP-15A	UDIT Above DS1 Level, Avg Days		189.25		211.25		233.25		240.00		a b c d
OP-15A	UDIT DS1, Avg Days		85.76	45.00	96.11	67.00	86.39		101.63		a b c d

WYOMING PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-15A	UNE-P, POTS, Avg Days		165.21		162.97	2.00	186.59		184.39		a b c d
OP-15A	UNE-P, Centrex, Avg Days		132.14	214.49	221.50	225.59	243.50	161.92	263.50	161.92	
OP-15A	UNE-P, Centrex 21, Avg Days		192.33		72.33		72.38		102.29		a b c d
OP-15B	**Pending Orders Delayed for Facilities Reasons**										
OP-15B	Basic Rate ISDN		1		1		2		1		a b c d
OP-15B	Business		23		25		25		25		a b c d
OP-15B	Centrex 21		0		2		3		3		a b c d
OP-15B	Centrex		1		0		0		0	0	a b c d
OP-15B	DS0		0		0		4		2		a b c d
OP-15B	DS1		4		4		45		38		a b c d
OP-15B	DS3		0		0		4		3		a b c d
OP-15B	Frame Relay		0		1		10		9		a b c d
OP-15B	ISDN Primary		1		0		0		0	0	a b c d
OP-15B	PBX		0		1		5		4		a b c d
OP-15B	Residence		129		118		115	0	120		a b c d
OP-15B	UBL - 2-wire		1		1		2		1		a b c d
OP-15B	UBL - 4-wire		4		4		45		38		a b c d
OP-15B	UBL - DS1 Capable		4	0	4		45		38		a b c d
OP-15B	UBL - DS3 Capable		0		0		4		3		a b c d
OP-15B	UBL Analog		104		101		92		100		a b c d
OP-15B	UBL ISDN Capable		1		1		2		1		a b c d
OP-15B	UDIT Above DS1 Level		0		0		4		3		a b c d
OP-15B	UDIT DS1		4	0	4	0	45		38		a b c d
OP-15B	UNE-P, POTS		152		143	0	140		145		a b c d
OP-15B	UNE-P, Centrex		1	4	0	7	0	5	0	2	a b c d
OP-15B	UNE-P, Centrex 21		0		2		3		3		a b c d
OP-17	**Timeliness of Disconnects associated with LNP Orders**										
OP-17A	LNP, %					100%				100%	a b c
OP-17B	LNP, %					100%				100%	a b c
OPERATOR SERVICES											
OS-1	**Speed of Answer - Operator Services**										
OS-1	Average Seconds		9.67		8.51		8.51		8.91		a b c d
PRE-ORDER/ORDER											

WYOMING PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
PO-1	**Pre-Order/Order Response Times**										
PO-1A-1(a)	Appt. Sched, GUI Req, Avg Sec			0.55		0.57		0.55		0.56	
PO-1A-1(b-c)	Appt. Sched, GUI Resp/Accept, Avg Sec			2.44		2.6		2.24		1.77	
PO-1A-1Total	Appt. Sched, GUI Aggr, Avg Sec			2.99		3.17		2.79		2.33	
PO-1A-2(a)	Service Avail, GUI Req, Avg Sec			0.51		0.52		0.51		0.5	
PO-1A-2(b)	Service Avail, GUI Resp, Avg Sec			5.66		6.11		6.37		6.75	
PO-1A-2Total	Service Avail, GUI Aggr, Avg Sec			6.17		6.63		6.89		7.25	
PO-1A-3(a)	Facility Check, GUI Req, Avg Sec			0.7		0.72		0.7		0.7	
PO-1A-3(b)	Facility Check, GUI Resp, Avg Sec			7.41		7.73		7.63		7.48	
PO-1A-3Total	Facility Check, GUI Aggr, Avg Sec			8.11		8.45		8.33		8.18	
PO-1A-4(a)	Address Validation, GUI Req, Avg Sec			1.3		1.32		1.34		1.31	
PO-1A-4(b)	Address Validation, GUI Resp, Avg Sec			4.64		4.65		4.67		5.1	
PO-1A-4Total	Address Validation, GUI Aggr, Avg Sec			5.94		5.97		6.01		6.41	
PO-1A-5(a)	Get CSR, GUI Req, Avg Sec			0.69		0.74		0.72		0.7	
PO-1A-5(b)	Get CSR, GUI Resp, Avg Sec			6.55		5.79		5.82		5.59	
PO-1A-5Total	Get CSR, GUI Aggr, Avg Sec			7.23		6.53		6.54		6.28	
PO-1A-6(a)	TN Reserv, GUI Req, Avg Sec			0.79		0.82		0.8		0.79	
PO-1A-6(b)	TN Reserv, GUI Resp, Avg Sec			4.45		4.91		4.69		4.5	
PO-1A-6(c)	TN Reserv, GUI Accept, Avg Sec			0.65		0.74		0.71		0.66	
PO-1A-6Total	TN Reserv, GUI Aggr, Avg Sec			5.89		6.47		6.2		5.94	
PO-1A-7(a)	Loop Qual Tools, GUI Req, Avg Sec			0.95		0.98		0.96		1.05	
PO-1A-7(b)	Loop Qual Tools, GUI Resp, Avg Sec			8.73		8.09		7.9		5.75	
PO-1A-7Total	Loop Qual Tools, GUI Aggr, Avg Sec			9.68		9.07		8.86		6.8	
PO-1A-8(a)	Resale of Qwest DSL Qual, GUI Req, Avg Sec			0.9		0.98		0.91		0.91	
PO-1A-8(b)	Resale of Qwest DSL Qual, GUI Resp, Avg Sec			5.51		6.66		6.09		5.63	
PO-1A-8Total	Resale of Qwest DSL Qual, GUI Aggr, Avg Sec			6.41		7.64		7		6.54	
PO-1A-9(a)	Connecting Facility Assign, GUI Req, Avg Sec			0.44		0.44		0.47		0.44	
PO-1A-9(b)	Connecting Facility Assign, GUI Resp, Avg Sec			17.83		18.14		14.1		8.25	
PO-1A-9Total	Connecting Facility Assign, GUI Aggr, Avg Sec			18.28		18.58		14.56		8.69	
PO-1A-10(a)	Meet Point Inquiry, GUI Req, Avg Sec			0.48		0.48		0.48		0.47	
PO-1A-10(b)	Meet Point Inquiry, GUI Resp, Avg Sec			19.85		19.95		13.51		4.87	
PO-1A-10Total	Meet Point Inquiry, GUI Aggr, Avg Sec			20.34		20.43		14		5.34	
PO-1B-1	Appt. Sched, EDI Req/Resp, Avg Sec			4.77		4.55		3.99		3.55	

WYOMING PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
PO-1B-2	Service Avail, EDI Req/Resp, Avg Sec			6.32		6.09		6.23		6.61	
PO-1B-3	Facility Check, EDI Req/Resp, Avg Sec			6.38		5.73		6.75		7.33	
PO-1B-4	Address Validation, EDI Req/Resp, Avg Sec			3.11		2.47		2.52		2.88	
PO-1B-5	Get CSR, EDI Req/Resp, Avg Sec			3.43		2.01		2.6		2.66	
PO-1B-6	TN Reserv, EDI Req/Resp, Avg Sec			5.41		5.52		5.06		5.18	
PO-1B-7	Loop Qual Tools, EDI Req/Resp, Avg Sec			9.23		8.64		9.67		7.24	
PO-1B-8	Resale of Qwest DSL Qual, EDI Req/Resp, Avg Sec			6.31		6.11		5.16		5.74	
PO-1B-9	Connecting Facility Assign, EDI Req/Resp, Avg Sec			18.12		16.97		12.37		8.03	
PO-1B-10	Meet Point Inquiry, EDI Req/Resp, Avg Sec			20.77		20.29		13.09		5.41	
PO-1C-1	Timeout, GUI Total, %			0.05%		0.10%		0.02%		0.04%	
PO-1C-2	Timeout, EDI Total, %			0.07%		0%		0.02%		0.24%	
PO-1D-1	Rejected Query, GUI Total, Avg Sec			1.46		1.57		1.36		1.34	
PO-1D-2	Rejected Query, EDI Total, Avg Sec			2.84		3.15		2.15		1.84	
PO-2	**Electronic Flow-through**										
PO-2A-1	GUI, Resale Aggr w/o UNE-P-POTS, %			67.27%		70.59%		73.20%		55.96%	
PO-2A-1	GUI, UBL Aggr, %			0%		0%		0%		0%	a b c d
PO-2A-1	GUI, UNE-P, POTS, %			77.78%		100%		75.00%		66.67%	b
PO-2A-2	EDI, LNP, %							0%			a b c d
PO-2A-2	EDI, Resale Aggr w/o UNE-P-POTS, %			8.33%		37.93%		59.26%		48.29%	
PO-2A-2	EDI, UBL Aggr, %			62.16%		60.00%		64.41%		63.27%	
PO-2A-2	EDI, UNE-P, POTS, %			53.85%		63.46%		64.10%		67.57%	
PO-2B-1	All Eligible LSRs, GUI, POTS Resale, %			98.67%		95.24%		97.26%		92.42%	
PO-2B-1	All Eligible LSRs, GUI, UNE-P, POTS, %			100%		100%		90.00%		72.73%	b c
PO-2B-2	All Eligible LSRs, EDI, POTS Resale, %			100%		91.67%		88.19%		82.84%	a
PO-2B-2	All Eligible LSRs, EDI, UBL Aggr, %			92.00%		77.42%		82.61%		83.78%	
PO-2B-2	All Eligible LSRs, EDI, UNE-P, POTS, %			100%		97.06%		96.15%		100%	
PO-3	**LSR Rejection Notice Interval**										
PO-3A-1	GUI - Manual Reject, Product Aggr, Hrs:Min			5:21		2:39		5:02		2:51	b c
PO-3A-2	GUI - Auto-Reject, Product Aggr, Min:Sec			00:04		00:04		00:03		00:03	
PO-3B-1	EDI - Manual Reject, Product Aggr, Hrs:Min			3:09		1:37		1:24		1:37	
PO-3B-2	EDI - Auto-Reject, Product Aggr, Min:Sec			00:06		00:06		00:05		00:05	
PO-3C	Manual and IIS, Product Aggr, Hrs:Min			74:44				19:15		12:30	a b c
PO-4	**LSRs Rejected**										

WYOMING PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
PO-4A-1	GUI - Manual Reject, Product Aggr, %			4.36%		2.25%		2.41%		2.20%	
PO-4A-2	GUI - Auto-Reject, Product Aggr, %			31.30%		32.17%		31.07%		31.56%	
PO-4B-1	EDI - Manual Reject, Product Aggr, %			8.19%		4.46%		4.57%		4.67%	
PO-4B-2	EDI - Auto-Reject, Product Aggr, %			24.11%		24.10%		20.28%		20.79%	
PO-4C	Facsimile , Product Aggr, %			11.90%		0%		21.28%		26.83%	
PO-5	**Firm Order Confirmations (FOCs) On Time**										
PO-5A-1(a)	Fully Electronic, GUI, Resale Aggr, %			100%		100%		100%		100%	
PO-5A-2(a)	Fully Electronic, EDI, Resale Aggr, %			100%		100%		100%		100%	
PO-5A-2(b)	Fully Electronic, EDI, UBL Aggr, %			100%		100%		100%		100%	a b c
PO-5B-1(a)	Elec/Manual, GUI, Resale Aggr, %			100%		100%		100%		100%	
PO-5B-1(b)	Elec/Manual, GUI, UBL Aggr, %			93.33%		94.44%		100%		100%	d
PO-5B-2(a)	Elec/Manual, EDI, Resale Aggr, %			98.81%		100%		99.76%		99.87%	
PO-5B-2(b)	Elec/Manual, EDI, UBL Aggr, %			100%		93.55%		97.92%		94.59%	
PO-5B-2(c)	Elec/Manual, EDI, LNP, %							100%			a b c d
PO-5C-(a)	Manual, Resale Aggr, %			90.63%		97.14%		96.55%		100%	
PO-5C-(b)	Manual, UBL Aggr, %							100%		100%	a b c d
PO-5C-(c)	Manual, LNP, %			100%		100%		100%		100%	a b c d
PO-5D	LIS Trunk, %							100%		100%	a b c d
PO-6	**Work Completion Notification Timeliness**										
PO-6A	IMA - GUI, All, Hrs:Min			0:56		0:14		0:43		10:04	
PO-6B	IMA - EDI, All, Hrs:Min			0:37		2:10		1:49		0:38	
PO-7	**Billing Completion Notification Timeliness**										
PO-7A-C	IMA - GUI, All, %		97.66%	98.69%	98.44%	98.26%	98.69%	100%	98.68%	99.15%	
PO-7B-C	IMA - EDI, All, %		97.66%		98.44%		98.69%		98.68%		a b c d
PO-8	**Jeopardy Notice Interval**										
PO-8A	Non-Designed Services, Avg Days		3.97		4.64		5.54		4.56	3.50	a b c d
PO-8B	UBLs and LNP, Avg Days		3.97	3.00	4.64	4.00	5.54	4.67	4.56	4.33	a b c d
PO-8C	LIS Trunk, Avg Days						16.00				a b c d
PO-8D	UNE-P, POTS, Avg Days		3.97		4.64		5.54	1.00	4.56		a b c d
PO-9	**Timely Jeopardy Notices**										
PO-9A	Non-Designed Services, %		20.55%		21.74%		20.00%	0%	15.69%	0%	a b c d
PO-9B	UBLs and LNP, %		20.55%		21.74%	0%	20.00%		15.69%	100%	a b c d
PO-9C	LIS Trunk, %		0%				0%				a b c d

WYOMING PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
PO-9D	UNE-P, POTS, %		20.55%		21.74%	0%	20.00%		15.69%		a b c d
PO-10	**LSR Accountability**										
PO-10	Product Aggr, %			100%		100%		100%		100%	
PO-15	**Number of Due Date Changes per Order**										
PO-15	All, Avg Days		0.07	0.11	0.02	0.10	0.03	0.08	0.03	0.08	
PO-16	**Timely Release Notifications**										
PO-16	Default, %					100%		100%		100%	a b c d
PO-19	**Stand-Alone Test Environment (SATE) Accuracy**										
PO-19	SATE Accuracy, %			98.95%							b c d
PO-19A	SATE Accuracy, Rel. 10.0, %					100%		98.45%		98.45%	a
PO-19A	SATE Accuracy, Rel. 8.0, %					100%		99.47%		98.94%	a
PO-19A	SATE Accuracy, Rel. 9.0, %					99.47%		100%		98.94%	a
PO-19A	SATE Accuracy, Rel. VICKI, %					100%		100%		100%	a
PO-19B	SATE Accuracy, %					99.16%					a c d
PO-20	**Manual Service Order Accuracy**										
PO-20	POTS Resale, %			90.25%		90.58%		92.78%		96.88%	
PO-20	UBL Aggr, %			96.46%		95.20%		95.16%		94.42%	

Metric Number:
* = Metrics recalculated after NTF tickets are excluded. These metrics have not been audited by a third party.

DR: Disaggregation Reporting
D = Dispatch (both within MSAs and outside MSAs)
ND = No Dispatch
blank = State Level

Notes:
a = Sample size less than or equal to 10 in June 2002
b = Sample size less than or equal to 10 in July 2002
c = Sample size less than or equal to 10 in August 2002
d = Sample size less than or equal to 10 in September 2002

Appendix K
Statutory Requirements

I. STATUTORY FRAMEWORK

1. The 1996 Act conditions BOC entry into the market for provision of in-region interLATA services on compliance with certain provisions of section 271.[1] BOCs must apply to the Federal Communications Commission (Commission or FCC) for authorization to provide interLATA services originating in any in-region state.[2] The Commission must issue a written determination on each application no later than 90 days after receiving such application.[3] Section 271(d)(2)(A) requires the Commission to consult with the Attorney General before making any determination approving or denying a section 271 application. The Attorney General is entitled to evaluate the application "using any standard the Attorney General considers appropriate," and the Commission is required to "give substantial weight to the Attorney General's evaluation."[4]

2. In addition, the Commission must consult with the relevant state commission to verify that the BOC has one or more state-approved interconnection agreements with a facilities-based competitor, or a Statement of Generally Available Terms and Conditions (SGAT), and that either the agreement(s) or general statement satisfy the "competitive checklist."[5] Because the Act does not prescribe any standard for the consideration of a state commission's verification under section 271(d)(2)(B), the Commission has discretion in each section 271 proceeding to

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[1] For purposes of section 271 proceedings, the Commission uses the definition of the term "Bell Operating Company" contained in 47 U.S.C. § 153(4).

[2] 47 U.S.C. § 271(d)(1). For purposes of section 271 proceedings, the Commission utilizes the definition of the term "in-region state" that is contained in 47 U.S.C. § 271(i)(1). Section 271(j) provides that a BOC's in-region services include 800 service, private line service, or their equivalents that terminate in an in-region state of that BOC and that allow the called party to determine the interLATA carrier, even if such services originate out-of-region. *Id.* § 271(j). The 1996 Act defines "interLATA services" as "telecommunications between a point located in a local access and transport area and a point located outside such area." *Id.* § 153(21). Under the 1996 Act, a "local access and transport area" (LATA) is "a contiguous geographic area (A) established before the date of enactment of the [1996 Act] by a [BOC] such that no exchange area includes points within more than 1 metropolitan statistical area, consolidated metropolitan statistical area, or State, except as expressly permitted under the AT&T Consent Decree; or (B) established or modified by a [BOC] after such date of enactment and approved by the Commission." *Id.* § 153(25). LATAs were created as part of the Modification of Final Judgment's (MFJ) "plan of reorganization." *United States v. Western Elec. Co.*, 569 F. Supp. 1057 (D.D.C. 1983), *aff'd sub nom. California v. United States*, 464 U.S. 1013 (1983). Pursuant to the MFJ, "all [BOC] territory in the continental United States [was] divided into LATAs, generally centering upon a city or other identifiable community of interest." *United States v. Western Elec. Co.*, 569 F. Supp. 990, 993-94 (D.D.C. 1983).

[3] 47 U.S.C. § 271(d)(3).

[4] *Id.* § 271(d)(2)(A).

[5] *Id.* § 271(d)(2)(B).

determine the amount of weight to accord the state commission's verification.[6] The Commission has held that, although it will consider carefully state determinations of fact that are supported by a detailed and extensive record, it is the FCC's role to determine whether the factual record supports the conclusion that particular requirements of section 271 have been met.[7]

3. Section 271 requires the Commission to make various findings before approving BOC entry. In order for the Commission to approve a BOC's application to provide in-region, interLATA services, a BOC must first demonstrate, with respect to each state for which it seeks authorization, that it satisfies the requirements of either section 271(c)(1)(A) (Track A) or 271(c)(1)(B) (Track B).[8] In order to obtain authorization under section 271, the BOC must also show that: (1) it has "fully implemented the competitive checklist" contained in section 271(c)(2)(B);[9] (2) the requested authorization will be carried out in accordance with the requirements of section 272;[10] and (3) the BOC's entry into the in-region interLATA market is "consistent with the public interest, convenience, and necessity."[11] The statute specifies that, unless the Commission finds that these criteria have been satisfied, the Commission "shall not approve" the requested authorization.[12]

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[6] *Bell Atlantic New York Order*, 15 FCC Rcd at 3962, para. 20; *Application of Ameritech Michigan Pursuant to Section 271 of the Communications Act of 1934, as amended*, CC Docket No. 97-137, 12 FCC Rcd 20543, 20559-60 (1997) (*Ameritech Michigan Order*). As the D.C. Circuit has held, "[a]lthough the Commission must consult with the state commissions, the statute does not require the Commission to give State Commissions' views any particular weight." *SBC Communications Inc. v. FCC*, 138 F.3d 410, 416 (D.C. Cir. 1998).

[7] *Ameritech Michigan Order*, 12 FCC Rcd at 20560; *SBC Communications v. FCC*, 138 F.3d at 416-17.

[8] 47 U.S.C. § 271(d)(3)(A). *See* Section III, *infra*, for a complete discussion of Track A and Track B requirements.

[9] *Id.* §§ 271(c)(2)(B), 271(d)(3)(A)(i).

[10] *Id.* § 272; *see Implementation of the Non-Accounting Safeguards of Sections 271 and 272 of the Communications Act of 1934, as amended*, CC Docket No. 96-149, First Report and Order and Further Notice of Proposed Rulemaking, 11 FCC Rcd 21905 (1996) (*Non-Accounting Safeguards Order*), *recon.*, Order on Reconsideration, 12 FCC Rcd 2297 (1997), *review pending sub nom., SBC Communications v. FCC*, No. 97-1118 (D.C. Cir., filed Mar. 6, 1997) (held in abeyance pursuant to court order filed May 7, 1997), *remanded in part sub nom., Bell Atlantic Telephone Companies v. FCC*, No. 97-1067 (D.C. Cir., filed Mar. 31, 1997), *on remand*, Second Order on Reconsideration, FCC 97-222 (rel. June 24, 1997), *petition for review denied sub nom. Bell Atlantic Telephone Companies v. FCC*, 113 F.3d 1044 (D.C. Cir. 1997); *Implementation of the Telecommunications Act of 1996; Accounting Safeguards Under the Telecommunications Act of 1996*, Report and Order, 11 FCC Rcd 17539 (1996).

[11] 47 U.S.C. § 271(d)(3)(C).

[12] *Id.* § 271(d)(3); *see SBC Communications, Inc. v. FCC*, 138 F.3d at 416.

II. PROCEDURAL AND ANALYTICAL FRAMEWORK

4. To determine whether a BOC applicant has met the prerequisites for entry into the long distance market, the Commission evaluates its compliance with the competitive checklist, as developed in the FCC's local competition rules and orders in effect at the time the application was filed. Despite the comprehensiveness of these rules, there will inevitably be, in any section 271 proceeding, disputes over an incumbent LEC's precise obligations to its competitors that FCC rules have not addressed and that do not involve *per se* violations of self-executing requirements of the Act. As explained in prior orders, the section 271 process simply could not function as Congress intended if the Commission were required to resolve all such disputes as a precondition to granting a section 271 application.[13] In the context of section 271's adjudicatory framework, the Commission has established certain procedural rules governing BOC section 271 applications.[14] The Commission has explained in prior orders the procedural rules it has developed to facilitate the review process.[15] Here we describe how the Commission considers the evidence of compliance that the BOC presents in its application.

5. As part of the determination that a BOC has satisfied the requirements of section 271, the Commission considers whether the BOC has fully implemented the competitive checklist in subsection (c)(2)(B). The BOC at all times bears the burden of proof of compliance with section 271, even if no party challenges its compliance with a particular requirement.[16] In demonstrating its compliance, a BOC must show that it has a concrete and specific legal obligation to furnish the item upon request pursuant to state-approved interconnection agreements that set forth prices and other terms and conditions for each checklist item, and that it is currently furnishing, or is ready to furnish, the checklist items in quantities that competitors may reasonably demand and at an acceptable level of quality.[17] In particular, the BOC must demonstrate that it is offering interconnection and access to network elements on a

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[13] *See SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6246, para. 19; *see also American Tel. & Tel. Co. v. FCC*, 220 F.3d 607, 631 (D.C. Cir. 2000).

[14] *See Procedures for Bell Operating Company Applications Under New Section 271 of the Communications Act*, Public Notice, 11 FCC Rcd 19708, 19711 (1996); *Revised Comment Schedule For Ameritech Michigan Application, as amended, for Authorization Under Section 271 of the Communications Act to Provide In-Region, InterLATA Services in the State of Michigan*, Public Notice, DA 97-127 (rel. Jan. 17, 1997); *Revised Procedures for Bell Operating Company Applications Under Section 271 of the Communications Act*, Public Notice, 13 FCC Rcd 17457 (1997); *Updated Filing Requirements for Bell Operating Company Applications Under Section 271 of the Communications Act*, Public Notice, DA 99-1994 (rel. Sept. 28, 1999); *Updated Filing Requirements for Bell Operating Company Applications Under Section 271 of the Communications Act*, Public Notice, DA 01-734 (CCB rel. Mar. 23, 2001) (collectively "271 Procedural Public Notices").

[15] *See, e.g., SWBT Kansas/Oklahoma Order* 16 FCC Rcd at 6247-50, paras. 21-27; *SWBT Texas Order*, 15 FCC Rcd at 18370-73, paras. 34-42; *Bell Atlantic New York Order*, 15 FCC Rcd at 3968-71, paras. 32-42.

[16] *See SWBT Texas Order*, 15 FCC Rcd at 18374, para. 46; *Bell Atlantic New York Order*, 15 FCC Rcd at 3972, para. 46.

[17] *See Bell Atlantic New York Order*, 15 FCC Rcd at 3973-74, para. 52.

nondiscriminatory basis.[18] Previous Commission orders addressing section 271 applications have elaborated on this statutory standard.[19] First, for those functions the BOC provides to competing carriers that are analogous to the functions a BOC provides to itself in connection with its own retail service offerings, the BOC must provide access to competing carriers in "substantially the same time and manner" as it provides to itself.[20] Thus, where a retail analogue exists, a BOC must provide access that is equal to (i.e., substantially the same as) the level of access that the BOC provides itself, its customers, or its affiliates, in terms of quality, accuracy, and timeliness.[21] For those functions that have no retail analogue, the BOC must demonstrate that the access it provides to competing carriers would offer an efficient carrier a "meaningful opportunity to compete."[22]

6. The determination of whether the statutory standard is met is ultimately a judgment the Commission must make based on its expertise in promoting competition in local markets and in telecommunications regulation generally.[23] The Commission has not established, nor does it believe it appropriate to establish, specific objective criteria for what constitutes "substantially the same time and manner" or a "meaningful opportunity to compete."[24] Whether this legal standard is met can only be decided based on an analysis of specific facts and circumstances. Therefore, the Commission looks at each application on a case-by-case basis and considers the totality of the circumstances, including the origin and quality of the information in the record, to determine whether the nondiscrimination requirements of the Act are met.

A. Performance Data

7. As established in prior section 271 orders, the Commission has found that performance measurements provide valuable evidence regarding a BOC's compliance or noncompliance with individual checklist items. The Commission expects that, in its *prima facie* case in the initial application, a BOC relying on performance data will:

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[18] *See* 47 U.S.C. § 271(c)(2)(B)(i), (ii).

[19] *See SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6250-51, paras. 28-29; *Bell Atlantic New York Order*, 15 FCC Rcd at 3971-72, paras. 44-46.

[20] *SWBT Texas Order*, 15 FCC Rcd at 18373, para. 44; *Bell Atlantic New York Order*, 15 FCC Rcd at 3971, para. 44.

[21] *Bell Atlantic New York Order*, 15 FCC Rcd at 3971, para. 44; *Ameritech Michigan Order*, 12 FCC Rcd at 20618-19.

[22] *Id.*

[23] *SWBT Texas Order*, 15 FCC Rcd at 18374, para. 46; *Bell Atlantic New York Order*, 15 FCC Rcd at 3972, para. 46.

[24] *Id.*

a) provide sufficient performance data to support its contention that the statutory requirements are satisfied;

b) identify the facial disparities between the applicant's performance for itself and its performance for competitors;

c) explain why those facial disparities are anomalous, caused by forces beyond the applicant's control (e.g., competing carrier-caused errors), or have no meaningful adverse impact on a competing carrier's ability to obtain and serve customers; and

d) provide the underlying data, analysis, and methodologies necessary to enable the Commission and commenters meaningfully to evaluate and contest the validity of the applicant's explanations for performance disparities, including, for example, carrier specific carrier-to-carrier performance data.

8. The Commission has explained in prior orders that parity and benchmark standards established by state commissions do not represent absolute maximum or minimum levels of performance necessary to satisfy the competitive checklist. Rather, where these standards are developed through open proceedings with input from both the incumbent and competing carriers, these standards can represent informed and reliable attempts to objectively approximate whether competing carriers are being served by the incumbent in substantially the same time and manner, or in a way that provides them a meaningful opportunity to compete.[25] Thus, to the extent there is no statistically significant difference between a BOC's provision of service to competing carriers and its own retail customers, the Commission generally need not look any further. Likewise, if a BOC's provision of service to competing carriers satisfies the performance benchmark, the analysis is usually done. Otherwise, the Commission will examine the evidence further to make a determination whether the statutory nondiscrimination requirements are met.[26] Thus, the Commission will examine the explanations that a BOC and others provide about whether these data accurately depict the quality of the BOC's performance. The Commission also may examine how many months a variation in performance has existed and what the recent trend has been. The Commission may find that statistically significant differences exist, but conclude that such differences have little or no competitive significance in the marketplace. In such cases, the Commission may conclude that the differences are not meaningful in terms of statutory compliance. Ultimately, the determination of whether a BOC's performance meets the statutory requirements necessarily is a contextual decision based on the totality of the circumstances and information before the Commission.

9. Where there are multiple performance measures associated with a particular checklist item, the Commission would consider the performance demonstrated by all the measurements as a whole. Accordingly, a disparity in performance for one measure, by itself,

[25] *See SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6252, para. 31; *SWBT Texas Order*, 15 FCC Rcd at 18377, para. 55 & n.102.

[26] *See Bell Atlantic New York Order*, 15 FCC Rcd at 3970, para. 59.

may not provide a basis for finding noncompliance with the checklist. The Commission may also find that the reported performance data are affected by factors beyond a BOC's control, a finding that would make it less likely to hold the BOC wholly accountable for the disparity. This is not to say, however, that performance discrepancies on a single performance metric are unimportant. Indeed, under certain circumstances, disparity with respect to one performance measurement may support a finding of statutory noncompliance, particularly if the disparity is substantial or has endured for a long time, or if it is accompanied by other evidence of discriminatory conduct or evidence that competing carriers have been denied a meaningful opportunity to compete.

10. In sum, the Commission does not use performance measurements as a substitute for the 14-point competitive checklist. Rather, it uses performance measurements as valuable evidence with which to inform the judgment as to whether a BOC has complied with the checklist requirements. Although performance measurements add necessary objectivity and predictability to the review, they cannot wholly replace the Commission's own judgment as to whether a BOC has complied with the competitive checklist.

B. Relevance of Previous Section 271 Approvals

11. In some section 271 applications, the volumes of the BOC's commercial orders may be significantly lower than they were in prior proceedings. In certain instances, volumes may be so low as to render the performance data inconsistent and inconclusive.[27] Performance data based on low volumes of orders or other transactions are not as reliable an indicator of checklist compliance as performance based on larger numbers of observations. Indeed, where performance data are based on a low number of observations, small variations in performance may produce wide swings in the reported performance data. It is thus not possible to place the same evidentiary weight upon – and to draw the same types of conclusions from – performance data where volumes are low, as for data based on more robust activity.

12. In such cases, findings in prior, related section 271 proceedings may be a relevant factor in the Commission's analysis. Where a BOC provides evidence that a particular system reviewed and approved in a prior section 271 proceeding is also used in the proceeding at hand, the Commission's review of the same system in the current proceeding will be informed by the findings in the prior one. Indeed, to the extent that issues have already been briefed, reviewed and resolved in a prior section 271 proceeding, and absent new evidence or changed circumstances, an application for a related state should not be a forum for re-litigating and reconsidering those issues. Appropriately employed, such a practice can give us a fuller picture of the BOC's compliance with the section 271 requirements while avoiding, for all parties

[27] The Commission has never required, however, an applicant to demonstrate that it processes and provisions a substantial commercial volume of orders, or has achieved a specific market share in its service area, as a prerequisite for satisfying the competitive checklist. *See Ameritech Michigan Order*, 12 FCC Rcd at 20585, para. 77 (explaining that Congress had considered and rejected language that would have imposed a "market share" requirement in section 271(c)(1)(A)).

involved in the section 271 process, the delay and expense associated with redundant and unnecessary proceedings and submissions.

13. However, the statute requires the Commission to make a separate determination of checklist compliance for each state and, accordingly, we do not consider any finding from previous section 271 orders to be dispositive of checklist compliance in current proceedings. While the Commission's review may be informed by prior findings, the Commission will consider all relevant evidence in the record, including state-specific factors identified by commenting parties, the states, the Department of Justice. However, the Commission has always held that an applicant's performance towards competing carriers in an actual commercial environment is the best evidence of nondiscriminatory access to OSS and other network elements.[28] Thus, the BOC's actual performance in the applicant state may be relevant to the analysis and determinations with respect to the 14 checklist items. Evidence of satisfactory performance in another state cannot trump convincing evidence that an applicant fails to provide nondiscriminatory access to a network element in the applicant state.

14. Moreover, because the Commission's review of a section 271 application must be based on a snapshot of a BOC's recent performance at the time an application is filed, the Commission cannot simply rely on findings relating to an applicant's performance in an anchor state at the time it issued the determination for that state. The performance in that state could change due to a multitude of factors, such as increased order volumes or shifts in the mix of the types of services or UNEs requested by competing carriers. Thus, even when the applicant makes a convincing showing of the relevance of anchor state data, the Commission must examine how recent performance in that state compares to performance at the time it approved that state's section 271 application, in order to determine if the systems and processes continue to perform at acceptable levels.

III. COMPLIANCE WITH ENTRY REQUIREMENTS – SECTIONS 271(c)(1)(A) & 271(c)(1)(B)

15. As noted above, in order for the Commission to approve a BOC's application to provide in-region, interLATA services, a BOC must first demonstrate that it satisfies the requirements of either section 271(c)(1)(A) (Track A) or 271(c)(1)(B) (Track B).[29] To qualify for Track A, a BOC must have interconnection agreements with one or more competing providers of "telephone exchange service . . . to residential and business subscribers."[30] The Act states that "such telephone service may be offered . . . either exclusively over [the competitor's] own telephone exchange service facilities or predominantly over [the competitor's] own telephone exchange facilities in combination with the resale of the telecommunications services

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[28] *See SWBT Texas Order*, 15 FCC Rcd at 18376, para. 53; *Bell Atlantic New York Order*, 15 FCC Rcd at 3974, para. 53.

[29] *See* 47 U.S.C. § 271(d)(3)(A).

[30] *Id.*

of another carrier."[31] The Commission concluded in the *Ameritech Michigan Order* that section 271(c)(1)(A) is satisfied if one or more competing providers collectively serve residential and business subscribers.[32]

16. As an alternative to Track A, Section 271(c)(1)(B) permits BOCs to obtain authority to provide in-region, interLATA services if, after 10 months from the date of enactment, no facilities-based provider, as described in subparagraph (A), has requested the access and interconnection arrangements described therein (referencing one or more binding agreements approved under Section 252), but the state has approved an SGAT that satisfies the competitive checklist of subsection (c)(2)(B). Under section 271(d)(3)(A)(ii), the Commission shall not approve such a request for in-region, interLATA service unless the BOC demonstrates that, "with respect to access and interconnection generally offered pursuant to [an SGAT], such statement offers all of the items included in the competitive checklist."[33] Track B, however, is not available to a BOC if it has already received a request for access and interconnection from a prospective competing provider of telephone exchange service.[34]

IV. COMPLIANCE WITH THE COMPETITIVE CHECKLIST – SECTION 271(c)(2)(B)

A. Checklist Item 1 – Interconnection

17. Section 271(c)(2)(B)(i) of the Act requires a section 271 applicant to provide "[i]nterconnection in accordance with the requirements of sections 251(c)(2) and 252(d)(1)."[35] Section 251(c)(2) imposes a duty on incumbent LECs "to provide, for the facilities and equipment of any requesting telecommunications carrier, interconnection with the local exchange carrier's network . . . for the transmission and routing of telephone exchange service and exchange access."[36] In the *Local Competition First Report and Order*, the Commission concluded that interconnection referred "only to the physical linking of two networks for the

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[31] *Id.*

[32] *See Ameritech Michigan Order*, 12 FCC Rcd at 20589, para. 85; *see also Second BellSouth Louisiana Order*, 13 FCC Rcd at 20633-35, paras. 46-48.

[33] 47 U.S.C. § 271(d)(3)(A)(ii).

[34] *See Ameritech Michigan Order*, 12 FCC Rcd at 20561-62, para. 34. Nevertheless, the above-mentioned foreclosure of Track B as an option is subject to limited exceptions. *See* 47 U.S.C. § 271(c)(1)(B); *see also Ameritech Michigan Order*, 12 FCC Rcd at 20563-64, paras. 37-38.

[35] 47 U.S.C. § 271(c)(2)(B)(i); *see Bell Atlantic New York Order*, 15 FCC Rcd at 3977-78, para. 63; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20640, para. 61; *Ameritech Michigan Order*, 12 FCC Rcd at 20662, para. 222.

[36] 47 U.S.C. § 251(c)(2)(A).

mutual exchange of traffic."[37] Section 251 contains three requirements for the provision of interconnection. First, an incumbent LEC must provide interconnection "at any technically feasible point within the carrier's network."[38] Second, an incumbent LEC must provide interconnection that is "at least equal in quality to that provided by the local exchange carrier to itself."[39] Finally, the incumbent LEC must provide interconnection "on rates, terms, and conditions that are just, reasonable, and nondiscriminatory, in accordance with the terms of the agreement and the requirements of [section 251] and section 252."[40]

18. To implement the equal-in-quality requirement in section 251, the Commission's rules require an incumbent LEC to design and operate its interconnection facilities to meet "the same technical criteria and service standards" that are used for the interoffice trunks within the incumbent LEC's network.[41] In the *Local Competition First Report and Order*, the Commission identified trunk group blockage and transmission standards as indicators of an incumbent LEC's technical criteria and service standards.[42] In prior section 271 applications, the Commission concluded that disparities in trunk group blockage indicated a failure to provide interconnection to competing carriers equal-in-quality to the interconnection the BOC provided to its own retail operations.[43]

19. In the *Local Competition First Report and Order*, the Commission concluded that the requirement to provide interconnection on terms and conditions that are "just, reasonable, and nondiscriminatory" means that an incumbent LEC must provide interconnection to a competitor in a manner no less efficient than the way in which the incumbent LEC provides the

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[37] *Implementation of the Local Competition Provisions in the Telecommunications Act of 1996*, First Report and Order, 11 FCC Rcd 15499, 15590, para. 176 (1996) (*Local Competition First Report and Order*). Transport and termination of traffic are therefore excluded from the Commission's definition of interconnection. *See id.*

[38] 47 U.S.C. § 251(c)(2)(B). In the *Local Competition First Report and Order*, the Commission identified a minimum set of technically feasible points of interconnection. *See Local Competition First Report and Order*, 11 FCC Rcd at 15607-09, paras. 204-11.

[39] 47 U.S.C. § 251(c)(2)(C).

[40] *Id.* § 251(c)(2)(D).

[41] *Local Competition First Report and Order*, 11 FCC Rcd at 15613-15, paras. 221-225; *see Bell Atlantic New York Order*, 15 FCC Rcd at 3978, para. 64; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20641-42, paras. 63-64.

[42] *Local Competition First Report and Order*, 11 FCC Rcd at 15614-15, paras. 224-25.

[43] *See Bell Atlantic New York Order*, 15 FCC Rcd at 3978, para. 64; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20648-50, paras. 74-77; *Ameritech Michigan Order*, 12 FCC Rcd at 20671-74, paras. 240-45. The Commission has relied on trunk blockage data to evaluate a BOC's interconnection performance. Trunk group blockage indicates that end users are experiencing difficulty completing or receiving calls, which may have a direct impact on the customer's perception of a competitive LEC's service quality.

comparable function to its own retail operations.[44] The Commission's rules interpret this obligation to include, among other things, the incumbent LEC's installation time for interconnection service[45] and its provisioning of two-way trunking arrangements.[46] Similarly, repair time for troubles affecting interconnection trunks is useful for determining whether a BOC provides interconnection service under "terms and conditions that are no less favorable than the terms and conditions" the BOC provides to its own retail operations.[47]

20. Competing carriers may choose any method of technically feasible interconnection at a particular point on the incumbent LEC's network.[48] Incumbent LEC provision of interconnection trunking is one common means of interconnection. Technically feasible methods also include, but are not limited to, physical and virtual collocation and meet point arrangements.[49] The provision of collocation is an essential prerequisite to demonstrating compliance with item 1 of the competitive checklist.[50] In the *Advanced Services First Report and Order*, the Commission revised its collocation rules to require incumbent LECs to include shared cage and cageless collocation arrangements as part of their physical collocation offerings.[51] In response to a remand from the D.C. Circuit, the Commission adopted the *Collocation Remand Order*, establishing revised criteria for equipment for which incumbent LECs must permit collocation, requiring incumbent LECs to provide cross-connects between

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[44] *Local Competition First Report and Order*, 11 FCC Rcd at 15612, para. 218; *see also Bell Atlantic New York* Order, 15 FCC Rcd at 3978, para. 65; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20642, para. 65.

[45] 47 C.F.R. § 51.305(a)(5).

[46] The Commission's rules require an incumbent LEC to provide two-way trunking upon request, wherever two-way trunking arrangements are technically feasible. 47 C.F.R. § 51.305(f); *see also Bell Atlantic New York Order*, 15 FCC Rcd at 3978-79, para. 65; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20642, para. 65; *Local Competition First Report and Order*, 11 FCC Rcd 15612-13, paras. 219-20.

[47] 47 C.F.R. § 51.305(a)(5).

[48] *Local Competition First Report and Order*, 11 FCC Rcd at 15779, paras. 549-50; *see Bell Atlantic New York Order*, 15 FCC Rcd at 3979, para. 66; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20640-41, para. 61.

[49] 47 C.F.R. § 51.321(b); *Local Competition First Report and Order*, 11 FCC Rcd at 15779-82, paras. 549-50; *see also Bell Atlantic New York Order*, 15 FCC Rcd at 3979, para. 66; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20640-41, para. 62.

[50] 47 U.S.C. § 251(c)(6) (requiring incumbent LECs to provide physical collocation); *Bell Atlantic New York Order*, 15 FCC Rcd at 3979, para. 66; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20640-41, paras. 61-62.

[51] *Deployment of Wireline Services offering Advanced Telecommunications Capability*, First Report and Order and Further Notice of Proposed Rulemaking, 14 FCC Rcd 4761, 4784-86, paras. 41-43 (1999), *aff'd in part and vacated and remanded in part sub nom. GTE Service Corp. v. FCC*, 205 F.3d 416 (D.C. Cir. 2000), *on recon.*, *Collocation Reconsideration Order*, 15 FCC Rcd 17806 (2000); *on remand, Deployment of Wireline Services Offering Advanced Telecommunications Capability*, Fourth Report and Order, 16 FCC Rcd 15435 (2001) (*Collocation Remand Order*), *petition for recon. pending.*

collocated carriers, and establishing principles for physical collocation space and configuration.[52] To show compliance with its collocation obligations, a BOC must have processes and procedures in place to ensure that all applicable collocation arrangements are available on terms and conditions that are "just, reasonable, and nondiscriminatory" in accordance with section 251(c)(6) and the FCC's implementing rules.[53] Data showing the quality of procedures for processing applications for collocation space, as well as the timeliness and efficiency of provisioning collocation space, help the Commission evaluate a BOC's compliance with its collocation obligations.[54]

21. As stated above, checklist item 1 requires a BOC to provide "interconnection in accordance with the requirements of sections 251(c)(2) *and* 252(d)(1)."[55] Section 252(d)(1) requires state determinations regarding the rates, terms, and conditions of interconnection to be based on cost and to be nondiscriminatory, and allows the rates to include a reasonable profit.[56] The Commission's pricing rules require, among other things, that in order to comply with its collocation obligations, an incumbent LEC provide collocation based on TELRIC.[57]

22. To the extent pricing disputes arise, the Commission will not duplicate the work of the state commissions. As noted in the *SWBT Texas Order*, the Act authorizes the state commissions to resolve specific carrier-to-carrier disputes arising under the local competition provisions, and it authorizes the federal district courts to ensure that the results of the state arbitration process are consistent with federal law.[58] Although the Commission has an independent statutory obligation to ensure compliance with the checklist, section 271 does not compel us to preempt the orderly disposition of intercarrier disputes by the state commissions, particularly now that the Supreme Court has restored the Commission's pricing jurisdiction and has thereby directed the state commissions to follow FCC pricing rules in their disposition of those disputes.[59]

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[52] *See Collocation Remand Order*, 16 FCC Rcd at 15441-42, para. 12.

[53] *Bell Atlantic New York Order*, 15 FCC Rcd at 3979, para. 66; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20643, para. 66; *BellSouth Carolina Order*, 13 FCC Rcd at 649-51, para. 62.

[54] *Bell Atlantic New York Order*, 15 FCC Rcd at 3979, para. 66; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20640-41, paras. 61-62.

[55] 47 U.S.C. § 271(c)(2)(B)(i) (emphasis added).

[56] *Id.* § 252(d)(1).

[57] *See* 47 C.F.R. §§ 51.501-07, 51.509(g); *Local Competition First Report and Order*, 11 FCC Rcd at 15812-16, 15844-61, 15874-76, 15912, paras. 618-29, 674-712, 743-51, 826.

[58] *See SWBT Texas Order*, 15 FCC Rcd at 18394, para. 88; *see also* 47 U.S.C. §§ 252(c), (e)(6); *American Tel. & Tel Co. v. Iowa Utils. Bd.*, 525 U.S. 366 (1999) (*AT&T v. Iowa Utils. Bd.*).

[59] *SWBT Texas Order*, 15 FCC Rcd at 18394, para. 88; *AT&T Corp. v. Iowa Utils. Bd.*, 525 U.S. at 377-86.

23. Consistent with the Commission's precedent, the mere presence of interim rates will not generally threaten a section 271 application so long as: (1) an interim solution to a particular rate dispute is reasonable under the circumstances; (2) the state commission has demonstrated its commitment to the Commission's pricing rules; and (3) provision is made for refunds or true-ups once permanent rates are set.[60] In addition, the Commission has determined that rates contained within an approved section 271 application, including those that are interim, are reasonable starting points for interim rates for the same carrier in an adjoining state.[61]

24. Although the Commission has been willing to grant a section 271 application with a limited number of interim rates where the above-mentioned three-part test is met, it is clearly preferable to analyze a section 271 application on the basis of rates derived from a permanent rate proceeding.[62] At some point, states will have had sufficient time to complete these proceedings. The Commission will, therefore, become more reluctant to continue approving section 271 applications containing interim rates. It would not be sound policy for interim rates to become a substitute for completing these significant proceedings.

B. Checklist Item 2 – Unbundled Network Elements[63]

1. Access to Operations Support Systems

25. Incumbent LECs use a variety of systems, databases, and personnel (collectively referred to as OSS) to provide service to their customers.[64] The Commission consistently has

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[60] *SWBT Texas Order*, 15 FCC Rcd at 18394, para. 88; *see also Bell Atlantic New York Order*, 15 FCC Rcd at 4091, para. 258 (explaining the Commission's case-by-case review of interim prices).

[61] *SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6359-60, para. 239.

[62] *See Bell Atlantic New York Order*, 15 FCC Rcd at 4091, para. 260.

[63] We note that the United States Court of Appeals for the District of Columbia Circuit recently opined in two relevant Commission decisions, *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, Third Report and Order and Fourth Further Notice of Proposed Rulemaking, 15 FCC Rcd 3696 (1999) (*Local Competition Order*) and *Deployment of Wireline Services Offering Advanced Telecommunications Capability and Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, Third Report and Order in CC Doc. No. 98-147 and Fourth Report and Order in CC Doc. No. 96-98, 14 FCC Rcd 20912 (1999) (*Line Sharing Order*). *USTA v. FCC*, 290 F.3d 415 (D. C. Cir. 2002), *petition for rehearing and suggestion for rehearing en banc denied Sept. 4, 2002*. The court's decision addressed both our UNE rules and our line sharing rules. The Commission is currently reviewing its UNE rules, *Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, 16 FCC Rcd 22781 (2001) *(Triennial Review Notice)*. Further, the court stated that "the *Line Sharing Order* must be vacated and remanded." *USTA v. FCC*, 290 F.3d at 429. The court also stated that it "grant[ed] the petitions for review[] and remand[ed] the *Line Sharing Order* and the *Local Competition Order* to the Commission for further consideration in accordance with the principles outlined." *Id.* at 430. On September 4, 2002, the D.C. Circuit denied petitions for rehearing filed by the Commission and others. *See Order*, Nos. 00-1012 and 00-1015 (D.C. Circuit, filed Sept. 4, 2002).

[64] *Id.* at 3989-90, para. 83; *BellSouth South Carolina Order*, 13 FCC Rcd at 585.

found that nondiscriminatory access to OSS is a prerequisite to the development of meaningful local competition.[65] For example, new entrants must have access to the functions performed by the incumbent's OSS in order to formulate and place orders for network elements or resale services, to install service to their customers, to maintain and repair network facilities, and to bill customers.[66] The Commission has determined that without nondiscriminatory access to the BOC's OSS, a competing carrier "will be severely disadvantaged, if not precluded altogether, from fairly competing" in the local exchange market.[67]

26. Section 271 requires the Commission to determine whether a BOC offers nondiscriminatory access to OSS functions. Section 271(c)(2)(B)(ii) requires a BOC to provide "nondiscriminatory access to network elements in accordance with the requirements of sections 251(c)(3) and 252(d)(1)."[68] The Commission has determined that access to OSS functions falls squarely within an incumbent LEC's duty under section 251(c)(3) to provide unbundled network elements (UNEs) under terms and conditions that are nondiscriminatory and just and reasonable, and its duty under section 251(c)(4) to offer resale services without imposing any limitations or conditions that are discriminatory or unreasonable.[69] The Commission must therefore examine a BOC's OSS performance to evaluate compliance with section 271(c)(2)(B)(ii) and (xiv).[70] In addition, the Commission has also concluded that the duty to provide nondiscriminatory access to OSS functions is embodied in other terms of the competitive checklist as well.[71] Consistent with prior orders, the Commission examines a BOC's OSS performance directly under checklist items 2 and 14, as well as other checklist terms.[72]

27. As part of its statutory obligation to provide nondiscriminatory access to OSS functions, a BOC must provide access that sufficiently supports each of the three modes of competitive entry envisioned by the 1996 Act – competitor-owned facilities, UNEs, and resale.[73]

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[65] *See Bell Atlantic New York Order*, 15 FCC Rcd at 3990, para. 83; *BellSouth South Carolina Order*, 13 FCC Rcd at 547-48, 585; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20653.

[66] *See Bell Atlantic New York Order*, 15 FCC Rcd at 3990, para. 83.

[67] *Id.*

[68] 47 U.S.C. § 271(c)(2)(B)(ii).

[69] *Bell Atlantic New York Order*, 15 FCC Rcd at 3990, para. 84.

[70] *Id.*

[71] *Id.* As part of a BOC's demonstration that it is "providing" a checklist item (*e.g.*, unbundled loops, unbundled local switching, resale services), it must demonstrate that it is providing nondiscriminatory access to the systems, information, and personnel that support that element or service. An examination of a BOC's OSS performance is therefore integral to the determination of whether a BOC is offering all of the items contained in the competitive checklist. *Id.*

[72] *Id.* at 3990-91, para. 84.

[73] *Id.* at 3991, para. 85.

For OSS functions that are analogous to those that a BOC provides to itself, its customers or its affiliates, the nondiscrimination standard requires the BOC to offer requesting carriers access that is equivalent in terms of quality, accuracy, and timeliness.[74] The BOC must provide access that permits competing carriers to perform these functions in "substantially the same time and manner" as the BOC.[75] The Commission has recognized in prior orders that there may be situations in which a BOC contends that, although equivalent access has not been achieved for an analogous function, the access that it provides is nonetheless nondiscriminatory within the meaning of the statute.[76]

28. For OSS functions that have no retail analogue, the BOC must offer access "sufficient to allow an efficient competitor a meaningful opportunity to compete."[77] In assessing whether the quality of access affords an efficient competitor a meaningful opportunity to compete, the Commission will examine, in the first instance, whether specific performance standards exist for those functions.[78] In particular, the Commission will consider whether appropriate standards for measuring OSS performance have been adopted by the relevant state commission or agreed upon by the BOC in an interconnection agreement or during the implementation of such an agreement.[79] If such performance standards exist, the Commission will evaluate whether the BOC's performance is sufficient to allow an efficient competitor a meaningful opportunity to compete.[80]

29. The Commission analyzes whether a BOC has met the nondiscrimination standard for each OSS function using a two-step approach. First, the Commission determines "whether the BOC has deployed the necessary systems and personnel to provide sufficient access to each of the necessary OSS functions and whether the BOC is adequately assisting competing carriers to understand how to implement and use all of the OSS functions available to

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[74] *Id.*

[75] *Id.* For example, the Commission would not deem an incumbent LEC to be providing nondiscriminatory access to OSS if limitations on the processing of information between the interface and the back office systems prevented a competitor from performing a specific function in substantially the same time and manner as the incumbent performs that function for itself.

[76] *See id.*

[77] *Id.* at 3991, para. 86.

[78] *Id.*

[79] *Id.* As a general proposition, specific performance standards adopted by a state commission in an arbitration decision would be more persuasive evidence of commercial reasonableness than a standard unilaterally adopted by the BOC outside of its interconnection agreement. *Id.* at 20619-20.

[80] *See id.* at 3991-92, para. 86.

them."[81] The Commission next assesses "whether the OSS functions that the BOC has deployed are operationally ready, as a practical matter."[82]

30. Under the first inquiry, a BOC must demonstrate that it has developed sufficient electronic (for functions that the BOC accesses electronically) and manual interfaces to allow competing carriers equivalent access to all of the necessary OSS functions.[83] For example, a BOC must provide competing carriers with the specifications necessary for carriers to design or modify their systems in a manner that will enable them to communicate with the BOC's systems and any relevant interfaces.[84] In addition, a BOC must disclose to competing carriers any internal business rules[85] and other formatting information necessary to ensure that a carrier's requests and orders are processed efficiently.[86] Finally, a BOC must demonstrate that its OSS is designed to accommodate both current demand and projected demand for competing carriers' access to OSS functions.[87] Although not a prerequisite, the Commission continues to encourage the use of industry standards as an appropriate means of meeting the needs of a competitive local exchange market.[88]

31. Under the second inquiry, the Commission examines performance measurements and other evidence of commercial readiness to ascertain whether the BOC's OSS is handling

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[81] *Id.* at 3992, para. 87; *Ameritech Michigan Order*, 12 FCC Rcd at 20616; *see also Second BellSouth Louisiana Order*, 13 FCC Rcd at 20654; *BellSouth South Carolina Order*, 13 FCC Rcd at 592-93. In making this determination, the Commission "consider[s] all of the automated and manual processes a BOC has undertaken to provide access to OSS functions," including the interface (or gateway) that connects the competing carrier's own operations support systems to the BOC; any electronic or manual processing link between that interface and the BOC's OSS (including all necessary back office systems and personnel); and all of the OSS that a BOC uses in providing network elements and resale services to a competing carrier. *Ameritech Michigan Order*, 12 FCC Rcd at 20615; *see also Second BellSouth Louisiana Order*, 13 FCC Rcd at 20654 n.241.

[82] *See Bell Atlantic New York Order*, 15 FCC Rcd at 3992, para. 88.

[83] *Id.* at 3992, para. 87; *see also Ameritech Michigan Order*, 12 FCC Rcd at 20616, para. 136 (The Commission determines "whether the BOC has deployed the necessary systems and personnel to provide sufficient access to each of the necessary OSS functions and whether the BOC is adequately assisting competing carriers to understand how to implement and use all of the OSS functions available to them."). For example, a BOC must provide competing carriers the specifications necessary to design their systems interfaces and business rules necessary to format orders, and demonstrate that systems are scalable to handle current and projected demand. *Id.*

[84] *Id.*

[85] Business rules refer to the protocols that a BOC uses to ensure uniformity in the format of orders and include information concerning ordering codes such as universal service ordering codes (USOCs) and field identifiers (FIDs). *Id.*; *see also Ameritech Michigan Order*, 12 FCC Rcd at 20617 n.335.

[86] *Bell Atlantic New York Order*, 15 FCC Rcd at 3992, para. 88.

[87] *Id.*

[88] *See id.*

current demand and will be able to handle reasonably foreseeable future volumes.[89] The most probative evidence that OSS functions are operationally ready is actual commercial usage.[90] Absent sufficient and reliable data on commercial usage, the Commission will consider the results of carrier-to-carrier testing, independent third-party testing, and internal testing in assessing the commercial readiness of a BOC's OSS.[91] Although the Commission does not require OSS testing, a persuasive test will provide us with an objective means by which to evaluate a BOC's OSS readiness where there is little to no evidence of commercial usage, or may otherwise strengthen an application where the BOC's evidence of actual commercial usage is weak or is otherwise challenged by competitors. The persuasiveness of a third-party review, however, is dependent upon the qualifications, experience and independence of the third party and the conditions and scope of the review itself.[92] If the review is limited in scope or depth or is not independent and blind, the Commission will give it minimal weight. As noted above, to the extent the Commission reviews performance data, it looks at the totality of the circumstances and generally does not view individual performance disparities, particularly if they are isolated and slight, as dispositive of whether a BOC has satisfied its checklist obligations.[93] Individual performance disparities may, nevertheless, result in a finding of checklist noncompliance, particularly if the disparity is substantial or has endured for a long time, or if it is accompanied by other evidence of discriminatory conduct or evidence that competing carriers have been denied a meaningful opportunity to compete.

a. Relevance of a BOC's Prior Section 271 Orders

32. The *SWBT Kansas/Oklahoma Order* specifically outlined a non-exhaustive evidentiary showing that must be made in the initial application when a BOC seeks to rely on evidence presented in another application.[94] First, a BOC's application must explain the extent to which the OSS are "the same" – that is, whether it employs the shared use of a single OSS, or the use of systems that are identical, but separate.[95] To satisfy this inquiry, the Commission looks to whether the relevant states utilize a common set of processes, business rules, interfaces,

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89 *Id.* at 3993, para. 89.

90 *Id.*

91 *Id.*

92 *See id.*; *Ameritech Michigan Order*, 12 FCC Rcd at 20659 (emphasizing that a third-party review should encompass the entire obligation of the incumbent LEC to provide nondiscriminatory access, and, where applicable, should consider the ability of actual competing carriers in the market to operate using the incumbent's OSS access).

93 *See SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6301-02, para. 138.

94 *See id.* at 6286-91, paras. 107-18

95 *See id.* at 6288, para. 111.

systems and, in many instances, even personnel.[96] The Commission will also carefully examine third party reports that demonstrate that the BOC's OSS are the same in each of the relevant states.[97] Finally, where a BOC has discernibly separate OSS, it must demonstrate that its OSS reasonably can be expected to behave in the same manner.[98] Second, unless an applicant seeks to establish only that certain discrete components of its OSS are the same, an applicant must submit evidence relating to *all* aspects of its OSS, including those OSS functions performed by BOC personnel.

b. Pre-Ordering

33. A BOC must demonstrate that: (i) it offers nondiscriminatory access to OSS pre-ordering functions associated with determining whether a loop is capable of supporting xDSL advanced technologies; (ii) competing carriers successfully have built and are using application-to-application interfaces to perform pre-ordering functions and are able to integrate pre-ordering and ordering interfaces;[99] and (iii) its pre-ordering systems provide reasonably prompt response times and are consistently available in a manner that affords competitors a meaningful opportunity to compete.[100]

34. The pre-ordering phase of OSS generally includes those activities that a carrier undertakes to gather and verify the information necessary to place an order.[101] Given that pre-ordering represents the first exposure that a prospective customer has to a competing carrier, it is

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[96] The Commission has consistently held that a BOC's OSS includes both mechanized systems and manual processes, and thus the OSS functions performed by BOC personnel have been part of the FCC's OSS functionality and commercial readiness reviews.

[97] *See SWBT Kansas/Oklahoma Order*, *id.* at 6287, para. 108.

[98] *See id.* at 6288, para. 111.

[99] In prior orders, the Commission has emphasized that providing pre-ordering functionality through an application-to-application interface is essential in enabling carriers to conduct real-time processing and to integrate pre-ordering and ordering functions in the same manner as the BOC. *SWBT Texas Order*, 15 FCC Rcd at 18426, para. 148.

[100] The Commission has held previously that an interface that provides responses in a prompt timeframe and is stable and reliable, is necessary for competing carriers to market their services and serve their customers as efficiently and at the same level of quality as a BOC serves its own customers. *See Bell Atlantic New York Order*, 15 FCC Rcd at 4025 and 4029, paras. 145 and 154.

[101] *See Bell Atlantic New York Order*, 15 FCC Rcd at 4014, para. 129; *see also Second BellSouth Louisiana Order*, 13 FCC Rcd at 20660, para. 94 (referring to "pre-ordering and ordering" collectively as "the exchange of information between telecommunications carriers about current or proposed customer products and services or unbundled network elements or some combination thereof"). In prior orders, the Commission has identified the following five pre-order functions: (1) customer service record (CSR) information; (2) address validation; (3) telephone number information; (4) due date information; (5) services and feature information. *See Bell Atlantic New York Order*, 15 FCC Rcd at 4015, para. 132; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20660, para. 94; *BellSouth South Carolina Order*, 13 FCC Rcd at 619, para. 147.

critical that a competing carrier is able to accomplish pre-ordering activities in a manner no less efficient and responsive than the incumbent.[102] Most of the pre-ordering activities that must be undertaken by a competing carrier to order resale services and UNEs from the incumbent are analogous to the activities a BOC must accomplish to furnish service to its own customers. For these pre-ordering functions, a BOC must demonstrate that it provides requesting carriers access that enables them to perform pre-ordering functions in substantially the same time and manner as its retail operations.[103] For those pre-ordering functions that lack a retail analogue, a BOC must provide access that affords an efficient competitor a meaningful opportunity to compete.[104] In prior orders, the Commission has emphasized that providing pre-ordering functionality through an application-to-application interface is essential in enabling carriers to conduct real-time processing and to integrate pre-ordering and ordering functions in the same manner as the BOC.[105]

(i) Access to Loop Qualification Information

35. In accordance with the *UNE Remand Order*,[106] the Commission requires incumbent carriers to provide competitors with access to all of the same detailed information about the loop that is available to the incumbents,[107] and in the same time frame, so that a competing carrier can make an independent judgment at the pre-ordering stage about whether an end user loop is capable of supporting the advanced services equipment the competing carrier intends to install.[108] Under the *UNE Remand Order*, the relevant inquiry is not whether a BOC's retail arm accesses such underlying information but whether such information exists anywhere in

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[102] *Bell Atlantic New York Order*, 15 FCC Rcd at 4014, para. 129.

[103] *Id.*; *see also BellSouth South Carolina Order*, 13 FCC Rcd at 623-29 (concluding that failure to deploy an application-to-application interface denies competing carriers equivalent access to pre-ordering OSS functions).

[104] *Bell Atlantic New York Order*, 15 FCC Rcd at 4014, para. 129.

[105] *See id.* at 4014, para. 130; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20661-67, para. 105.

[106] *UNE Remand Order*, 15 FCC Rcd at 3885, para. 426 (determining "that the pre-ordering function includes access to loop qualification information").

[107] *See id.* At a minimum, a BOC must provide (1) the composition of the loop material, including both fiber and copper; (2) the existence, location and type of any electronic or other equipment on the loop, including but not limited to, digital loop carrier or other remote concentration devices, feeder/distribution interfaces, bridge taps, load coils, pair-gain devices, disturbers in the same or adjacent binder groups; (3) the loop length, including the length and location of each type of transmission media; (4) the wire gauge(s) of the loop; and (5) the electrical parameters of the loop, which may determine the suitability of the loop for various technologies. *Id.*

[108] As the Commission has explained in prior proceedings, because characteristics of a loop, such as its length and the presence of various impediments to digital transmission, can hinder certain advanced services technologies, carriers often seek to "pre-qualify" a loop by accessing basic loop makeup information that will assist carriers in ascertaining whether the loop, either with or without the removal of the impediments, can support a particular advanced service. *See id.*, 15 FCC Rcd at 4021, para. 140.

a BOC's back office and can be accessed by any of a BOC's personnel.[109] Moreover, a BOC may not "filter or digest" the underlying information and may not provide only information that is useful in provisioning of a particular type of xDSL that a BOC offers.[110] A BOC must also provide loop qualification information based, for example, on an individual address or zip code of the end users in a particular wire center, NXX code or on any other basis that the BOC provides such information to itself. Moreover, a BOC must also provide access for competing carriers to the loop qualifying information that the BOC can itself access manually or electronically. Finally, a BOC must provide access to loop qualification information to competitors within the same time intervals it is provided to the BOC's retail operations or its advanced services affiliate.[111] As the Commission determined in the *UNE Remand Order*, however, "to the extent such information is not normally provided to the incumbent's retail personnel, but can be obtained by contacting back office personnel, it must be provided to requesting carriers within the same time frame that any incumbent personnel are able to obtain such information."[112]

c. Ordering

36. Consistent with section 271(c)(2)(B)(ii), a BOC must demonstrate its ability to provide competing carriers with access to the OSS functions necessary for placing wholesale orders. For those functions of the ordering systems for which there is a retail analogue, a BOC must demonstrate, with performance data and other evidence, that it provides competing carriers with access to its OSS in substantially the same time and manner as it provides to its retail operations. For those ordering functions that lack a direct retail analogue, a BOC must demonstrate that its systems and performance allow an efficient carrier a meaningful opportunity to compete. As in prior section 271 orders, the Commission looks primarily at the applicant's ability to return order confirmation notices, order reject notices, order completion notices and jeopardies, and at its order flow-through rate.[113]

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[109] *UNE Remand Order*, 15 FCC Rcd at 3885-3887, paras. 427-431 (noting that "to the extent such information is not normally provided to the incumbent's retail personnel, but can be obtained by contacting back office personnel, it must be provided to requesting carriers within the same time frame that any incumbent personnel are able to obtain such information.").

[110] *See SWBT Kansas Oklahoma Order*, 16 FCC Rcd at 6292-93, para. 121.

[111] *Id.*

[112] *UNE Remand Order*, 15 FCC Rcd at 3885-3887, paras. 427-31.

[113] *See SWBT Texas Order*, 15 FCC Rcd at 18438, para. 170; *Bell Atlantic New York Order*, 15 FCC Rcd at 4035-39, paras. 163-66. The Commission examines (i) order flow-through rates, (ii) jeopardy notices and (iii) order completion notices using the "same time and manner" standard. The Commission examines order confirmation notices and order rejection notices using the "meaningful opportunity to compete" standard.

d. Provisioning

37. A BOC must provision competing carriers' orders for resale and UNE-P services in substantially the same time and manner as it provisions orders for its own retail customers.[114] Consistent with the approach in prior section 271 orders, the Commission examines a BOC's provisioning processes, as well as its performance with respect to provisioning timeliness (i.e., missed due dates and average installation intervals) and provisioning quality (i.e., service problems experienced at the provisioning stage).[115]

e. Maintenance and Repair

38. A competing carrier that provides service through resale or UNEs remains dependent upon the incumbent LEC for maintenance and repair. Thus, as part of its obligation to provide nondiscriminatory access to OSS functions, a BOC must provide requesting carriers with nondiscriminatory access to its maintenance and repair systems.[116] To the extent a BOC performs analogous maintenance and repair functions for its retail operations, it must provide competing carriers access that enables them to perform maintenance and repair functions "in substantially the same time and manner" as a BOC provides its retail customers.[117] Equivalent access ensures that competing carriers can assist customers experiencing service disruptions using the same network information and diagnostic tools that are available to BOC personnel.[118] Without equivalent access, a competing carrier would be placed at a significant competitive disadvantage, as its customer would perceive a problem with a BOC's network as a problem with the competing carrier's own network.[119]

f. Billing

39. A BOC must provide nondiscriminatory access to its billing functions, which is necessary to enable competing carriers to provide accurate and timely bills to their customers.[120] In making this determination, the Commission assesses a BOC's billing processes and systems,

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[114] *See Bell Atlantic New York*, 15 FCC Rcd at 4058, para. 196. For provisioning timeliness, the Commission looks to missed due dates and average installation intervals; for provisioning quality, the Commission looks to service problems experienced at the provisioning stage.

[115] *Id.*

[116] *Id.* at 4067, para. 212; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20692; *Ameritech Michigan Order*, 12 FCC Rcd at 20613, 20660-61.

[117] *Bell Atlantic New York Order*, 15 FCC Rcd at 4058, para. 196; *see also Second BellSouth Louisiana Order*, 13 FCC Rcd at 20692-93.

[118] *Bell Atlantic New York Order*, 15 FCC Rcd at 4058, para. 196.

[119] *Id.*

[120] *See SWBT Texas Order*, 15 FCC Rcd at 18461, para. 210.

and its performance data. Consistent with prior section 271 orders, a BOC must demonstrate that it provides competing carriers with complete and accurate reports on the service usage of competing carriers' customers in substantially the same time and manner that a BOC provides such information to itself, and with wholesale bills in a manner that gives competing carriers a meaningful opportunity to compete.[121]

g. Change Management Process

40. Competing carriers need information about, and specifications for, an incumbent's systems and interfaces to develop and modify their systems and procedures to access the incumbent's OSS functions.[122] Thus, in order to demonstrate that it is providing nondiscriminatory access to its OSS, a BOC must first demonstrate that it "has deployed the necessary systems and personnel to provide sufficient access to each of the necessary OSS functions and . . . is adequately assisting competing carriers to understand how to implement and use all of the OSS functions available to them."[123] By showing that it adequately assists competing carriers to use available OSS functions, a BOC provides evidence that it offers an efficient competitor a meaningful opportunity to compete.[124] As part of this demonstration, the Commission will give substantial consideration to the existence of an adequate change management process and evidence that the BOC has adhered to this process over time.[125]

41. The change management process refers to the methods and procedures that the BOC employs to communicate with competing carriers regarding the performance of, and changes in, the BOC's OSS.[126] Such changes may include updates to existing functions that impact competing carrier interface(s) upon a BOC's release of new interface software; technology changes that require competing carriers to meet new technical requirements upon a BOC's software release date; additional functionality changes that may be used at the competing carrier's option, on or after a BOC's release date for new interface software; and changes that may be mandated by regulatory authorities.[127] Without a change management process in place, a BOC can impose substantial costs on competing carriers simply by making changes to its systems and interfaces without providing adequate testing opportunities and accurate and timely

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[121] *See id.*; *SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6316-17, at para. 163.

[122] *Bell Atlantic New York Order*, 15 FCC Rcd at 3999-4000, para. 102; *First BellSouth Louisiana Order*, 13 FCC Rcd at 6279 n.197; *BellSouth South Carolina Order*, 13 FCC Rcd at 625 n.467; *Ameritech Michigan Order*, 12 FCC Rcd at 20617 n.334; *Local Competition Second Report and Order*, 11 FCC Rcd at 19742.

[123] *Bell Atlantic New York Order*, 15 FCC Rcd at 3999, para. 102.

[124] *Id.* at 3999-4000, para. 102

[125] *Id.* at 4000, para. 102.

[126] *Id.* at 4000, para. 103.

[127] *Id.*

notice and documentation of the changes.[128] Change management problems can impair a competing carrier's ability to obtain nondiscriminatory access to UNEs, and hence a BOC's compliance with section 271(2)(B)(ii).[129]

42. In evaluating whether a BOC's change management plan affords an efficient competitor a meaningful opportunity to compete, the Commission first assesses whether the plan is adequate. In making this determination, it assesses whether the evidence demonstrates: (1) that information relating to the change management process is clearly organized and readily accessible to competing carriers;[130] (2) that competing carriers had substantial input in the design and continued operation of the change management process;[131] (3) that the change management plan defines a procedure for the timely resolution of change management disputes;[132] (4) the availability of a stable testing environment that mirrors production;[133] and (5) the efficacy of the documentation the BOC makes available for the purpose of building an electronic gateway.[134] After determining whether the BOC's change management plan is adequate, the Commission evaluates whether the BOC has demonstrated a pattern of compliance with this plan.[135]

2. UNE Combinations

43. In order to comply with the requirements of checklist item 2, a BOC must show that it is offering "[n]ondiscriminatory access to network elements in accordance with the requirements of section 251(c)(3)."[136] Section 251(c)(3) requires an incumbent LEC to "provide, to any requesting telecommunications carrier . . . nondiscriminatory access to network elements on an unbundled basis at any technically feasible point on rates, terms and conditions that are just, reasonable, and nondiscriminatory."[137] Section 251(c)(3) of the Act also requires incumbent

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[128] *Id.* at 4000, para. 103.

[129] *Id.*

[130] *Id.* at 4002, para. 107.

[131] *Id.* at 4000, para. 104.

[132] *Id.* at 4002, para. 108.

[133] *Id.* at 4002-03, paras. 109-10.

[134] *Id.* at 4003-04, para. 110. In the *Bell Atlantic New York Order*, the Commission used these factors in determining whether Bell Atlantic had an adequate change management process in place. *See id.* at 4004, para. 111. The Commission left open the possibility, however, that a change management plan different from the one implemented by Bell Atlantic may be sufficient to demonstrate compliance with the requirements of section 271. *Id.*

[135] *Id.* at 3999, para. 101, 4004-05, para. 112.

[136] 47 U.S.C. § 271(c)(2)(B)(ii).

[137] *Id.* § 251(c)(3).

LECs to provide UNEs in a manner that allows requesting carriers to combine such elements in order to provide a telecommunications service.[138]

44. In the *Ameritech Michigan Order*, the Commission emphasized that the ability of requesting carriers to use UNEs, as well as combinations of UNEs, is integral to achieving Congress' objective of promoting competition in local telecommunications markets.[139] Using combinations of UNEs provides a competitor with the incentive and ability to package and market services in ways that differ from the BOCs' existing service offerings in order to compete in the local telecommunications market.[140] Moreover, combining the incumbent's UNEs with their own facilities encourages facilities-based competition and allows competing providers to provide a wide array of competitive choices.[141] Because the use of combinations of UNEs is an important strategy for entry into the local telecommunications market, as well as an obligation under the requirements of section 271, the Commission examines section 271 applications to determine whether competitive carriers are able to combine network elements as required by the Act and the Commission's regulations.[142]

3. Pricing of Network Elements

45. Checklist item 2 of section 271 states that a BOC must provide "nondiscriminatory access to network elements in accordance with sections 251(c)(3) and 252(d)(1)" of the Act.[143] Section 251(c)(3) requires incumbent LECs to provide "nondiscriminatory access to network elements on an unbundled basis at any technically feasible point on rates, terms, and conditions that are just, reasonable, and nondiscriminatory."[144] Section

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[138] *Id.*

[139] *Ameritech Michigan Order*, 12 FCC Rcd at 20718-19; *BellSouth South Carolina Order*, 13 FCC Rcd at 646.

[140] *BellSouth South Carolina Order*, 13 FCC Rcd at 646; *see also Local Competition First Report and Order*, 11 FCC Rcd at 15666-68.

[141] *Bell Atlantic New York Order*, 15 FCC Rcd at 4077-78, para. 230.

[142] *Id. In Iowa Utilities Board v. FCC*, 219 F.3d 744 (8th Cir. 2000), the Eighth Circuit had vacated the Commission's "additional combinations" rules (47 C.F.R. Sections 51-315(c)-(f)). However, on May 13, 2002, the Supreme Court reversed the Eighth Circuit with respect to those rules and remanded the case to the court of appeals "for further proceedings consistent with this opinion." *Verizon Communications Inc. v. FCC*, 122 S.Ct. 1646, 1687. *See also id.* at 1683-87. In response, the Eighth Circuit, on August 21, 2002, vacated its prior opinion insofar as it had vacated the pertinent combinations rules and denied the petitions for review with respect to those rules. *Iowa Utilities Board v. FCC*, 8th Circuit Nos. 96-3321, *et al.*, Judgment, filed August 21, 2002.). *See also Competitive Telecommunications Association v. FCC*, 309 F. 3d 8 (2002) (affirming the Commission's interim decision to limit the ability of competitive local exchange carriers to gain access to a network element combination known as the enhanced extended link).

[143] 47 U.S.C. § 271(c)(2)(B)(ii).

[144] *Id.* § 251(c)(3).

252(d)(1) requires that a state commission's determination of the just and reasonable rates for network elements shall be based on the cost of providing the network elements, shall be nondiscriminatory, and may include a reasonable profit.[145] Pursuant to this statutory mandate, the Commission has determined that prices for UNEs must be based on the total element long run incremental cost (TELRIC) of providing those elements.[146] The Commission also promulgated rule 51.315(b), which prohibits incumbent LECs from separating already combined elements before providing them to competing carriers, except on request.[147] The Commission has previously held that it will not conduct a *de novo* review of a state's pricing determinations and will reject an application only if "basic TELRIC principles are violated or the state commission makes clear errors in factual findings on matters so substantial that the end result falls outside the range that the reasonable application of TELRIC principles would produce."[148]

46. Although the U.S. Court of Appeals for the Eighth Circuit stayed the Commission's pricing rules in 1996,[149] the Supreme Court restored the Commission's pricing authority on January 25, 1999, and remanded to the Eighth Circuit for consideration of the merits of the challenged rules.[150] On remand from the Supreme Court, the Eighth Circuit concluded that while TELRIC is an acceptable method for determining costs, certain specific requirements contained within the Commission's pricing rules were contrary to Congressional intent.[151] The

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[145] 47 U.S.C. § 252(d)(1).

[146] *Local Competition First Report and Order*, 11 FCC Rcd at 15844-46, paras. 674-79; 47 C.F.R. §§ 51.501 *et seq.*; *see also Deployment of Wireline Services Offering Advanced Telecommunications Capability, CC Docket No. 98-147, and Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98*, Third Report and Order and Fourth Report and Order, 14 FCC Rcd 20912, 20974, para. 135 (*Line Sharing Order*) (concluding that states should set the prices for line sharing as a new network element in the same manner as the state sets prices for other UNEs).

[147] *See* 47 C.F.R. § 51.315(b).

[148] *Bell Atlantic New York Order*, 15 FCC Rcd at 4084, para. 244; *SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6266, para. 59.

[149] *Iowa Utils. Bd. v. FCC*, 120 F.3d 753, 800, 804, 805-06 (8th Cir. 1997).

[150] *AT&T Corp. v. Iowa Utils. Bd.*, 525 U.S. 366 (1999). In reaching its decision, the Court acknowledged that section 201(b) "explicitly grants the FCC jurisdiction to make rules governing matters to which the 1996 Act applies." *Id.* at 380. Furthermore, the Court determined that section 251(d) also provides evidence of an express jurisdictional grant by requiring that "the Commission [shall] complete all actions necessary to establish regulations to implement the requirements of this section." *Id.* at 382. The Court also held that the pricing provisions implemented under the Commission's rulemaking authority do not inhibit the establishment of rates by the states. The Court concluded that the Commission has jurisdiction to design a pricing methodology to facilitate local competition under the 1996 Act, including pricing for interconnection and unbundled access, as "it is the States that will apply those standards and implement that methodology, determining the concrete result." *Id.*

[151] *Iowa Utils. Bd. v. FCC*, 219 F.3d 744 (8th Cir. 2000), *petition for cert. granted sub nom. Verizon Communications v. FCC*, 121 S. Ct. 877 (2001).

Eighth Circuit stayed the issuance of its mandate pending review by the Supreme Court.[152] The Supreme Court, on May 13, 2002, upheld the Commission's forward-looking pricing methodology in determining costs of UNEs and "reverse[d] the Eighth Circuit's judgment insofar as it invalidated TELRIC as a method for setting rates under the Act."[153] Accordingly, the Commission's pricing rules remain in effect.

C. Checklist Item 3 – Poles, Ducts, Conduits and Rights of Way

47. Section 271(c)(2)(B)(iii) requires BOCs to provide "[n]ondiscriminatory access to the poles, ducts, conduits, and rights-of-way owned or controlled by the [BOC] at just and reasonable rates in accordance with the requirements of section 224."[154] Section 224(f)(1) states that "[a] utility shall provide a cable television system or any telecommunications carrier with nondiscriminatory access to any pole, duct, conduit, or right-of-way owned or controlled by it."[155] Notwithstanding this requirement, section 224(f)(2) permits a utility providing electric service to deny access to its poles, ducts, conduits, and rights-of-way, on a nondiscriminatory basis, "where there is insufficient capacity and for reasons of safety, reliability and generally applicable engineering purposes."[156] Section 224 also contains two separate provisions governing the maximum rates that a utility may charge for "pole attachments."[157] Section 224(b)(1) states that the Commission shall regulate the rates, terms, and conditions governing

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[152] *Iowa Utils. Bd. v. FCC*, No. 96-3321 *et al.* (8th Cir. Sept. 25, 2000).

[153] *Verizon v. FCC*, 122 S.Ct. at 1679. On August 21, 2002, the Eighth Circuit implemented the Supreme Court's mandate with respect to the Commission's TELRIC pricing rule by vacating its prior opinion insofar as it had invalidated that rule and by denying the petitions for review of that rule. *Iowa Utilities Board v. FCC*, 8th Circuit Nos. 96-3321, et al., Judgment, filed August 21, 2002.

[154] 47 U.S.C. § 271(c)(2)(B)(iii). As originally enacted, section 224 was intended to address obstacles that cable operators encountered in obtaining access to poles, ducts, conduits, or rights-of-way owned or controlled by utilities. The 1996 Act amended section 224 in several important respects to ensure that telecommunications carriers as well as cable operators have access to poles, ducts, conduits, or rights-of-way owned or controlled by utility companies, including LECs. *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20706, n.574.

[155] 47 U.S.C. § 224(f)(1). Section 224(a)(1) defines "utility" to include any entity, including a LEC, that controls "poles, ducts, conduits, or rights-of-way used, in whole or in part, for any wire communications." 47 U.S.C. § 224(a)(1).

[156] 47 U.S.C. § 224(f)(2). In the *Local Competition First Report and Order*, the Commission concluded that, although the statutory exception enunciated in section 224(f)(2) appears to be limited to utilities providing electrical service, LECs should also be permitted to deny access to their poles, ducts, conduits, and rights-of-way because of insufficient capacity and for reasons of safety, reliability and generally applicable engineering purposes, provided the assessment of such factors is done in a nondiscriminatory manner. *Local Competition First Report and Order*, 11 FCC Rcd at 16080-81, paras. 1175-77.

[157] Section 224(a)(4) defines "pole attachment" as "any attachment by a cable television system or provider of telecommunications service to a pole, duct, conduit, or right-of-way owned or controlled by a utility." 47 U.S.C. § 224(a)(4).

pole attachments to ensure that they are "just and reasonable."[158] Notwithstanding this general grant of authority, section 224(c)(1) states that "[n]othing in [section 224] shall be construed to apply to, or to give the Commission jurisdiction with respect to the rates, terms, and conditions, or access to poles, ducts, conduits and rights-of-way as provided in [section 224(f)], for pole attachments in any case where such matters are regulated by a State."[159] As of 1992, nineteen states, including Connecticut, had certified to the Commission that they regulated the rates, terms, and conditions for pole attachments.[160]

D. Checklist Item 4 – Unbundled Local Loops

48. Section 271(c)(2)(B)(iv) of the Act, item 4 of the competitive checklist, requires that a BOC provide "[l]ocal loop transmission from the central office to the customer's premises, unbundled from local switching or other services."[161] The Commission has defined the loop as a transmission facility between a distribution frame, or its equivalent, in an incumbent LEC central office, and the demarcation point at the customer premises. This definition includes different types of loops, including two-wire and four-wire analog voice-grade loops, and two-wire and four-wire loops that are conditioned to transmit the digital signals needed to provide service such as ISDN, ADSL, HDSL, and DS1-level signals.[162]

49. In order to establish that it is "providing" unbundled local loops in compliance with checklist item 4, a BOC must demonstrate that it has a concrete and specific legal obligation to furnish loops and that it is currently doing so in the quantities that competitors demand and at an acceptable level of quality. A BOC must also demonstrate that it provides nondiscriminatory access to unbundled loops.[163] Specifically, the BOC must provide access to any functionality of the loop requested by a competing carrier unless it is not technically feasible

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[158] 47 U.S.C. § 224(b)(1).

[159] *Id.* § 224(c)(1). The 1996 Act extended the Commission's authority to include not just rates, terms, and conditions, but also the authority to regulate nondiscriminatory access to poles, ducts, conduits, and rights-of-way. *Local Competition First Report and Order*, 11 FCC Rcd at 16104, para. 1232; 47 U.S.C. § 224(f). Absent state regulation of terms and conditions of nondiscriminatory attachment access, the Commission retains jurisdiction. *Local Competition First Report and Order*, 11 FCC Rcd at 16104, para. 1232; 47 U.S.C. § 224(c)(1); *see also Bell Atlantic New York Order*, 15 FCC Rcd at 4093, para. 264.

[160] *See States That Have Certified That They Regulate Pole Attachments*, Public Notice, 7 FCC Rcd 1498 (1992); 47 U.S.C. § 224(f).

[161] 47 U.S.C. § 271(c)(2)(B)(iv).

[162] *Local Competition First Report and Order*, 11 FCC Rcd at 15691, para. 380; *UNE Remand Order*, 15 FCC Rcd at 3772-73, paras. 166-67, n.301 (retaining definition of the local loop from the *Local Competition First Report and Order*, but replacing the phrase "network interconnection device" with "demarcation point," and making explicit that dark fiber and loop conditioning are among the features, functions and capabilities of the loop).

[163] *SWBT Texas Order*, 15 FCC Rcd at 18481-81, para. 248; *Bell Atlantic New York Order*, 15 FCC Rcd at 4095, para. 269; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20637, para. 185.

to condition the loop facility to support the particular functionality requested. In order to provide the requested loop functionality, such as the ability to deliver xDSL services, the BOC may be required to take affirmative steps to condition existing loop facilities to enable competing carriers to provide services not currently provided over the facilities. The BOC must provide competitors with access to unbundled loops regardless of whether the BOC uses digital loop carrier (DLC) technology or similar remote concentration devices for the particular loops sought by the competitor.

50. On December 9, 1999, the Commission released the *Line Sharing Order*, which introduced new rules requiring BOCs to offer requesting carriers unbundled access to the high-frequency portion of local loops (HFPL).[164] HFPL is defined as "the frequency above the voiceband on a copper loop facility that is being used to carry traditional POTS analog circuit-switched voiceband transmissions." This definition applies whether a BOC's voice customers are served by cooper or by digital loop carrier equipment. Competing carriers should have access to the HFPL at either a central office or at a remote terminal. However, the HFPL network element is *only* available on a copper loop facility.[165]

51. To determine whether a BOC makes line sharing available consistent with Commission rules set out in the *Line Sharing Order*, the Commission examines categories of performance measurements identified in the *Bell Atlantic New York* and *SWBT Texas Orders*. Specifically, a successful BOC applicant could provide evidence of BOC-caused missed installation due dates, average installation intervals, trouble reports within 30 days of installation, mean time to repair, trouble report rates, and repeat trouble report rates. In addition, a successful BOC applicant should provide evidence that its central offices are operationally ready to handle commercial volumes of line sharing and that it provides competing carriers with nondiscriminatory access to the pre-ordering and ordering OSS functions associated with the provision of line shared loops, including access to loop qualification information and databases.

52. Section 271(c)(2)(B)(iv) also requires that a BOC demonstrate that it makes line splitting available to competing carriers so that competing carriers may provide voice and data service over a single loop.[166] In addition, a BOC must demonstrate that a competing carrier, either alone or in conjunction with another carrier, is able to replace an existing UNE-P configuration used to provide voice service with an arrangement that enables it to provide voice

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[164] *See Line Sharing Order*, 14 FCC Rcd at 20924-27, paras. 20-27; *see also* n.63 at C-12 *supra*.

[165] *See Deployment of Wireline Services offering Advanced Telecommunications Capability and Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, Third Report and Order on Reconsideration in CC Docket No. 98-147, Fourth Report and Order on Reconsideration in CC Docket No. 96-98, 16 FCC Rcd 2101, 2106-07, para. 10 (2001).

[166] *See generally SWBT Texas Order*, 15 FCC Rcd at 18515-17, paras. 323-329 (describing line splitting); 47 C.F.R. § 51.703(c) (requiring that incumbent LECs provide competing carriers with access to unbundled loops in a manner that allows competing carriers "to provide any telecommunications service that can be offered by means of that network element").

and data service to a customer. To make such a showing, a BOC must show that it has a legal obligation to provide line splitting through rates, terms, and conditions in interconnection agreements and that it offers competing carriers the ability to order an unbundled xDSL-capable loop terminated to a collocated splitter and DSLAM equipment, and combine it with unbundled switching and shared transport.[167]

E. Checklist Item 5 – Unbundled Local Transport

53. Section 271(c)(2)(B)(v) of the competitive checklist requires a BOC to provide "[l]ocal transport from the trunk side of a wireline local exchange carrier switch unbundled from switching or other services."[168] The Commission has required that BOCs provide both dedicated and shared transport to requesting carriers.[169] Dedicated transport consists of BOC transmission facilities dedicated to a particular customer or carrier that provide telecommunications between wire centers owned by BOCs or requesting telecommunications carriers, or between switches owned by BOCs or requesting telecommunications carriers.[170] Shared transport consists of transmission facilities shared by more than one carrier, including the BOC, between end office switches, between end office switches and tandem switches, and between tandem switches, in the BOC's network.[171]

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[167] *See SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6348, para. 220.

[168] 47 U.S.C. § 271(c)(2)(B)(v).

[169] *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20719, para. 201.

[170] *Id.* A BOC has the following obligations with respect to dedicated transport: (a) provide unbundled access to dedicated transmission facilities between BOC central offices or between such offices and serving wire centers (SWCs); between SWCs and interexchange carriers points of presence (POPs); between tandem switches and SWCs, end offices or tandems of the BOC, and the wire centers of BOCs and requesting carriers; (b) provide all technically feasible transmission capabilities such as DS1, DS3, and Optical Carrier levels that the competing carrier could use to provide telecommunications; (c) not limit the facilities to which dedicated interoffice transport facilities are connected, provided such interconnections are technically feasible, or restrict the use of unbundled transport facilities; and (d) to the extent technically feasible, provide requesting carriers with access to digital cross-connect system functionality in the same manner that the BOC offers such capabilities to interexchange carriers that purchase transport services. *Id.* at 20719.

[171] *Id.* at 20719, n.650. The Commission also found that a BOC has the following obligations with respect to shared transport: (a) provide shared transport in a way that enables the traffic of requesting carriers to be carried on the same transport facilities that a BOC uses for its own traffic; (b) provide shared transport transmission facilities between end office switches, between its end office and tandem switches, and between tandem switches in its network; (c) permit requesting carriers that purchase unbundled shared transport and unbundled switching to use the same routing table that is resident in the BOC's switch; and (d) permit requesting carriers to use shared (or dedicated) transport as an unbundled element to carry originating access traffic from, and terminating traffic to, customers to whom the requesting carrier is also providing local exchange service. *Id.* at 20720, n.652.

F. Checklist Item 6 – Unbundled Local Switching

54. Section 271(c)(2)(B)(vi) of the 1996 Act requires a BOC to provide "[l]ocal switching unbundled from transport, local loop transmission, or other services."[172] In the *Second BellSouth Louisiana Order*, the Commission required BellSouth to provide unbundled local switching that included line-side and trunk-side facilities, plus the features, functions, and capabilities of the switch.[173] The features, functions, and capabilities of the switch include the basic switching function as well as the same basic capabilities that are available to the incumbent LEC's customers.[174] Additionally, local switching includes all vertical features that the switch is capable of providing, as well as any technically feasible customized routing functions.[175]

55. Moreover, in the *Second BellSouth Louisiana Order*, the Commission required BellSouth to permit competing carriers to purchase UNEs, including unbundled switching, in a manner that permits a competing carrier to offer, and bill for, exchange access and the termination of local traffic.[176] The Commission also stated that measuring daily customer usage for billing purposes requires essentially the same OSS functions for both competing carriers and incumbent LECs, and that a BOC must demonstrate that it is providing equivalent access to billing information.[177] Therefore, the ability of a BOC to provide billing information necessary for a competitive LEC to bill for exchange access and termination of local traffic is an aspect of unbundled local switching.[178] Thus, there is an overlap between the provision of unbundled local switching and the provision of the OSS billing function.[179]

56. To comply with the requirements of unbundled local switching, a BOC must also make available trunk ports on a shared basis and routing tables resident in the BOC's switch, as necessary to provide access to shared transport functionality.[180] In addition, a BOC may not limit

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[172] 47 U.S.C. § 271(c)(2)(B)(vi); *see also Second BellSouth Louisiana Order*, 13 FCC Rcd at 20722. A switch connects end user lines to other end user lines, and connects end user lines to trunks used for transporting a call to another central office or to a long-distance carrier. Switches can also provide end users with "vertical features" such as call waiting, call forwarding, and caller ID, and can direct a call to a specific trunk, such as to a competing carrier's operator services.

[173] *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20722, para. 207.

[174] *Id.*

[175] *Id.* at 20722-23, para. 207.

[176] *Id.* at 20723, para. 208.

[177] *Id.* at 20723, para. 208 (citing *Ameritech Michigan Order*, 12 FCC Rcd at 20619, para. 140).

[178] *Id.*

[179] *Id.*

[180] *Id.* at 20723, para. 209 (citing the *Ameritech Michigan Order*, 12 FCC Rcd at 20705, para. 306).

the ability of competitors to use unbundled local switching to provide exchange access by requiring competing carriers to purchase a dedicated trunk from an interexchange carrier's point of presence to a dedicated trunk port on the local switch.[181]

G. Checklist Item 7 – 911/E911 Access and Directory Assistance/Operator Services

57. Section 271(c)(2)(B)(vii) of the Act requires a BOC to provide "[n]ondiscriminatory access to – (I) 911 and E911 services."[182] In the *Ameritech Michigan Order*, the Commission found that "section 271 requires a BOC to provide competitors access to its 911 and E911 services in the same manner that a BOC obtains such access, *i.e.*, at parity."[183] Specifically, the Commission found that a BOC "must maintain the 911 database entries for competing LECs with the same accuracy and reliability that it maintains the database entries for its own customers."[184] For facilities-based carriers, the BOC must provide "unbundled access to [its] 911 database and 911 interconnection, including the provision of dedicated trunks from the requesting carrier's switching facilities to the 911 control office at parity with what [the BOC] provides to itself."[185] Section 271(c)(2)(B)(vii)(II) and section 271(c)(2)(B)(vii)(III) require a BOC to provide nondiscriminatory access to "directory assistance services to allow the other carrier's customers to obtain telephone numbers" and "operator call completion services," respectively.[186] Section 251(b)(3) of the Act imposes on each LEC "the duty to permit all [competing providers of telephone exchange service and telephone toll service] to have nondiscriminatory access to . . . operator services, directory assistance, and directory listing, with no unreasonable dialing delays."[187] The Commission concluded in the *Second BellSouth*

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[181] *Id.* (citing the *Ameritech Michigan Order*, 12 FCC Rcd at 20714-15, paras. 324-25).

[182] 47 U.S.C. § 271(c)(2)(B)(vii). 911 and E911 services transmit calls from end users to emergency personnel. It is critical that a BOC provide competing carriers with accurate and nondiscriminatory access to 911/E911 services so that these carriers' customers are able to reach emergency assistance. Customers use directory assistance and operator services to obtain customer listing information and other call completion services.

[183] *Ameritech Michigan Order*, 12 FCC Rcd at 20679, para. 256.

[184] *Id.*

[185] *Id.*

[186] 47 U.S.C. §§ 271(c)(2)(B)(vii)(II), (III).

[187] *Id.* § 251(b)(3). The Commission implemented section 251(b)(3) in the *Local Competition Second Report and Order*. 47 C.F.R. § 51.217; *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, Second Report and Order and Memorandum Opinion and Order, 11 FCC Rcd 19392 (1996) (*Local Competition Second Report and Order*) *vacated in part sub nom. People of the State of California v. FCC*, 124 F.3d 934 (8th Cir. 1997), *overruled in part, AT&T Corp. v. Iowa Utils. Bd.*, 525 U.S. 366 (1999); *see also Implementation of the Telecommunications Act of 1996: Provision of Directory Listings Information under the Telecommunications Act of 1934*, Notice of Proposed Rulemaking, 14 FCC Rcd 15550 (1999) (*Directory Listings Information NPRM*).

Louisiana Order that a BOC must be in compliance with the regulations implementing section 251(b)(3) to satisfy the requirements of sections 271(c)(2)(B)(vii)(II) and 271(c)(2)(B)(vii)(III).[188] In the *Local Competition Second Report and Order*, the Commission held that the phrase "nondiscriminatory access to directory assistance and directory listings" means that "the customers of all telecommunications service providers should be able to access each LEC's directory assistance service and obtain a directory listing on a nondiscriminatory basis, notwithstanding: (1) the identity of a requesting customer's local telephone service provider; or (2) the identity of the telephone service provider for a customer whose directory listing is requested."[189] The Commission concluded that nondiscriminatory access to the dialing patterns of 4-1-1 and 5-5-5-1-2-1-2 to access directory assistance were technically feasible, and would continue.[190] The Commission specifically held that the phrase "nondiscriminatory access to operator services" means that "a telephone service customer, regardless of the identity of his

[188] While both sections 251(b)(3) and 271(c)(2)(B)(vii)(II) refer to nondiscriminatory access to "directory assistance," section 251(b)(3) refers to nondiscriminatory access to "operator services," while section 271(c)(2)(B)(vii)(III) refers to nondiscriminatory access to "operator call completion services." 47 U.S.C. §§ 251(b)(3), 271(c)(2)(B)(vii)(III). The term "operator call completion services" is not defined in the Act, nor has the Commission previously defined the term. However, for section 251(b)(3) purposes, the term "operator services" was defined as meaning "any automatic or live assistance to a consumer to arrange for billing or completion, or both, of a telephone call." *Local Competition Second Report and Order*, 11 FCC Rcd at 19448, para. 110. In the same order the Commission concluded that busy line verification, emergency interrupt, and operator-assisted directory assistance are forms of "operator services," because they assist customers in arranging for the billing or completion (or both) of a telephone call. *Id.* at 19449, para. 111. All of these services may be needed or used to place a call. For example, if a customer tries to direct dial a telephone number and constantly receives a busy signal, the customer may contact the operator to attempt to complete the call. Since billing is a necessary part of call completion, and busy line verification, emergency interrupt, and operator-assisted directory assistance can all be used when an operator completes a call, the Commission concluded in the *Second BellSouth Louisiana Order* that for checklist compliance purposes, "operator call completion services" is a subset of or equivalent to "operator service." *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20740, n.763. As a result, the Commission uses the nondiscriminatory standards established for operator services to determine whether nondiscriminatory access is provided.

[189] 47 C.F.R. § 51.217(c)(3); *Local Competition Second Report and Order*, 11 FCC Rcd at 19456-58, paras. 130-35. The *Local Competition Second Report and Order's* interpretation of section 251(b)(3) is limited "to access to each LEC's directory assistance service." *Id.* at 19456, para. 135. However, section 271(c)(2)(B)(vii) is not limited to the LEC's systems but requires "nondiscriminatory access to . . . directory assistance to allow the other carrier's customers to obtain telephone numbers." 47 U.S.C. § 271(c)(2)(B)(vii). Combined with the Commission's conclusion that "incumbent LECs must unbundle the facilities and functionalities providing operator services and directory assistance from resold services and other unbundled network elements to the extent technically feasible," *Local Competition First Report and Order*, 11 FCC Rcd at 15772-73, paras. 535-37, section 271(c)(2)(B)(vii)'s requirement should be understood to require the BOCs to provide nondiscriminatory access to the directory assistance service provider selected by the customer's local service provider, regardless of whether the competitor; provides such services itself; selects the BOC to provide such services; or chooses a third party to provide such services. *See Directory Listings Information NPRM.*

[190] *Local Competition Second Report and Order*, 11 FCC Rcd at 19464, para. 151.

or her local telephone service provider, must be able to connect to a local operator by dialing '0,' or '0 plus' the desired telephone number."[191]

58. Competing carriers may provide operator services and directory assistance by reselling the BOC's services, outsourcing service provision to a third-party provider, or using their own personnel and facilities. The Commission's rules require BOCs to permit competitive LECs wishing to resell the BOC's operator services and directory assistance to request the BOC to brand their calls.[192] Competing carriers wishing to provide operator services or directory assistance using their own or a third party provider's facilities and personnel must be able to obtain directory listings either by obtaining directory information on a "read only" or "per dip" basis from the BOC's directory assistance database, or by creating their own directory assistance database by obtaining the subscriber listing information in the BOC's database.[193] Although the Commission originally concluded that BOCs must provide directory assistance and operator services on an unbundled basis pursuant to sections 251 and 252, the Commission removed directory assistance and operator services from the list of required UNEs in the *UNE Remand Order*.[194] Checklist item obligations that do not fall within a BOC's obligations under section 251(c)(3) are not subject to the requirements of sections 251 and 252 that rates be based on forward-looking economic costs.[195] Checklist item obligations that do not fall within a BOC's UNE obligations, however, still must be provided in accordance with sections 201(b) and 202(a), which require that rates and conditions be just and reasonable, and not unreasonably discriminatory.[196]

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[191] *Id.* at 19464, para. 151.

[192] 47 C.F.R. § 51.217(d); *Local Competition Second Report and Order*, 11 FCC Rcd at 19463, para. 148. For example, when customers call the operator or calls for directory assistance, they typically hear a message, such as "thank you for using XYZ Telephone Company." Competing carriers may use the BOC's brand, request the BOC to brand the call with the competitive carriers name or request that the BOC not brand the call at all. 47 C.F.R. § 51.217(d).

[193] 47 C.F.R. § 51.217(C)(3)(ii); *Local Competition Second Report and Order*, 11 FCC Rcd at 19460-61, paras. 141-44; *Implementation of the Telecommunications Act of 1996: Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Provision of Directory Listing Information Under the Communications Act of 1934, as amended,* Third Report and Order, Second Order on Reconsideration, and Notice of Proposed Rulemaking, 14 FCC Rcd 15550, 15630-31, paras. 152-54 (1999); *Provision of Directory Listing Information Under the Communications Act of 1934, as amended*, First Report and Order, 16 FCC Rcd 2736, 2743-51 (2001).

[194] *UNE Remand Order*, 15 FCC Rcd at 3891-92, paras. 441-42.

[195] *UNE Remand Order*, 15 FCC Rcd at 3905, para. 470; *see generally* 47 U.S.C. §§ 251-52; *see also* 47 U.S.C. § 252(d)(1)(A)(i) (requiring UNE rates to be "based on the cost (determined without reference to a rate-of-return or other rate-based proceeding) of providing the ... network element").

[196] *UNE Remand Order*, 15 FCC Rcd at 3905-06, paras. 470-73; *see also* 47 U.S.C. §§ 201(b), 202(a).

H. Checklist Item 8 – White Pages Directory Listings

59. Section 271(c)(2)(B)(viii) of the 1996 Act requires a BOC to provide "[w]hite pages directory listings for customers of the other carrier's telephone exchange service."[197] Section 251(b)(3) of the 1996 Act obligates all LECs to permit competitive providers of telephone exchange service and telephone toll service to have nondiscriminatory access to directory listing.[198]

60. In the *Second BellSouth Louisiana Order*, the Commission concluded that, "consistent with the Commission's interpretation of 'directory listing' as used in section 251(b)(3), the term 'white pages' in section 271(c)(2)(B)(viii) refers to the local alphabetical directory that includes the residential and business listings of the customers of the local exchange provider."[199] The Commission further concluded, "the term 'directory listing,' as used in this section, includes, at a minimum, the subscriber's name, address, telephone number, or any combination thereof."[200] The Commission's *Second BellSouth Louisiana Order* also held that a BOC satisfies the requirements of checklist item 8 by demonstrating that it: (1) provided nondiscriminatory appearance and integration of white page directory listings to competitive LECs' customers; and (2) provided white page listings for competitors' customers with the same accuracy and reliability that it provides its own customers.[201]

I. Checklist Item 9 – Numbering Administration

61. Section 271(c)(2)(B)(ix) of the 1996 Act requires a BOC to provide "nondiscriminatory access to telephone numbers for assignment to the other carrier's telephone exchange service customers," until "the date by which telecommunications numbering administration, guidelines, plan, or rules are established."[202] The checklist mandates compliance

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[197] 47 U.S.C. § 271(c)(2)(B)(viii).

[198] *Id.* § 251(b)(3).

[199] *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20748, para. 255.

[200] *Id.* In the *Second BellSouth Louisiana Order*, the Commission stated that the definition of "directory listing" was synonymous with the definition of "subscriber list information." *Id.* at 20747 (citing the *Local Competition Second Report and Order*, 11 FCC Rcd at 19458-59). However, the Commission's decision in a later proceeding obviates this comparison, and supports the definition of directory listing delineated above. *See Implementation of the Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information*, CC Docket No. 96-115, Third Report and Order; *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-98, Second Order on Reconsideration; *Provision of Directory Listing Information under the Telecommunications Act of 1934, As Amended*, CC Docket No. 99-273, FCC 99-227, Notice of Proposed Rulemaking, para. 160 (rel. Sept. 9, 1999).

[201] *Id.*

[202] 47 U.S.C. § 271(c)(2)(B)(ix).

with "such guidelines, plan, or rules" after they have been established.[203] A BOC must demonstrate that it adheres to industry numbering administration guidelines and Commission rules.[204]

J. Checklist Item 10 – Databases and Associated Signaling

62. Section 271(c)(2)(B)(x) of the 1996 Act requires a BOC to provide "nondiscriminatory access to databases and associated signaling necessary for call routing and completion."[205] In the *Second BellSouth Louisiana Order*, the Commission required BellSouth to demonstrate that it provided requesting carriers with nondiscriminatory access to: "(1) signaling networks, including signaling links and signaling transfer points; (2) certain call-related databases necessary for call routing and completion, or in the alternative, a means of physical access to the signaling transfer point linked to the unbundled database; and (3) Service Management Systems (SMS)."[206] The Commission also required BellSouth to design, create, test, and deploy Advanced Intelligent Network (AIN) based services at the SMS through a Service Creation Environment (SCE).[207] In the *Local Competition First Report and Order*, the Commission defined call-related databases as databases, other than operations support systems, that are used in signaling networks for billing and collection or the transmission, routing, or other provision of telecommunications service.[208] At that time the Commission required incumbent LECs to provide unbundled access to their call-related databases, including but not limited to: the Line Information Database (LIDB), the Toll Free Calling database, the Local Number Portability database, and Advanced Intelligent Network databases.[209] In the *UNE Remand Order*, the Commission clarified that the definition of call-related databases "includes, but is not limited to, the calling name (CNAM) database, as well as the 911 and E911 databases."[210]

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[203] *Id.*

[204] *See Second Bell South Louisiana Order*, 13 FCC Rcd at 20752; *see also Numbering Resource Optimization*, Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 7574 (2000); *Numbering Resource Optimization*, Second Report and Order, Order on Reconsideration in CC Docket No. 99-200 and Second Further Notice of Proposed Rulemaking in CC Docket No. 99-200, CC Docket Nos. 96-98; 99-200 (rel. Dec. 29, 2000); *Numbering Resource Optimization*, Third Report and Order and Second Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200 (rel. Dec. 28, 2001).

[205] 47 U.S.C. § 271(c)(2)(B)(x).

[206] *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20753, para. 267.

[207] *Id.* at 20755-56, para. 272.

[208] *Local Competition First Report and Order*, 11 FCC Rcd at 15741, n.1126; *UNE Remand Order*, 15 FCC Rcd at 3875, para. 403.

[209] *Id.* at 15741-42, para. 484.

[210] *UNE Remand Order*, 15 FCC Rcd at 3875, para. 403.

K. Checklist Item 11 – Number Portability

63. Section 271(c)(2)(B) of the 1996 Act requires a BOC to comply with the number portability regulations adopted by the Commission pursuant to section 251.[211] Section 251(b)(2) requires all LECs "to provide, to the extent technically feasible, number portability in accordance with requirements prescribed by the Commission."[212] The 1996 Act defines number portability as "the ability of users of telecommunications services to retain, at the same location, existing telecommunications numbers without impairment of quality, reliability, or convenience when switching from one telecommunications carrier to another."[213] In order to prevent the cost of number portability from thwarting local competition, Congress enacted section 251(e)(2), which requires that "[t]he cost of establishing telecommunications numbering administration arrangements and number portability shall be borne by all telecommunications carriers on a competitively neutral basis as determined by the Commission."[214] Pursuant to these statutory provisions, the Commission requires LECs to offer interim number portability "to the extent technically feasible."[215] The Commission also requires LECs to gradually replace interim number portability with permanent number portability.[216] The Commission has established guidelines for states to follow in mandating a competitively neutral cost-recovery mechanism for interim number portability,[217] and created a competitively neural cost-recovery mechanism for long-term number portability.[218]

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[211] 47 U.S.C. § 271(c)(2)(B)(xii).

[212] *Id.* at § 251(b)(2).

[213] *Id.* at § 153(30).

[214] *Id.* at § 251(e)(2); *see also Second BellSouth Louisiana Order*, 13 FCC Rcd at 20757, para. 274; *In the Matter of Telephone Number Portability*, Third Report and Order, 13 FCC Rcd 11701, 11702-04 (1998) (*Third Number Portability Order*); *In the Matter of Telephone Number Portability*, Fourth Memorandum Opinion and Order on Reconsideration, 15 FCC Rcd 16459, 16460, 16462-65, paras. 1, 6-9 (1999) (*Fourth Number Portability Order*).

[215] *Fourth Number Portability Order*, 15 FCC Rcd at 16465, para. 10; *Telephone Number Portability*, First Report and Order and Further Notice of Proposed Rulemaking, 11 FCC Rcd 8352, 8409-12, paras. 110-16 (1996) (*First Number Portability Order*); *see also* 47 U.S.C. § 251(b)(2).

[216] *See* 47 C.F.R. §§ 52.3(b)-(f); *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20758, para. 275; *First Number Portability Order*, 11 FCC Rcd at 8355, 8399-8404, paras. 3, 91; *Third Number Portability Order*, 13 FCC Rcd at 11708-12, paras. 12-16.

[217] *See* 47 C.F.R. § 52.29; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20758, para. 275; *First Number Portability Order*, 11 FCC Rcd at 8417-24, paras. 127-40.

[218] *See* 47 C.F.R. §§ 52.32, 52.33; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20758, para. 275; *Third Number Portability Order*, 13 FCC Rcd at 11706-07, para. 8; *Fourth Number Portability Order* at 16464-65, para. 9.

L. Checklist Item 12 – Local Dialing Parity

64. Section 271(c)(2)(B)(xii) requires a BOC to provide "[n]ondiscriminatory access to such services or information as are necessary to allow the requesting carrier to implement local dialing parity in accordance with the requirements of section 251(b)(3)."[219] Section 251(b)(3) imposes upon all LECs "[t]he duty to provide dialing parity to competing providers of telephone exchange service and telephone toll service with no unreasonable dialing delays."[220] Section 153(15) of the Act defines "dialing parity" as follows:

> [A] person that is not an affiliate of a local exchange carrier is able to provide telecommunications services in such a manner that customers have the ability to route automatically, without the use of any access code, their telecommunications to the telecommunications services provider of the customer's designation.[221]

65. The rules implementing section 251(b)(3) provide that customers of competing carriers must be able to dial the same number of digits the BOC's customers dial to complete a local telephone call.[222] Moreover, customers of competing carriers must not otherwise suffer inferior quality service, such as unreasonable dialing delays, compared to the BOC's customers.[223]

M. Checklist Item 13 – Reciprocal Compensation

66. Section 271(c)(2)(B)(xiii) of the Act requires that a BOC enter into "[r]eciprocal compensation arrangements in accordance with the requirements of section 252(d)(2)."[224] In turn, pursuant to section 252(d)(2)(A), "a state commission shall not consider the terms and conditions for reciprocal compensation to be just and reasonable unless (i) such terms and conditions provide for the mutual and reciprocal recovery by each carrier of costs associated

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[219] Based on the Commission's view that section 251(b)(3) does not limit the duty to provide dialing parity to any particular form of dialing parity (*i.e.*, international, interstate, intrastate, or local), the Commission adopted rules in August 1996 to implement broad guidelines and minimum nationwide standards for dialing parity. *Local Competition Second Report and Order*, 11 FCC Rcd at 19407; *Interconnection Between Local Exchange Carriers and Commercial Mobile Radio Service Providers*, CC Docket No. 95-185, Further Order On Reconsideration, FCC 99-170 (rel. July 19, 1999).

[220] 47 U.S.C. § 251(b)(3).

[221] *Id.* § 153(15).

[222] 47 C.F.R §§ 51.205, 51.207.

[223] *See* 47 C.F.R. § 51.207 (requiring same number of digits to be dialed); *Local Competition Second Report and Order*, 11 FCC Rcd at 19400, 19403.

[224] 47 U.S.C. § 271(c)(2)(B)(xiii).

with the transport and termination on each carrier's network facilities of calls that originate on the network facilities of the other carrier; and (ii) such terms and conditions determine such costs on the basis of a reasonable approximation of the additional costs of terminating such calls."[225]

N. Checklist Item 14 – Resale

67. Section 271(c)(2)(B)(xiv) of the Act requires a BOC to make "telecommunications services . . . available for resale in accordance with the requirements of sections 251(c)(4) and 252(d)(3)."[226] Section 251(c)(4)(A) requires incumbent LECs "to offer for resale at wholesale rates any telecommunications service that the carrier provides at retail to subscribers who are not telecommunications carriers."[227] Section 252(d)(3) requires state commissions to "determine wholesale rates on the basis of retail rates charged to subscribers for the telecommunications service requested, excluding the portion thereof attributable to any marketing, billing, collection, and other costs that will be avoided by the local exchange carrier."[228] Section 251(c)(4)(B) prohibits "unreasonable or discriminatory conditions or limitations" on service resold under section 251(c)(4)(A).[229] Consequently, the Commission concluded in the *Local Competition First Report and Order* that resale restrictions are presumed to be unreasonable unless the LEC proves to the state commission that the restriction is reasonable and nondiscriminatory.[230] If an incumbent LEC makes a service available only to a specific category of retail subscribers, however, a state commission may prohibit a carrier that obtains the service pursuant to section 251(c)(4)(A) from offering the service to a different category of subscribers.[231] If a state creates such a limitation, it must do so consistent with requirements established by the Federal Communications Commission.[232] In accordance with sections 271(c)(2)(B)(ii) and 271(c)(2)(B)(xiv), a BOC must also demonstrate that it provides nondiscriminatory access to operations support systems for the resale of its retail

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[225] *Id.* § 252(d)(2)(A).

[226] *Id.* § 271(c)(2)(B)(xiv).

[227] *Id.* § 251(c)(4)(A).

[228] *Id.* § 252(d)(3).

[229] *Id.* § 251(c)(4)(B).

[230] *Local Competition First Report and Order*, 11 FCC Rcd at 15966, para. 939; 47 C.F.R. § 51.613(b). The Eighth Circuit acknowledged the Commission's authority to promulgate such rules, and specifically upheld the sections of the Commission's rules concerning resale of promotions and discounts in *Iowa Utilities Board. Iowa Utils. Bd. v. FCC*, 120 F.3d at 818-19, *aff'd in part and remanded on other grounds, AT&T v. Iowa Utils. Bd.*, 525 U.S. 366 (1999). *See also* 47 C.F.R. §§ 51.613-51.617.

[231] 47 U.S.C. § 251(c)(4)(B).

[232] *Id.*

telecommunications services.[233] The obligations of section 251(c)(4) apply to the retail telecommunications services offered by a BOC's advanced services affiliate.[234]

V. COMPLIANCE WITH SEPARATE AFFILIATE REQUIREMENTS – SECTION 272

68. Section 271(d)(3)(B) requires that the Commission shall not approve a BOC's application to provide interLATA services unless the BOC demonstrates that the "requested authorization will be carried out in accordance with the requirements of section 272."[235] The Commission set standards for compliance with section 272 in the *Accounting Safeguards Order* and the *Non-Accounting Safeguards Order*.[236] Together, these safeguards discourage and facilitate the detection of improper cost allocation and cross-subsidization between the BOC and its section 272 affiliate.[237] In addition, these safeguards ensure that BOCs do not discriminate in favor of their section 272 affiliates.[238]

69. As the Commission stated in the *Ameritech Michigan Order*, compliance with section 272 is "of crucial importance" because the structural, transactional, and nondiscrimination safeguards of section 272 seek to ensure that BOCs compete on a level playing field.[239] The Commission's findings regarding section 272 compliance constitute

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[233] *See, e.g., Bell Atlantic New York Order*, 15 FCC Rcd at 4046-48, paras. 178-81 (Bell Atlantic provides nondiscriminatory access to its OSS ordering functions for resale services and therefore provides efficient competitors a meaningful opportunity to compete).

[234] *See Verizon Connecticut Order*, 16 FCC Rcd 14147, 14160-63, paras. 27-33 (2001); *Association of Communications Enterprises v. FCC*, 235 F.3d 662 (D.C. Cir. 2001).

[235] 47 U.S.C. § 271(d)(3)(B).

[236] *See Implementation of the Accounting Safeguards Under the Telecommunications Act of 1996*, CC Docket No. 96-150, Report and Order, 11 FCC Rcd 17539 (1996) (*Accounting Safeguards Order*), Second Order On Reconsideration, FCC 00-9 (rel. Jan. 18, 2000); *Implementation of the Non-Accounting Safeguards of Sections 271 and 272 of the Communications Act of 1934, as amended*, CC Docket No. 96-149, First Report and Order and Further Notice of Proposed Rulemaking, 11 FCC Rcd 21905 (1996) (*Non-Accounting Safeguards Order*), *petition for review pending sub nom. SBC Communications v. FCC*, No. 97-1118 (filed D.C. Cir. Mar. 6, 1997) (held in abeyance May 7, 1997), First Order on Reconsideration, 12 FCC Rcd 2297 (1997) (*First Order on Reconsideration*), Second Order on Reconsideration, 12 FCC Rcd 8653 (1997) (*Second Order on Reconsideration*), *aff'd sub nom. Bell Atlantic Telephone Companies v. FCC*, 131 F.3d 1044 (D.C. Cir. 1997), Third Order on Reconsideration, FCC 99-242 (rel. Oct. 4, 1999) (*Third Order on Reconsideration*).

[237] *Non-Accounting Safeguards Order*, 11 FCC Rcd at 21914; *Accounting Safeguards Order*, 11 FCC Rcd at 17550; *Ameritech Michigan Order*, 12 FCC Rcd at 20725.

[238] *Non-Accounting Safeguards Order*, 11 FCC Rcd at 21914, paras. 15-16; *Ameritech Michigan Order*, 12 FCC Rcd at 20725, para. 346.

[239] *Ameritech Michigan Order*, 12 FCC Rcd at 20725, para. 346; *Bell Atlantic New York Order*, 15 FCC Rcd at 4153, para. 402.

independent grounds for denying an application.[240] *Past and present behavior of the BOC* applicant provides "the best indicator of whether [the applicant] will carry out the requested authorization in compliance with section 272."[241]

VI. COMPLIANCE WITH THE PUBLIC INTEREST – SECTION 271(D)(3)(C)

70. In addition to determining whether a BOC satisfies the competitive checklist and will comply with section 272, Congress directed the Commission to assess whether the requested authorization would be consistent with the public interest, convenience, and necessity.[242] *Compliance with the competitive checklist is itself a strong indicator that long distance entry is* consistent with the public interest. This approach reflects the Commission's many years of experience with the consumer benefits that flow from competition in telecommunications markets.

71. Nonetheless, the public interest analysis is an independent element of the statutory checklist and, under normal canons of statutory construction, requires an independent determination.[243] Thus, the Commission views the public interest requirement as an opportunity to review the circumstances presented by the application to ensure that no other relevant factors exist that would frustrate the congressional intent that markets be open, as required by the competitive checklist, and that entry will therefore serve the public interest as Congress expected. Among other things, the Commission may review the local and long distance markets to ensure that there are not unusual circumstances that would make entry contrary to the public interest under the particular circumstances of the application at issue.[244] Another factor that could be relevant to the analysis is whether the Commission has sufficient assurance that markets will remain open after grant of the application. While no one factor is dispositive in this analysis, the overriding goal is to ensure that nothing undermines the conclusion, based on the Commission's analysis of checklist compliance, that markets are open to competition.

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[240] *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20785-86, para. 322; *Bell Atlantic New York Order*, 15 FCC Rcd at 4153, para. 402.

[241] *Bell Atlantic New York Order*, 15 FCC Rcd at 4153, para. 402.

[242] 47 U.S.C. § 271(d)(3)(C).

[243] In addition, Congress specifically rejected an amendment that would have stipulated that full implementation of the checklist necessarily satisfies the public interest criterion. *See Ameritech Michigan Order*, 12 FCC Rcd at 20747 at para. 360-66; *see also* 141 Cong. Rec. S7971, S8043 (June. 8, 1995).

[244] *See Second BellSouth Louisiana Order*, 13 FCC Rcd at 20805-06, para. 360 (the public interest analysis may include consideration of "whether approval . . . will foster competition in all relevant telecommunications markets").

STATEMENT OF COMMISSIONER MICHAEL J. COPPS

Re: Application by Qwest Communications International, Inc., for Authorization to Provide In-Region InterLATA Services in the States of Colorado, Idaho, Iowa, Montana, Nebraska, North Dakota, Utah, Washington, and Wyoming

Today's decision is not an easy one for me. Qwest has taken significant steps to open its local markets to competition and its new corporate leadership appears committed to more open practices.

Notwithstanding these efforts, this is one of the most difficult applications we have faced. There are a number of troubling allegations raised in this proceeding, including among other things, the existence of confidential unfiled agreements, accounting depredations, withholding of information, and provision of in-region long-distance services without authority. Accordingly, we have subjected this application to especially close scrutiny. Indeed, Qwest withdrew previous versions of these applications in order to address these issues.

Although the Order finds that the record does not demonstrate that there are ongoing violations that call into question the current openness of the local market, this is not the end of the matter. For past violations, we must demonstrate our commitment to address these serious allegations expeditiously through investigations, the adjudication of complaints, and through whatever enforcement activities and penalties may be warranted. State Commissions have put in place processes to address some of these issues and I commend them for it. But it is also the Commission's statutory responsibility to ensure past, present, and future compliance with statutory obligations.

For example, if there were confidential unfiled agreements, certain competitors may have faced discrimination by not being able to take advantage of the terms of the agreements. Or, if a Bell company provides in-region long distance services without first opening its local markets to competition, that company may have violated its statutory obligations. These and the other allegations in the record require our attention.

I am further troubled by accounting irregularities at Qwest. These accounting depredations, and those at other companies as well, should inform – or perhaps even serve as a case study – for the Joint Conference on Accounting as we consider the accounting and auditing requirements the Commission and the State Commissions need to carry out their statutory responsibilities.

Finally, if evidence is brought forward of ongoing violations of the requirements of Section 271, we must not hesitate to use all of the enforcement tools at our disposal up to and including revocation of long-distance authority. In light of the serious allegations in the record, this Commission and the State Commission must be especially vigilant going forward. I

commend the Regional Oversight Committee (ROC) for its unique collaborative process to share the limited resources of the State Commissions in the region. This extensive undertaking should serve as a model for future Federal – State cooperative efforts as we seek to ensure that Qwest complies with its statutory obligations.

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
Application by Verizon Maryland Inc.,	)	
Verizon Washington, D.C. Inc., Verizon West	)	WC Docket No. 02-384
Virginia Inc., Bell Atlantic Communications,	)	
Inc. (d/b/a Verizon Long Distance), NYNEX	)	
Long Distance Company (d/b/a Verizon	)	
Enterprise Solutions), Verizon Global	)	
Networks Inc., and Verizon Select Services	)	
Inc., for Authorization To Provide In-Region,	)	
InterLATA Services in Maryland,	)	
Washington, D.C., and West Virginia	)	

MEMORANDUM OPINION AND ORDER

Adopted: March 18, 2003 **Released:** March 19, 2003

By the Commission: Commissioners Copps and Martin approving in part, concurring in part, and issuing separate statements; Commissioner Adelstein issuing a statement.

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I. INTRODUCTION

1. On December 19, 2002, Verizon Maryland Inc., Verizon Washington, D.C. Inc., Verizon West Virginia Inc., Bell Atlantic Communications, Inc. (d/b/a Verizon Long Distance), NYNEX Long Distance Company (d/b/a Verizon Enterprise Solutions), Verizon Global Networks Inc., and Verizon Select Services Inc., collectively Verizon, filed an application pursuant to section 271 of the Communications Act of 1934, as amended,[1] for authority to provide in-region, interLATA service originating in the states of Maryland, West Virginia, and

[1] We refer to the Communications Act of 1934, as amended by the Telecommunications Act of 1996, as the Communications Act or the Act. 47 U.S.C. §§ 151 *et seq.*

the District of Columbia (Washington, D.C.).[2] We grant the application in this Order based on our conclusion that Verizon has taken the statutorily required steps to open its local exchange markets in Maryland, Washington, D.C., and West Virginia to competition.

2. In ruling on Verizon's application, we wish to acknowledge the effort and dedication of the Maryland Public Service Commission (Maryland Commission), the District of Columbia Public Service Commission (D.C. Commission), and the West Virginia Public Service Commission (West Virginia Commission), collectively the state commissions, which have expended significant time and effort overseeing Verizon's implementation of the requirements of section 271. The state commissions conducted proceedings to determine Verizon's section 271 compliance and provided interested third parties with ample opportunities for participation in their proceedings. Additionally, the state commissions adopted a broad range of performance measures and standards, and in all three states, Performance Assurance Plans (PAPs) are in place that are designed to create a financial incentive for Verizon's post-entry compliance with section 271.[3] Moreover, the state commissions have committed themselves to actively monitor Verizon's continuing efforts to open the local markets to competition. As the Commission has repeatedly recognized, state proceedings demonstrating a commitment to advancing the pro-competitive purposes of the 1996 Act serve a vitally important role in section 271 proceedings.[4]

3. Verizon contends in its application that as of September 2002, competitive local exchange carriers (competitive LECs) served approximately 533,000 lines in Maryland,[5] 193,000 lines in Washington, D.C.,[6] and 32,000 lines in West Virginia.[7] Additionally, Verizon asserts

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[2] *See Application By Verizon Maryland Inc., Verizon Washington, D.C. Inc., Verizon West Virginia Inc., Bell Atlantic Communications, Inc. (d/b/a Verizon Long Distance), NYNEX Long Distance Company (d/b/a Verizon Enterprise Solutions), Verizon Global Networks Inc., and Verizon Select Services Inc., for Authorization to Provide In-Region, InterLATA Services in Maryland, Washington, D.C., and West Virginia*, WC Docket No. 02-384 (filed Dec. 19, 2002) (Verizon Application).

[3] Verizon Application at 16.

[4] *See Application of Verizon Pennsylvania Inc., Verizon Long Distance, Verizon Enterprise Solutions, Verizon Global Networks Inc., and Verizon Select Services Inc. for Authorization To Provide In-Region, InterLATA Services in Pennsylvania*, CC Docket No. 01-138, Memorandum Opinion and Order, 16 FCC Record 17419, 17421, para. 3 (2001) (*Verizon Pennsylvania Order*) appeal pending, Z-Tel Communications v. FCC, No. 01-1461 (D.C. Cir. filed Oct. 17, 2001); *Application of Verizon New York Inc., Verizon Long Distance, Verizon Enterprise Solutions, Verizon Global Networks Inc. and Verizon Select Services, Inc. for Authorization to Provide In-Region, InterLATA Services in Connecticut*, CC Docket No. 01-100, Memorandum Opinion and Order, 16 FCC Rcd 14147, 14149, para. 3 (2001) (*Verizon Connecticut Order*); *Application of Verizon New England Inc., Bell Atlantic Communications, Inc. (d/b/a Verizon Long Distance), NYNEX Long Distance Company (d/b/a Verizon Enterprise Solutions) And Verizon Global Networks Inc., for Authorization to Provide In-Region, InterLATA Services in Massachusetts*, CC Docket No. 01-9, Memorandum Opinion and Order, 16 FCC Rcd 8988, 8990, para. 2 (2001) (*Verizon Massachusetts Order*) *aff'd sub nom. WorldCom, Inc. v. Federal Communications Commission*, 308 F.3d 1 (D.C. Cir. 2002).

[5] Verizon Application at 5.

[6] *Id.* at 7.

that it had provided competing carriers in Maryland with approximately 250,000 interconnection trunks, 77,000 in Washington, D.C., and 34,000 in West Virginia.[8] Verizon also states that it has in service about 133,000 unbundled loops in Maryland,[9] 23,000 in Washington, D.C.,[10] and 24,000 in West Virginia.[11] Moreover, Verizon contends that the majority of competitive lines are being served using facilities that competitors have deployed themselves, in addition to other modes of entry permitted under the Act.[12]

II. BACKGROUND

4. In the 1996 amendments to the Communications Act, Congress required that the Bell Operating Companies (BOCs) demonstrate compliance with certain market-opening requirements contained in section 271 of the Act before providing in-region, interLATA long distance service.[13] Under section 271, Congress requires that the Commission review BOC applications to provide such service in consultation with the affected state and the Attorney General.[14]

5. *Maryland.* On April 12, 2002, Verizon made a compliance filing for section 271 approval with the Maryland Commission.[15] On December 16, 2002, the Maryland Commission issued its conditional approval of Verizon's application for authority to provide in-region, interLATA services in Maryland.[16] The Maryland Commission found that Verizon is technically in compliance with the section 271 checklist, subject to Verizon's compliance with a series of

(Continued from previous page)

[7] *Id.* at 8.

[8] *Id.* at 18.

[9] Verizon Application, App. A, Vol. 1, Tab A, Decl. of Paul A. Lacouture and Virginia P. Ruesterholz Regarding Maryland (Verizon Lacouture/Ruesterholz Maryland Decl.), para. 86.

[10] Verizon Application, App. A, Vol. 1, Tab B, Decl. of Paul A. Lacouture and Virginia P. Ruesterholz Regarding Washington, D.C. (Verizon Lacouture/Ruesterholz D.C. Decl.), para. 81.

[11] Verizon Application, App. A, Vol. 1, Tab C, Decl. of Paul A. Lacouture and Virginia P. Ruesterholz Regarding West Virginia (Verizon Lacouture/Ruesterholz West Virginia Decl.), para. 82.

[12] Verizon Application at 1.

[13] The Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996).

[14] The Commission has summarized the relevant statutory framework in prior orders. *See, e.g., Joint Application by SBC Communications Inc., Southwestern Bell Tel. Co., and Southwestern Bell Communications Services, Inc., d/b/a Southwestern Bell Long Distance for Provision of In-Region, InterLATA Services in Kansas and Oklahoma,* CC Docket No. 00-217, Memorandum Opinion and Order, 16 FCC Rcd 6237, 6241-42, paras. 7-10 (2001) (*SWBT Kansas/Oklahoma Order*), *aff'd in part, remanded in part sub nom. Sprint Communications Co. v. FCC*, 274 F.3d 549 (D.C. Cir. 2001).

[15] Maryland Commission Comments, Ex. A at 1.

[16] *Id.* at 3.

conditions.[17] Verizon subsequently agreed to comply with those conditions.[18] The issues that received conditional approval include checklist item 1 (model interconnection terms and conditions, entrance facilities), checklist item 2 (EELs, billing, UNE pricing), checklist item 4 (provisioning of high capacity local loops, dark fiber, line sharing), and checklist item 8 (directory listings and related charges).[19] Additionally, the Maryland Commission noted a number of concerns pertaining to the state of competition in Maryland.[20] The Maryland Commission expressed concerns regarding: (1) the removal of UNE-platform competitors, (2) the separate affiliate and related safeguards of section 272, and (3) Verizon's use of the E911 database to provide local exchange carrier line counts.[21] The concerns and conditions imposed by the Maryland Commission are discussed more fully in the appropriate checklist item or public interest sections below.

6. *Washington, D.C.* On July 12, 2002, Verizon made a compliance filing for section 271 approval with the D.C. Commission, which the D.C. Commission approved on December 19, 2002.[22] The D.C. Commission issued a consultative report on January 9, 2003, finding that Verizon's application "generally has met the checklist conditions," with the exception of its UNE rates.[23] Additionally, the D.C. Commission expressed a commitment to monitor Verizon's performance and will address any additional concerns in either existing or new proceedings.[24]

7. *West Virginia.* On June 11, 2002, Verizon made a compliance filing for section 271 approval with the West Virginia Commission, which the West Virginia Commission approved on December 13, 2002.[25] On January 9, 2003, the West Virginia Commission issued a consultative report concluding that "sufficient competition exists and that it would be in the

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[17] *Id.*

[18] Maryland Commission Comments, Ex. B at 1.

[19] Maryland Commission Comments, Ex. A at 3-9.

[20] *Id.* at 9-10.

[21] *Id.*

[22] D.C. Commission Comments at 1-2.

[23] *Id.* at 2 and 93. *See* discussion of UNE rates in Washington, D.C. *infra* Section IV.A.3 (Pricing of Unbundled Network Elements).

[24] *Id.* at 93.

[25] West Virginia Commission Comments at 1, 6 and 10; *see also* Verizon Application, App. J – West Virginia, Vol. 1, Tab 10, West Virginia Public Service Commission Letter Stating Verizon West Virginia Complies with Each of the Fourteen Checklist Items Contained in 47 U.S.C. § 271(c)(2)(B) (Dec. 13, 2002) (*West Virginia PSC Section 271 Compliance Letter*).

public interest for [Verizon] to receive authority to provide such in-region, interLATA services."[26]

8. The Department of Justice recommends approval of this application, subject to the Commission "satisfying itself" regarding Verizon's checklist compliance for certain pricing, and directory listing issues.[27] Specifically, the Department of Justice expresses concern regarding whether the prices supporting Verizon's application in Washington, D.C. are appropriately cost-based, and whether Verizon provides nondiscriminatory access to white page directory listings for competitive LECs.[28]

III. COMPLIANCE WITH SECTION 271(c)(1)(A)

9. As a threshold matter, we address Verizon's compliance with section 271(c)(1) which requires, as a prerequisite for any approval of a BOC's application to provide in-region, interLATA services, that the BOC demonstrate that it satisfies the requirements of either section 271(c)(1)(A) (Track A) or section 271(c)(1)(B) (Track B).[29] To meet the requirements of Track A, a BOC must have interconnection agreements with one or more competing providers of "telephone exchange service . . . to residential and business customers."[30] In addition, the Act states that "such telephone service may be offered . . . either exclusively over [the competitor's] own telephone exchange service facilities or predominantly over [the competitor's] own telephone exchange facilities in combination with the resale of the telecommunications services of another carrier."[31] The Commission has concluded that section 271(c)(1)(A) is satisfied if one or more competing providers collectively serve residential and business subscribers,[32] and that the use of unbundled network elements (UNEs) constitutes a competing provider's "own telephone exchange service facilities" for purposes of section 271(c)(1)(A).[33] The Commission has further held that a BOC must show that at least one "competing provider" constitutes "an

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[26] West Virginia Commission Comments at 1.

[27] Department of Justice Evaluation at 2-3.

[28] *Id.* The Department of Justice also expressed concerns regarding Verizon's compliance with local dialing parity requirements. *Id.* at 3 n.4.

[29] 47 U.S.C. § 271(d)(3)(A).

[30] 47 U.S.C. § 271(c)(1)(A).

[31] *Id.*

[32] *Application of Ameritech Michigan Pursuant to Section 271 of the Communications Act of 1934, as amended, To Provide In-Region InterLATA Services in Michigan,* CC Docket No. 97-137, Memorandum Opinion and Order, 12 FCC Rcd 20543, 20589, para. 85 (1997) (*Ameritech Michigan Order*); *see also Application by BellSouth Corporation, et al., Pursuant to Section 271 of the Communications Act of 1934, as Amended, to Provide In-Region, InterLATA Services in Louisiana,* CC Docket No. 98-121, Memorandum Opinion and Order, 13 FCC Rcd 20599, 20633, paras. 46-48 (1998) (*Second BellSouth Louisiana Order*).

[33] *Ameritech Michigan Order,* 12 FCC Rcd at 20598, para. 101.

actual commercial alternative to the BOC,"[34] which a BOC can do by demonstrating that the provider serves "more than a *de minimis* number" of subscribers.[35] The Commission has interpreted Track A not to require any particular level of market penetration, however, and the D.C. Circuit has affirmed that the Act "imposes no volume requirements for satisfaction of Track A."[36]

10. We conclude, as did the state commissions, that Verizon satisfies the requirements of Track A in Maryland, Washington, D.C., and West Virginia.[37] Verizon relies on interconnection agreements with AT&T, Comcast, eLEC, FiberNet, Starpower, and StratusWave in support of its Track A showing.[38]

11. In Maryland, we find that Comcast and Starpower each provides telephone exchange service to more than a *de minimis* number of residential and business end users predominantly over its own facilities and represents an "actual commercial alternative" to Verizon in Maryland.[39] Similarly, in Washington, D.C., we find that AT&T and Starpower each provides telephone exchange service to more than a *de minimis* number of residential and business end users predominantly over its own facilities and represents an "actual commercial alternative" to Verizon in Washington, D.C.[40] In West Virginia, we find that eLEC, FiberNet, and StratusWave serve more than a *de minimis* number of residential and business end users predominantly over their own facilities and represent an "actual commercial alternative" to Verizon in West Virginia.[41] Specifically, eLEC provides telephone exchange service to both

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[34] *Application by SBC Communications Inc., Pursuant to Section 271 of the Communications Act of 1934, as amended, To Provide In-Region, InterLATA Services in Oklahoma*, Memorandum Opinion and Order, 12 FCC Rcd 8685, 8695, para. 14 (1997) (*SWBT Oklahoma Order*).

[35] *SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6257, para. 42; *see also Ameritech Michigan Order*, 12 FCC Rcd at 20585, para. 78.

[36] *Sprint Communications Co. v. FCC*, 274 F.3d at 553-54 (D.C. Cir. 2001); *see also SBC Communications Inc. v. FCC*, 138 F.3d 410, 416 (D.C. Cir. 1998) ("Track A does not indicate just how much competition a provider must offer in either the business or residential markets before it is deemed a 'competing' provider.").

[37] *See* D.C. Commission Comments at 16; West Virginia Commission Comments at 113. The Maryland Commission did not address the issue.

[38] Verizon Application at 5-9. Verizon Application, App. A, Vol. 5, Tab J, Decl. of John A Torre (Verizon Torre Decl.) Attach. 1, Ex. B; Attach. 2, Ex. B; Attach. 3, Ex. B (*citing confidential versions*).

[39] Verizon Application at 5-6; Verizon Torre Decl. Attach. 1, Ex. B (*citing confidential version*).

[40] Verizon Application at 7; Verizon Torre Decl. Attach. 2, Ex. B (*citing confidential version*).

[41] Verizon Application at 8-9; Verizon Torre Decl. Attach. 3, Ex. B (*citing confidential version*). We find that competitors have penetrated the business market to a notable extent, considering West Virginia's largely rural nature. While there is less facilities-based competition for residential customers than for business customers, the level of facilities-based competition in the residential market is comparable to other largely rural states where the Commission has granted section 271 authority, and, in any event, satisfies the minimum requirements of Track A. *See Joint Application by SBC Communications Inc., Southwestern Bell Telephone Company, and Southwestern Bell Communications Services, Inc. d/b/a Southwestern Bell Long Distance Pursuant to Section 271 of the* (continued....)

residential and business subscribers in West Virginia through UNE-platform.[42] FiberNet provides telephone exchange service to both residential and business subscribers in West Virginia through its own facilities.[43] StratusWave provides telephone exchange to business customers in West Virginia predominantly through its own facilities, and residential customers through resale.[44]

12. We reject arguments by the District of Columbia Office of the People's Counsel (OPC-DC) that Verizon fails to satisfy Track A in Washington, D.C. because the E911 database, upon which we rely, overstates the number of competitive LEC lines.[45] The OPC-DC argues that Verizon's showing for Track A is overstated because the E911 database overstates lines for customers using a PBX. Assuming OPC-DC is correct that the E911 database overstates such lines, this fact is not dispositive of the question at hand. Only business customers (and not residential customers) use PBXs, and thus, only the number of business lines in the E911 database could be overstated. Accordingly, even if we allow for some level of overstatement, the number of business lines in Washington, D.C. still exceeds the *de minimis* threshold.[46] We note that AT&T and Starpower, upon whose line counts we rely, and that are participants in this proceeding at both the state and federal level, have not disputed these numbers.[47]

13. We also reject Z-Tel's argument that Verizon fails to satisfy Track A in West Virginia because the Commission may decide to eliminate the BOCs' requirement to provide

(Continued from previous page)
Telecommunications Act of 1996 To Provide In-Region, InterLATA Services in Arkansas and Missouri, CC Docket 01-194, Memorandum Opinion and Order, 16 FCC Rcd 20719, 20778-80, paras. 117-21 (2001) (*SWBT Arkansas/Missouri Order*); *SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6256-59, paras. 40-44.

[42] Verizon Torre Decl. Attach. 3, Ex. B (*citing confidential version*).

[43] *Id.*

[44] *Id. See also* Letter from Ann D. Berkowitz, Project Manager – Federal Affairs, Verizon, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-384 at 1-2 (filed Feb. 5, 2003) (Verizon Feb. 5 *Ex Parte* Letter on Track A).

[45] OPC-DC Comments at 19. Similarly, the Maryland Commission expresses doubts on the use of the E911 database for providing local exchange carrier line counts in Maryland. Maryland Commission Ex. A at 10. Additionally, Core argues that Verizon's application overstates the number of minutes-of-use that competitive LECs exchange with Verizon, because most of the minutes-of-use that Verizon receives from competitive LECs is the result of dial-up Internet traffic. *See* Core Comments at 23. We need not address Core's argument because we do not rely on minutes-of-use measures for our Track A analysis.

[46] Verizon Torre Decl. Attach. 2, Ex. B (*citing confidential version*).

[47] AT&T and Starpower have both filed comments in this proceeding. *See* Appendix A. We note the Commission's reliance on a similar showing by Southwestern Bell Telephone (SWBT) that it satisfied Track A using Ionex, which was explicitly approved by the United States Court of Appeals for the D.C. Circuit. The court found that since Ionex had been a party to the proceeding, Ionex had been put on notice "that [SWBT] was using Ionex's service to satisfy Track A. Ionex uttered not a peep in protest, correction or qualification." *Sprint v. FCC*, 274 F.3d at 562.

UNE-platform lines to competitors in its *Triennial Review*.[48] Consistent with Commission precedent, we require Verizon to demonstrate that it is in compliance with the rules in effect on the date of the filing, and as of December 19, 2002, Verizon was required to provide UNE-platform lines to competitors.[49]

IV. PRIMARY ISSUES IN DISPUTE

14. As in recent section 271 orders, we will not repeat here the analytical framework and particular legal showing required to establish compliance with every checklist item.[50] Rather, we rely upon the legal and analytical precedent established in those prior section 271 orders, and we attach comprehensive appendices containing performance data and the statutory framework for approving section 271 applications.[51] Our conclusions in this Order are based on performance data as reported in carrier-to-carrier reports reflecting service in the period from August 2002 through December 2002.

15. We focus in this Order on the issues in controversy in the record. Accordingly, we begin by addressing issues concerning Verizon's compliance with checklist item numbers 2, 12, and 1, which encompass access to UNEs, local dialing parity, and interconnection, respectively. Next, we address checklist item numbers 4, 7, 8, 10, 11, 13, and 14 which cover access to unbundled local loops, 911/E911 access and directory assistance/operator services,

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[48] Z-Tel Comments at 2. The Maryland Commission is also concerned about the availability of UNE-platform. Maryland Commission Comments, Ex. A at 9-10. *See also Review of Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, CC Docket No. 01-338; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket 96-98; Deployment of Wireline Services Offering Advanced Telecommunications Capability, CC Docket 98-147, Notice of Proposed Rulemaking,* FCC 01-361, 16 FCC Rcd 22781 (2001) (*Triennial Review*). On February 20, 2003, the Commission took action to revise its rules concerning incumbent LECs' obligations to make available elements of their networks on an unbundled basis to requesting carriers. *FCC Adopts New Rules For Network Unbundling Obligations Of Incumbent Local Phone Carriers, News Release*, (rel. Feb. 20, 2003) (announcing adoption of an Order on Remand and Further Notice of Proposed Rulemaking in CC Docket No. 01-338, *Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*) (*Triennial Review News Release*). We note, however, that, in determining whether a BOC applicant has satisfied the requirements of section 271, the Commission evaluates an applicant's compliance with the competitive checklist as developed in the Commission's local competition rules and orders in effect at the time the application was filed.

[49] *See Application by SBC Communications, Inc., Southwestern Bell Tel. Co., and Southwestern Bell Communications Services, Inc., d/b/a Southwestern Bell Long Distance pursuant to Section 271 of the Telecommunications* Act *of 1996, To Provide In-Region, InterLATA Services in Texas,* CC Docket No. 00-65, Memorandum Opinion and Order, 15 FCC Rcd 18354, 18367-68, para. 28 (2000) (*SWBT Texas Order*).

[50] *See id.* at 18359-61, 65-78, paras. 8-11, 21-40, 43-58; *Application by Bell Atlantic New York for Authorization Under Section 271 of the Communications Act to Provide In-Region, InterLATA Service in the State of New York,* CC Docket No. 99-295, Memorandum Opinion and Order, 15 FCC Rcd 3953, 3961-63, 3966-69, 3971-76, paras. 17-20, 29-37, 43-60 (1999) (*Bell Atlantic New York Order), aff'd sub nom. AT&T Corp. v. FCC,* 220 F.3d 607 (D.C. Cir. 2000); *see also* Appendix F (Statutory Requirements).

[51] *See generally* Appendices B (Maryland Performance Data), C (Washington, D.C. Performance Data), D (West Virginia Performance Data), Appendix E (Virginia Performance Data) and Appendix F.

directory listings, signaling, number portability, reciprocal compensation, and resale, respectively. The remaining checklist requirements are discussed briefly, as they received little or no attention from commenting parties, and our own review of the record leads us to conclude that Verizon has satisfied these requirements. Finally, we discuss issues concerning compliance with section 272 and the public interest requirement.

A. Checklist Item 2 – Unbundled Network Elements

16. Checklist item 2 of section 271 states that a BOC must provide "nondiscriminatory access to network elements in accordance with sections 251(c)(3) and 252(d)(1) of the Act."[52] Section 251(c)(3) requires incumbent LECs to provide "nondiscriminatory access to network elements on an unbundled basis at any technically feasible point on rates, terms, and conditions that are just, reasonable, and nondiscriminatory."[53] Based on the evidence in the record, we find, as did the state commissions, that Verizon provides nondiscriminatory access to its Operations Support Systems (OSS) in the application states.[54] In this section, we address those aspects of this checklist item that raised significant issues concerning whether Verizon's performance demonstrates compliance with the Act: (1) OSS, particularly billing; (2) provisioning of UNE combinations; and (3) UNE pricing. Aside from OSS, other UNEs that Verizon must make available under section 251(c)(3) are also listed as separate items on the competitive checklist and are addressed below in separate sections for various checklist items, as are any provisioning issues that may be in dispute.[55]

1. OSS

17. Checklist item 2 requires a BOC to demonstrate that competitors have nondiscriminatory access to the various systems, databases, and personnel (collectively referred to as OSS) that a BOC uses in providing service to its customers.[56] As we discuss below, Verizon has shown that evidence concerning its OSS in Virginia, which the Commission has previously found satisfies the requirements of checklist item 2, should be considered in this proceeding.[57] Consistent with our past practice, we focus our review on those OSS issues in

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[52] 47 U.S.C. § 271(c)(2)(B)(ii).

[53] 47 U.S.C. § 251(c)(3).

[54] Maryland Commission Comments, Ex. A at 3 (finding Verizon "in technical compliance with the [section] 271 checklist"); D.C. Commission Comments at 25, 62-77, 85-90; West Virginia Commission Comments at 20-53.

[55] *See* 47 U.S.C. § 271(c)(2)(B). For example, unbundled loops, transport, and signaling are listed separately as checklist items 4, 5, and 6.

[56] *See Bell Atlantic New York Order*, 15 FCC Rcd at 3989-90, para. 83.

[57] *Application by Verizon Virginia Inc., Verizon Long Distance Virginia, Inc., Verizon Enterprise Solutions Virginia Inc., Verizon Global Networks Inc., and Verizon Select Services of Virginia Inc., for Authorization to Provide in-Region, InterLATA Services in Virginia*, WC Docket No. 02-214, Memorandum Opinion and Order, 17 FCC Rcd 21880, 21892, para. 22 (2002) (*Verizon Virginia Order*).

controversy and do not address each OSS element in detail where our review of the record satisfies us there is little or no dispute that Verizon meets the nondiscrimination requirements.[58] Specifically, our discussion focuses on the relevance of Verizon's Virginia OSS, Verizon's ordering systems and provisioning of competing carriers' orders, and Verizon's wholesale billing practices.[59]

a. Relevance of Verizon's Virginia OSS

18. Verizon relies in this application on evidence concerning its Virginia OSS.[60] Specifically, Verizon asserts that its OSS in the application states are the same OSS as in Virginia and, therefore, evidence concerning its OSS in Virginia is relevant and should, consistent with our precedent, be considered in our evaluation of the Maryland, Washington, D.C., and West Virginia OSS.[61] As discussed in the *Verizon Virginia Order*, KPMG conducted extensive third-party testing in Virginia of Verizon's OSS. To support its claim that the OSS in the application states are the same as those we approved in Virginia, Verizon submits a report from Pricewaterhouse Coopers (PwC), that attests that Verizon's systems in the application states are the same as those used in Virginia.[62]

19. Where Verizon provides evidence that a particular system reviewed and approved in Virginia (or other Verizon state that has received section 271 approval) is also used in the

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[58] *Application by Verizon New Jersey Inc., Bell Atlantic Communications, Inc. (d/b/a Verizon Long Distance), NYNEX Long Distance Company (d/b/a Verizon Enterprise Solutions), Verizon Global Networks Inc., and Verizon Select Services Inc., for Authorization to Provide In-Region, InterLATA Services in New Jersey*, WC Docket No. 02-67, Memorandum Opinion and Order, 17 FCC Rcd 12275, 12309, para. 77 (2002) (*Verizon New Jersey Order*).

[59] In the few instances where Verizon has failed to meet its commercial performance benchmarks or parity standards, we are persuaded that its performance is not competitively significant and conforms to the Commission's precedent. *See* Appendices B, C, D, E.

[60] *See generally* Verizon Application, App. A, Vol. 2, Tab D, Joint Declaration of Kathleen McLean and Catherine T. Webster (Verizon McLean/Webster Decl.).

[61] Verizon McLean/Webster Decl., paras. 8-9, 16. As the Commission has found in previous section 271 applications, performance data based on low volumes of orders or other transactions is not as reliable an indicator of checklist compliance as performance based on larger numbers of observations. It is thus not possible to place the same evidentiary weight upon – and draw the same types of conclusions from – performance data where volumes are low, as for data based on more robust activity. *See, e.g., SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6254, para. 36.

[62] *See generally* Verizon Application, App. B-MD, Tab 11, Joint Declaration of Russell J. Sapienza and William M. Coburn, Jr., Attach. C; Verizon Application, App. B-DC, Tab 1, Joint Declaration of Russell J. Sapienza and William M. Coburn, Jr., Attach. C, Verizon Application, App. B-WV, Tab 2, Joint Declaration of Russell J. Sapienza and William M. Coburn, Jr., Attach. C (PwC Report). *See also* Verizon Application at 2. With respect to Verizon's OSS, "same" means that there is one unique set of software coding and configuration installed on one or more computer servers that support Maryland, Washington, D.C., West Virginia, and Virginia (collectively, the former Chesapeake & Potomac Telephone Companies, or C&P). Regarding personnel and work center facilities, "same" means that those serving Virginia use the same processes as in the other C&P jurisdictions, including the application states. Verizon McLean/Webster Decl., para. 9.

application states, our review of the same system in this proceeding will be informed by our findings in the *Verizon Virginia Order*.[63] We find that Verizon, through the PwC Report and its declarations, provides sufficient evidence that its OSS in the application states are the same OSS as in Virginia. Therefore, we conclude that we should consider evidence concerning its OSS in Virginia in our instant analysis.[64] Accordingly, we examine data reflecting Verizon's performance in Virginia where low volumes in one of the application states yield inconclusive or inconsistent information regarding Verizon's compliance with the competitive checklist.[65] We note that no commenter has suggested that we should not consider evidence of Verizon's Virginia OSS in this proceeding.[66]

20. Based on the evidence in the record, including commercial data and third-party testing, we find that Verizon provides nondiscriminatory access to its OSS.[67] Consistent with our past practice, we focus our review on those OSS issues in controversy.[68] Concerning those areas of Verizon's OSS that have generated comments or been otherwise discussed below, we are satisfied that our review of the record, including our analysis of Verizon's commercial performance data for Verizon's OSS in the application states, indicate that Verizon is providing OSS to competitors in a nondiscriminatory manner, in compliance with the checklist.

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[63] *SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6253-6245, para. 35. Indeed, to the extent that certain issues have been previously briefed, reviewed and resolved in a prior section 271 proceeding, and absent new evidence or changed circumstances, an application for a related state should not be a forum for relitigating and reconsidering those issues. *Id.*

[64] Appendix F, para. 14.

[65] We note, however, that convincing commercial evidence of discriminatory treatment in a certain applicant state cannot be trumped by convincing evidence of satisfactory treatment in an "anchor state."

[66] *But see* OPC-DC Comments at 12-13, asserting that the D.C. Commission did not make an independent finding as to whether Verizon's Washington, D.C. OSS is the same as other OSS in neighboring jurisdictions or whether Washington, D.C.-specific testing is required. Indeed, the, D.C. Commission considered the position of a number of commenters that the D.C. Commission should not rely on KPMG's Virginia OSS test results due to possible differences between Verizon's OSS in Virginia and Washington, D.C. We agree with the D.C. Commission's determination that, having considered the record, "there is sufficient commonality between the Virginia and the District of Columbia OSS to allow generally for the extrapolation of results to operations in the District of Columbia" and "that additional, District of Columbia-specific testing would not have a sufficient probability of producing further knowledge or insight that the FCC would find probative." D.C. Commission Comments at 64, 75.

[67] *See generally* Appendices B, C, D, and E.

[68] *Verizon Massachusetts Order*, 16 FCC Rcd at 8996, para. 15; *Verizon Connecticut Order*, 16 FCC Rcd at 14151-14152, para. 9; *SWBT Arkansas/Missouri Order*, 16 FCC Rcd at 20725, para. 12.

b. Ordering

21. We find, consistent with the state commissions' findings,[69] that Verizon complies with its obligation to provide competing carriers with nondiscriminatory access to the OSS functions necessary for placing wholesale and resale orders.

22. FiberNet raises numerous complaints regarding Verizon's ordering processes in West Virginia, all of which we find unpersuasive. First, FiberNet asserts that Verizon's Web Graphical User Interface (GUI) operates too slowly, and suffers from additional access problems.[70] The record does not, however, support FiberNet's contentions. In response to FiberNet's concern that the Web GUI slows down at the same time on a daily basis, Verizon explains that the largest volume of activity processed by Verizon's back-end systems occurs between 2:00 p.m. and 3:00 p.m., each week day, and that any slowing affects equally both Verizon's retail operations and those of competitive LECs.[71] Accordingly, we find no discrimination between Verizon's treatment of its retail operations and that of competitive LECs.

23. Additionally, Verizon explains why FiberNet was unable to access the Web GUI, and the record does not indicate that this problem was systemic.[72] The record demonstrates that a server problem prevented FiberNet from accessing the Web GUI on October 14, 2001, and that Verizon promptly provided a workaround that resolved the temporary problem.[73] The October 21, 2001 event occurred as a result of Verizon implementing a new Internet address (URL) for accessing a new version of the Web GUI. Verizon provides evidence that it designed this change in collaboration with competitive LECs and that, on October 10, 2001, Verizon provided notice to competitive LECs reminding them of the new URL. Some competitive LECs that used the old Web GUI continued to use existing bookmarks to go directly to the Web GUI login page received an error message due to programming logic to redirect users accessing the Web GUI home page, because the bookmarks skipped the home page and were not redirected.

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[69] Maryland Commission Comments, Ex. A at 3; D.C. Commission Comments at 25, 62-63; West Virginia Commission Comments at 25-27, 44-45.

[70] FiberNet Comments at 27-28. FiberNet asserts that Verizon's Web GUI operates too slowly to be used on a daily basis, usually around 3:00 p.m. EST. *Id.* at 27. Additionally, FiberNet complains that Verizon's Web GUI ceased functioning for most of the day on October 14, 2002, and that on October 21, 2002, Verizon changed its Web GUI Internet address, but the newly provided Internet address was unreachable. *Id.*

[71] Verizon Reply, App. A, Tab B, Reply Declaration of Kathleen McLean and Catherine T. Webster, paras. 8-9 (Verizon McLean/Webster Reply Decl.).

[72] *Id.*, para. 9. *See also* PO-2-01-6050 (OSS Interface Avail. – Total – Web GUI); PO-2-02-6050 (OSS Interface Avail. – Prime Time – Web GUI); PO-2-03-6050 (OSS Interface Avail. – Non-Prime – Web GUI). We note that although Verizon's performance under PO-1-08-6050 (Percent Time-Outs – Web GUI) did not meet performance standards in the application states for most months, the percent of time-outs were less than 3% of the time in any given month, and generally under 1%.

[73] Verizon McLean/Webster Decl, para. 35; Verizon McLean/Webster Reply Decl., para. 9.

Competitive LECs contacted Verizon's wholesale customer care center (WCCC) and the Connectivity Management Team worked with competitive LECs to resolve the problem.[74]

24. Second, FiberNet asserts that Verizon's ordering process for new services is too difficult.[75] FiberNet provides little supporting evidence here to defend its allegation, and thus we find that its argument does not warrant a finding of checklist noncompliance.[76] In particular, the record demonstrates that Verizon's wholesale website provides a variety of documents to assist competitive LECs.[77] As the Commission has stated previously, it will give little, if any, weight to allegations in a section 271 proceeding without the minimum amount of detail necessary for us to determine whether that applicant fails the checklist.[78]

c. Provisioning

25. Based on the evidence in the record, we find, as did the state commissions, that Verizon provisions competitive LEC customers' orders in a nondiscriminatory manner.[79] Commenters raise a variety of issues concerning Verizon's provisioning which do not warrant a finding of checklist noncompliance. FiberNet asserts that the delay in conversion from resale to M-loops[80] is unreasonable compared to other provisioning intervals.[81] The record demonstrates

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[74] Verizon McLean/Webster Decl, para. 35; Verizon McLean/Webster Reply Decl., para. 9.

[75] FiberNet Comments at 31.

[76] FiberNet also alleges that certain information was missing from Customer Service Records (CSRs). FiberNet Comments at 29. FiberNet does not provide sufficient information regarding the data that it considers necessary, but missing, from Verizon's CSRs, or how the lack of such information harms FiberNet. FiberNet also alleges that Verizon returns incomplete firm order confirmations (FOCs) which lack critical information. FiberNet Comments at 28-29. Verizon responds to FiberNet's assertions with the assumption that FiberNet was referring to the issues it raised in the West Virginia 271 proceeding. Verizon's demonstrates that of the 21 examples provided in West Virginia, 12 were more than 18 months old. Of the remaining nine, Verizon found "incomplete" information on four FOCs, but that the confirmations regarded supplemental orders where complete information had been provided with the original FOC. Verizon McLean/Webster Decl., para. 72; Verizon McLean/Webster Reply Decl., para. 21. Accordingly, we cannot conclude that Verizon fails to demonstrate checklist compliance.

[77] Verizon McLean/Webster Reply Decl., para. 13. Documents available on Verizon's website include Verizon's Access Service Request Business Rules, Carrier Services Gateway User Guide, Carrier services Gateway Tutorial, Carrier Services Gateway On Line Training, Product and Service Information, Job Aids, and Industry letters. *Id.*

[78] *See e.g., Application by Qwest Communications International, Inc. for Authorization to Provide In-Region, InterLATA Services in the States of Colorado, Idaho, Iowa, Montana, Nebraska, North Dakota, Utah, Washington and Wyoming*, WC Docket No. 02-314, FCC 02-332, Memorandum Opinion and Order, para. 130 (rel. Dec. 23, 2002) (*Qwest 9-State Order*).

[79] *See generally* Appendices B, C, D, and E. *See also* Maryland Commission Comments, Ex. A at 3; D.C. Commission Comments at 25, 63; West Virginia Commission Comments at 27-45.

[80] An M-loop is a voice-grade loop-transport combination. Verizon Reply, App. A, Tab A, Reply Declaration of Paul A. Lacouture and Virginia P. Ruesterholz, para. 187 (Verizon Lacouture/Ruesterholz Reply Decl.). An M-Loop is intended to function like an EEL. *See* Letter from Steven Hamula, Director of Regulatory Affairs, (continued....)

that FiberNet's complaint relates to a process negotiated by Verizon and FiberNet to transition existing resale loops or Verizon retail loops to voice grade M-Loops.[82] This transition process is being handled on a "project basis,"[83] and accordingly, this issue is not relevant to our section 271 analysis.[84] Also, regarding FiberNet's allegation that Verizon prematurely disconnects customers' service before they are converted to FiberNet,[85] FiberNet fails to provide sufficient evidence to support its assertion. The Commission has consistently stated that it will give little, if any, weight to allegations in a section 271 proceeding without the minimum amount of detail necessary for us to determine whether the applicant fails the checklist, as is the case here.[86]

d. Wholesale Billing

26. As part of its obligation to provide nondiscriminatory access to OSS, a BOC must demonstrate that competing carriers have nondiscriminatory access to its billing systems.[87] In particular, BOCs must provide complete, accurate, and timely (1) reports on the service usage of competing carriers' customers and (2) wholesale bills.[88]

27. Based on the evidence in the record, we find, as did the state commissions, that Verizon provides nondiscriminatory access to its billing functions.[89] In particular, we find that

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FiberNet, to Marlene Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-384 at 1, Attach. 1 (filed Jan. 23, 2003) (FiberNet Jan. 23 *Ex Parte* Letter).

[81] FiberNet Comments at 19-23; FiberNet Reply at 16-20; Letter from Steven Hamula, Director of Regulatory Affairs, FiberNet, to Marlene Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-384 (filed Mar. 17, 2003) (FiberNet Mar. *17 Ex Parte* Letter). We note that Verizon's performance on EELs is satisfactory. *See infra* Section IV.A.2 (UNE Combinations). Additionally, the record shows that the standard interval for other types of EELs that involve designed circuits similar to the M-Loop provided to FiberNet are in the same range. Letter from Ann D. Berkowitz, Verizon, Project Manager - Federal Affairs, to Marlene Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-384 (filed Mar. 14, 2003) (Verizon Mar. 14 *Ex Parte* Letter).

[82] FiberNet Comments at 19; Verizon Reply at 37; Verizon Lacouture/Ruesterholz Reply Decl., para. 189.

[83] Verizon Lacouture/Ruesterholz Reply Decl., para. 190.

[84] We have consistently held that the section 271 process is not the appropriate forum to resolve carrier-specific disputes. *See, e.g., Qwest 9-State Order*, para. 182. If Verizon is backsliding on commitments it made to FiberNet during the state proceeding, as FiberNet claims, FiberNet should seek redress using its contractual dispute resolution process or raise the issue before the appropriate state commission or at the Commission.

[85] FiberNet Comments at 31.

[86] *See, e.g., Qwest 9-State Order*, para. 130.

[87] *See* Appendix F, para. 39.

[88] *Verizon New Jersey Order*, 17 FCC Rcd at 12333, para. 121.

[89] Maryland Commission Comments, Ex. A at 3, 5-6; D.C. Commission Comments at 64-69; West Virginia Commission Comments at 28-30, 45-50.

the record demonstrates that Verizon provides complete, accurate, and timely reports on the service usage of competing carriers' customers, and complete, accurate, and timely wholesale bills. Verizon uses its expressTRAK and Carrier Access Billing System (CABS) billing systems to provide wholesale carrier bills.[90] KPMG evaluated and found satisfactory all 75 test points regarding Verizon's billing systems in Virginia.[91] Based on the evidence in the record, we find that Verizon's provision of service usage data through the Daily Usage File (DUF) meets its obligations. Additionally, we note that no party challenges the timeliness of Verizon's wholesale bills in the application states, and that Verizon demonstrates that it is providing wholesale bills in a timely manner.[92]

28. Several parties do, however, dispute Verizon's ability to provide complete, accurate, and auditable wholesale bills and contest the effectiveness and timeliness of Verizon's billing dispute resolution process.[93] For the reasons set forth below, we reject those claims. As we found in the *Verizon New Jersey Order*, to show checklist noncompliance, a carrier must demonstrate that Verizon's billing performance is "materially worse than it was in Pennsylvania at the time of Verizon's application in Pennsylvania."[94] Additionally, the Commission has stated, "we recognize, as a practical matter, that high-volume, carrier-to-carrier commercial billing cannot always be perfectly accurate."[95] While competing carriers advance a number of arguments about Verizon's billing, many of these problems appear to be resolved historical problems.

(i) Complete, Accurate and Auditable Wholesale Bills

29. *Auditable Adjustments to Electronic Wholesale bills.* Based on our review of recent commercial performance along with the third-party tests performed in Virginia, we find that Verizon provides wholesale bills, both the retail-formatted and BOS-BDT versions, in a

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[90] Verizon primarily uses expressTRAK to provide billing for retail products, resale products, UNE-platform, UNE-ports and UNE-loops. Verizon McLean/Webster Decl., para. 140. Verizon uses CABS to provide billing for interoffice transport facilities, collocation, access services, carrier settlement, and other UNE products. Verizon McLean/Webster Decl., para. 140. KPMG tested the accuracy and timeliness of actual bills generated by the expressTRAK and CABS systems as well as Verizon's procedures including processes for producing, distributing, and disputing bills. Verizon McLean/Webster Decl., paras. 148-149.

[91] Verizon McLean/Webster Decl., para. 149; *see also* KPMG Final Report at 18.

[92] *See* BI-2-01-2030 (Timeliness of Carrier Bill); *see also Verizon New Jersey Order*, 17 FCC Rcd at 12333-34, para. 122.

[93] AT&T Comments at 17-19; FiberNet Comments at 34-43; NALA/PCA Comments at 3-4; AT&T Reply at 12-13; FiberNet Reply at 20-28.

[94] *Verizon New Jersey Order*, 17 FCC Rcd at 12337, para. 127 (finding improper charges that occur on 2-3 percent of a carrier's wholesale bills and that amount to less than 1% of a carrier's overall charges, without further evidence, are insufficient to demonstrate that Verizon does not provide competing carriers a meaningful opportunity to compete).

[95] *Id.* at 12336-37, para. 126.

manner that offers an efficient competitor a reasonable opportunity to compete. As in Virginia, Verizon provides competing carriers in the application states with a choice of receiving their wholesale bills in a standard retail-formatted bill, or in an industry-standard electronic Billing Output Specification (BOS) Bill Data Tape (BDT) format.[96] Verizon has allowed competitive LECs to choose the BOS-BDT bill as the official bill-of-record since June 2002.[97] Verizon acknowledges that in order to ensure the accuracy of the BOS-BDT bill, it must reconcile these bills against the retail-formatted bills.[98] In order to make the BOS-BDT bills balance internally and match the retail-formatted bill, Verizon adjusts the BOS-BDT bills using a manual process.[99] Any adjustments are then included in the "Other Charges and Credits (OC&C)" section of the BOS-BDT bill, which identifies the adjustments using phrase codes describing the reason for the adjustment.[100] Although KPMG conducted a comprehensive test of Verizon's expressTRAK billing system, due to the recent availability of BOS-BDT billing in Virginia, KPMG evaluated only the contents of Verizon's retail-formatted bill.[101] Therefore, Verizon presents an attested report by PwC as verification that its BOS-BDT bills are auditable and comparable to the retail-formatted bill in terms of bill value, detail, and other characteristics.[102]

30. We reject the contention that the BOS-BDT bill is neither accurate nor auditable.[103] We also reject FiberNet's other concerns with Verizon's bills, none of which we find persuasive.[104] FiberNet raises an identical claim to one raised in the Virginia proceeding,

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[96] Verizon McLean/Webster Decl., paras. 140 -145. Verizon notes that there are now over 55, 40, 30 competing carriers operating in Maryland, Washington, D.C., and West Virginia respectively that receive the BOS-BDT wholesale bill. *Id.* at 145. As the Commission has noted before, the BOS-BDT bill permits competing carriers to more readily audit their bills, especially those carriers providing service in higher volumes. *Verizon Pennsylvania Order*, 16 FCC Rcd at 17428, para. 17; *Verizon New Jersey Order*, 17 FCC Rcd at 12333-34, para. 122 & n.348.

[97] Verizon McLean/Webster Decl., para. 145; Verizon McLean/Webster Reply Decl., para. 34.

[98] Verizon McLean/Webster Decl., paras. 146-147.

[99] *Id.* & Attach. 21 (describing the adjustment process and noting that it is identical to the process initiated in Pennsylvania).

[100] *Id.*, para. 147.

[101] *Id.*, para. 149.

[102] *Id.*, paras. 150-151. The Commission relied on similar evidence in its section 271 applications for Pennsylvania and New Jersey. *See Verizon Pennsylvania Order*, 16 FCC Rcd at 17430-31, 40-41, paras. 21, 35-36; *Verizon New Jersey Order*, 17 FCC Rcd at 12335-36, para. 125.

[103] FiberNet Comments at 38-43; AT&T Reply at 12-13; FiberNet Reply at 24-28.

[104] FiberNet Comments at 38. FiberNet also raises concerns with the fact that it continues to receive its bills in paper format and that it considers those bills inauditable. *Id.* at 38-39. The record demonstrates, however, that Verizon's BOS-BDT bill has been available as the bill of record since June 2002. Verizon McLean/Webster Decl., para. 145; Verizon McLean/Webster Reply Decl., para. 34. Additionally, the Commission has previously found Verizon's bills to be auditable and FiberNet provides no new argument or evidence that convinces us to reconsider that conclusion. FiberNet also asserts, without additional explanation or supporting evidence, that Verizon will often continue billing for service to an end-user after the end-user has been disconnected. FiberNet Comments at (continued....)

asserting that it has repeatedly asked Verizon for mapping of ordering codes to billing codes, to no avail.[105] The record demonstrates that Verizon makes such information available in two repositories: Verizon's wholesale website and the Universal Service Order Code (USOC) database.[106] FiberNet also claims that it routinely finds errors in the bills it receives from Verizon in West Virginia, and suggests that those errors suggest a pattern of discriminatory and anticompetitive behavior, but provides only one example of such errors.[107] We agree with the West Virginia Commission's dismissal[108] of FiberNet's claim that the process it follows in order to be able to receive its bills in electronic format was confusing and burdensome.[109] The record demonstrates that the documentation and technical specifications are available from Telcordia and BOS-BDT is standard across the former Bell Atlantic-South territory, including West Virginia.[110] Finally, we reject FiberNet's claim that Verizon's application must fail because Verizon does not update its billing system to support new product offerings in a timely fashion.[111] Verizon demonstrates that it is often required by regulators to provide new products and services to competitive LECs in advance of its ability to update the billing system. Under these circumstances, competitive LECs benefit from the use of the new product or service, and billing is either processed manually or deferred until the billing system is ready.[112] Accordingly, we cannot find that Verizon is systemically behaving in a discriminatory manner, particularly in the absence of any showing of harm by FiberNet. Lacking additional support or evidence, and consistent with our section 271 precedent, we find that such isolated incidents are not reflective of a systemic problem that would warrant a finding of checklist noncompliance.[113]

31. We also disagree with AT&T's assertion that Verizon's BOS-BDT bills are not auditable because the CLLI code and Access Service Group (ASG) code appear together only in the Customer Service Record section of the bill, while the Other Charges and Credits (OC&C)

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35; FiberNet Reply at 20. FiberNet similarly asserts that Verizon "has substandard billing practices, including, but not limited to, back billing, inaccuracies and manual processes." FiberNet Comments at 42; FiberNet Reply at 22.

[105] FiberNet Comments at 41-42.

[106] Verizon McLean/Webster Reply Decl., para. 35.

[107] FiberNet Comments at 35; FiberNet Reply at 20.

[108] West Virginia Commission Comments at 48.

[109] FiberNet Comments at 39.

[110] Verizon McLean/Webster Reply Decl., para. 34.

[111] FiberNet Comments at 42.

[112] Verizon McLean/Webster Reply Decl., para. 35 (citing West Virginia Commission Comments).

[113] Verizon states that FiberNet raised identical claims in the state proceeding, and those claims were rejected by the West Virginia Commission. Verizon Reply at 47.

section only contains the ASG code.[114] Initially, we note that Verizon's BOS-BDT bills in the application states are the same as those that Verizon provides to competitive LECs in Pennsylvania, New Jersey, Delaware and Virginia, where the Commission has previously determined that Verizon's bills are auditable.[115] AT&T does not present evidence of changed circumstances or deteriorating service. The record also demonstrates that Verizon's bills are auditable in their current form and that AT&T's software could be programmed to match the ASG in the OC&C section with the ASG and CLLI code in the corresponding CSR section of the BOS-BDT.[116] Additionally, industry guidelines published by Telcordia do not require inclusion of the CLLI code in the OC&C section.[117] Furthermore, although we do not rely on it, we take comfort in the fact that, pursuant to competitive LEC change request, Verizon has implemented an enhancement to its BOS-BDT to add the CLLI code following the ASG code in the OC&C section of the BOS-BDT bill.[118]

(ii) Billing Dispute Resolution

32. Several competing carriers allege as in past section 271 applications that Verizon's billing dispute process is inadequate.[119] Verizon counters with evidence that it has dramatically reduced the number of outstanding billing disputes in the application states, crediting this improvement to new internal management and an internal task force designed to improve billing claim resolution.[120] The evidence in the record demonstrates that Verizon reduced its active monthly billing claims in Maryland, Washington, D.C., and West Virginia from 1,700, 530, and 540 claims in January 2002 to approximately 175, 45, and 20 at the end of October 2002, respectively.[121] Additionally, Verizon states that it significantly reduced its

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[114] AT&T Comments at 18-19; AT&T Reply at 12, n.11; Letter from David Levy and Richard Young, Counsel for AT&T, to Marlene Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-384 at 5-8 (filed Feb. 11, 2003) (AT&T Feb. 11 *Ex Parte* Letter).

[115] Letter from Ann Berkowitz, Project Manager - Federal Affairs, Verizon, to Marlene Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-384 at 3 (filed Feb. 21, 2003) (Verizon Feb. 21 *Ex Parte* Letter on billing format).

[116] Verizon McLean/Webster Reply Decl., para. 36; Verizon Feb. 21 *Ex Parte* Letter on Billing Format at 2.

[117] Verizon Reply at 46; Verizon McLean/Webster Reply Decl., para. 36. We agree with AT&T's assertion that a lack of industry standard does not excuse Verizon from meeting its obligation to provide nondiscriminatory access to OSS functions, including fully auditable wholesale bills. AT&T Feb. 11 *Ex Parte* Letter at 6. However, as discussed above, we find that the record demonstrates that Verizon's BOS-BDT bills are auditable.

[118] Verizon Reply at 46-47. *But see* AT&T Feb. 11 *Ex Parte* Letter at 7-8 claiming that Verizon's intended enhancement will not solve the alleged auditability problem. However, because we find that Verizon's current BOS-BDT bills are auditable, we do not address further any concerns with the February enhancement.

[119] FiberNet Comments at 35-37; NALA/PCA Comments at 3-5; FiberNet Reply at 20-21.

[120] Verizon McLean/Webster Decl., paras. 157-161.

[121] Verizon McLean/Webster Decl., paras. 158-160. This figure includes current monthly disputes which have consistently been resolved in a timely manner. Similarly, Verizon states that the dollar value of outstanding billing (continued....)

"backlog" of old claims in Maryland, Washington, D.C., and West Virginia, and that only two claims are older than 30 days.[122] Accordingly, we find that Verizon is generally addressing billing disputes in a timely manner.

33. We find unpersuasive National ALEC and Prepaid Communications Association's (NALA/PCA) argument that Verizon used anticompetitive methods to decrease its substantial dispute backlog, including failure to assign claim numbers, unilateral denial of claims, and failure to provide credits on resolved issues.[123] As evidence of its claim, NALA/PCA claims that one of its members has a claim against Verizon for over $200,000 – nearly half of the amount of outstanding claims reported by Verizon in Maryland.[124] The record demonstrates, however, that the claim cited by NALA/PCA does not reflect billing errors, but instead reflects Metro Teleconnect's disagreement with the Maryland Commission's treatment of the residential directory assistance call allowance.[125] Accordingly, we disagree with NALA/PCA classification of this issue an a billing dispute, but instead determine that NALA/PCA's allegation is properly considered and resolved in Section V.G.1 (Resale of Directory Assistance) *infra*, which addresses NALA/PCA's concerns regarding Verizon's resale directory assistance call allowance in Maryland.

34. We find unconvincing FiberNet's various complaints regarding Verizon's billing dispute resolution process.[126] In particular, FiberNet fails to provide adequate supporting evidence to substantiate its complaints. FiberNet claims that it submits billing disputes to Verizon, but Verizon fails to assign a claim number.[127] Verizon demonstrates, however, that it provides competitive LECs with the information necessary to track their claims and that it rejects billing disputes (and does not assign a claim number) if the competitive LEC has not provided enough information for Verizon to investigate the claim.[128] FiberNet further complains that when

(Continued from previous page)
claims in Maryland, Washington, D.C., and West Virginia has dropped from almost $5 million to $425,000, almost $1 million to $32,000, and $390,000 to less than $10,000, respectively, during the same time period. *Id.*

[122] *Id.*

[123] NALA/PCA Comments at 3-5. FiberNet also asserts that Verizon has failed to properly assign claim numbers. FiberNet Comments at 35; FiberNet Reply at 20.

[124] *See* Verizon McLean/Webster Decl., para. 158.

[125] Verizon McLean/Webster Reply Decl., para. 31. *See* Section V.G.1 (Resale of Directory Assistance), *infra*, for a discussion of the Maryland resale directory assistance call allowance.

[126] FiberNet claims that Verizon has granted disputes regarding certain issues, but continues to bill the item incorrectly, forcing FiberNet to continuously dispute the same issues. FiberNet Comments at 35. On a related note, FiberNet asserts that it has favorably resolved billing disputes, but Verizon has failed to properly credit its account. FiberNet Reply at 21.

[127] FiberNet Comments at 35; FiberNet Reply at 20.

[128] Verizon Reply at 48; Verizon McLean/Webster Reply Decl., para. 25. In those instances, the billing dispute is rejected with an explanation of the additional information required. *Id.*

billing dispute numbers are assigned, disputes are still not resolved in a timely fashion, or are not resolved at all, or that resolved disputes are not credited to FiberNet's account.[129] Verizon addresses these complaints by providing evidence that it sends competitive LECs a letter identifying the claim number, advising of the amount of any adjustment resulting from the claim, and providing a time frame within which the competitive LEC may expect the adjustment. While we do not exclude the possibility that FiberNet may have experienced specific failures in Verizon's systems, FiberNet's anecdotal and general evidence fall short of making a persuasive finding that Verizon has systematically acted in an anticompetitive or discriminatory manner. Accordingly, we cannot conclude that Verizon fails to demonstrate checklist compliance.

e. Maintenance and Repair

35. Based on the evidence in the record, we find, as did the state commissions, that Verizon provides nondiscriminatory access to its maintenance and repair OSS functions. We find that Verizon has "deployed the necessary interfaces, systems, and personnel to enable requesting carriers to access the same maintenance and repair functions" that Verizon provides itself.[130] FiberNet alleges that Verizon's maintenance and repair process is ineffective because FiberNet must escalate before Verizon resolves complaints.[131] In addition, FiberNet complains that because Verizon fails to coordinate the actions of its wholesale departments, FiberNet must contact different organizations in order to resolve a problem.[132] FiberNet's concerns are similar to their other concerns: they are, at best, general allegations of bad conduct that fail to provide any specific evidence of wrongdoing or magnitude of harm. Furthermore, FiberNet does not explain how any of these complaints are relevant to our section 271 analysis. Verizon explains that its approach for wholesale customers is comparable to its retail operations. Specifically, Verizon has implemented distinct support centers to assist wholesale customers depending on the issue involved. Verizon's retail customers similarly do not have a single telephone number to call for all problems, concerns and inquiries.[133] Thus, FiberNet's generalized allegations fail to warrant a finding of checklist noncompliance, especially in light of the fact that we have

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[129] FiberNet Comments at 35-36; FiberNet Reply at 20-21. FiberNet provides as an example of difficulties it has in resolving billing disputes an ongoing problem concerning Verizon's bills for power usage at FiberNet's West Virginia collocations. FiberNet Comments at 36. The record demonstrates, however, that this dispute has been the topic on ongoing settlement discussions between Verizon and FiberNet concerning the interpretation of contractual provisions between the parties. Verizon McLean/Webster Reply Decl., para. 29. Accordingly, FiberNet's allegations do not warrant a finding of checklist noncompliance. Should the parties be unable to resolve this dispute, FiberNet should raise it with the appropriate state commission, or with the Commission outside of the section 271 process.

[130] *See Bell Atlantic New York Order*, 15 FCC Rcd at 4067, para. 211; Maryland Commission Comments, Ex. A at 3; D.C. Commission Comments at 25, 63; West Virginia Commission Comments at 27-28, 45.

[131] FiberNet Comments at 28.

[132] *Id.* at 30.

[133] Verizon McLean/Webster Reply Decl., para. 62.

previously approved Verizon's processes, and the record does not demonstrate that anything varies from the processes we approved in Virginia.[134]

36. Finally, FiberNet complains that it is difficult to open and resolve trouble tickets.[135] FiberNet recounts 25 alleged instances of such trouble.[136] Verizon states that it is impossible for FiberNet to have made all of the calls it claims to have made because five of the purported calls had the same date, start time, stop time, and Verizon contact, and that some of FiberNet's attempts to open trouble tickets were made to internal Verizon telephone numbers, rather than to the WCCC.[137] Consistent with our section 271 precedent, we find that such anecdotal evidence is not sufficient to warrant a finding of checklist noncompliance.

2. UNE Combinations

37. To comply with checklist item 2, a BOC must also demonstrate that it provides nondiscriminatory access to network elements in a manner that allows requesting carriers to combine such elements and that the BOC does not separate already-combined elements, except at the specific request of the competitive carrier.[138] Based upon the evidence in the record,[139] we conclude, as did the state commissions, that Verizon has demonstrated that it provides nondiscriminatory access to network element combinations as required by the Act and our rules.[140]

38. *EELs*. We disagree with FiberNet's and AT&T's assertion that Verizon's procedures for ordering EELs are discriminatory and unreasonable.[141] Verizon requires competitive LECs to submit two separate, sequential orders when ordering EELs at facilities where the interoffice facility (IOF) and loops operate at different speeds. Under this policy, competitors must place an initial order for the IOF, and, only after the IOF is provisioned, may competitors submit a subsequent order for the loops. Commenters assert that competitors face unwarranted delays due to this process, and these delays place them at a distinct competitive

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134 *See Verizon Virginia Order*, 17 FCC Rcd at 21893, para. 24.

135 FiberNet Comments at 31-34.

136 *Id.* at 32.

137 Verizon McLean/Webster Reply Decl., para. 63. Verizon claims that FiberNet's calls to internal Verizon telephone numbers fail to follow the process in place for resolving such problems. *Id.*

138 47 U.S.C. § 271(c)(2)(B)(ii); 47 C.F.R. § 51.315(b).

139 *See* Verizon Application at 45.

140 Maryland Commission Comments, Ex. A at 3, 9-10; D.C. Commission Comments at 25; West Virginia Commission Comments at 53.

141 AT&T Comments at 32-34; FiberNet Comments at 17-19; AT&T Reply Comments at 22-27; FiberNet Reply at 12-16.

disadvantage to Verizon.[142] The commenters also assert that Verizon's procedures are too costly because: 1) competitors must pay two separate order charges, and 2) competitors must pay for the IOF, even though loops have yet to be either ordered or provisioned.[143] We find, however, that Verizon demonstrates that this ordering process is consistent with industry guidelines for ordering loop/transport combinations.[144] Moreover, Verizon explains that less than three percent of EELs ordered in its service territory require two separate orders.[145] Thus, given the low order volumes of loop/transport orders of different speeds and Verizon's conformity with industry guidelines, we conclude that Verizon's bifurcated ordering process for this type of EEL does not, in itself, constitute a checklist violation. Moreover, we have granted section 271 authority to Verizon in other states where this same ordering policy was in place.[146] Additionally, although we do not rely on it, we note that the Maryland and West Virginia Commissions have ordered Verizon to adopt a simultaneous-ordering process,[147] and the record shows that Verizon will adopt a manual, coordinated loop/transport ordering and billing processes.[148] The D.C. Commission has also indicated that it will initiate a proceeding on this issue.[149] For the reasons

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[142] AT&T Comments at 33; FiberNet Comments at 18; AT&T Reply at 23-24; FiberNet Reply at 14. AT&T and FiberNet both argue that loop provisioning can take up to 15 days. AT&T Comments at 33; FiberNet Comments at 18; AT&T Reply at 22; FiberNet Reply at 14. In addition, FiberNet contends that Verizon fails to reuse existing loops, raising the risk that competitors will not be able to timely serve customers with an EEL. FiberNet Comments at 18-19.

[143] AT&T Comments at 32; FiberNet Comments at 18-19; AT&T Reply at 22-23.

[144] Verizon Reply at 35-36; Verizon Lacouture/Ruesterholz Reply Decl., para. 185. Ordering is a two-step process because the loop order requires information about the specific connecting location for the transport facility, and thus, the loop order cannot be prepared until the transport facilities have been installed. Verizon Lacouture/Ruesterholz Reply Decl., para. 185. Although we do not rely on it, we note that Verizon states that if industry guidelines were modified so that these combinations could be ordered with one order, Verizon would implement those guidelines. *Id.*

[145] Verizon Lacouture/Ruesterholz Reply Decl., para. 185; Letter from Ann Berkowitz, Project Manager - Federal Affairs, Verizon, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-384 at 2 (filed Feb. 11, 2003) (Verizon Feb. 11 *Ex Parte* Letter on loop/transport ordering processes). Verizon explains that during the month of August, no orders for loop/transport combinations that require two separate ASRs were received in the applications states. Verizon Feb. 11 *Ex Parte* Letter on loop/transport ordering processes at 2.

[146] *Id.* at 1-2. Verizon states that in all of its service areas except Massachusetts, it begins billing for the transport facility as soon as the transport is provisioned.

[147] Maryland Commission Comments, Ex. A at 7; West Virginia Commission Comments at 71, 128, 137.

[148] Verizon Lacouture/Ruesterholz Reply Decl., para. 186; Verizon Feb. 11 *Ex Parte* Letter on loop/transport ordering processes at 1-2. Under these procedures, Verizon states that it will not begin billing the competitive LEC for loop/transport combinations until the transport and at least one subtending loop has been provisioned. Verizon Lacouture/Ruesterholz Reply Decl., para. 186. Additionally, commenters raise questions concerning Verizon's acceptance of the Maryland and West Virginia Commission's conditions regarding EELs. AT&T Reply at 26-27; FiberNet Reply at 15. As we do not find the Maryland and West Virginia Commission's conditions to be decisional, we do not find it necessary to comment on Verizon's language accepting those conditions.

[149] D.C. Commission Comments at 40.

set forth above, we find that Verizon procedures for ordering loop/transport combinations do not require a finding of checklist noncompliance.

3. Pricing of Unbundled Network Elements

39. Checklist item 2 of section 271 states that a BOC must provide "nondiscriminatory access to network elements in accordance with sections 251(c)(3) and 252(d)(1)" of the Act.[150] Section 251(c)(3) requires incumbent LECs to provide "nondiscriminatory access to network elements on an unbundled basis at any technically feasible point on rates, terms, and conditions that are just, reasonable, and nondiscriminatory."[151] Section 252(d)(1) provides that a state commission's determination of the just and reasonable rates for network elements must be nondiscriminatory, based on the cost of providing the network elements, and may include a reasonable profit.[152] Pursuant to this statutory mandate, the Commission has determined that prices for UNEs must be based on the total element long run incremental cost (TELRIC) of providing those elements.[153]

40. In applying the Commission's TELRIC pricing principles in this application, we do not conduct a *de novo* review of a state's pricing determinations.[154] We will, however, reject an application if "basic TELRIC principles are violated or the state commission makes clear errors in factual findings on matters so substantial that the end result falls outside the range that the reasonable application of TELRIC principles would produce."[155] We note that different states may reach different results that are each within the range of what a reasonable application of TELRIC principles would produce. Accordingly, an input rejected elsewhere might be reasonable under the specific circumstances here. In its application, Verizon relies on a benchmark comparison to its UNE rates in New York in order to demonstrate that its UNE rates in Maryland, Washington, D.C., and West Virginia fall within the range that a reasonable application of TELRIC principles would produce.[156] Based on a benchmark comparison to

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150 47 U.S.C. § 271(c)(2)(B)(ii).

151 47 U.S.C. § 251(c)(3).

152 47 U.S.C. § 252(d)(1).

153 *See Implementation of the Local Competition Provisions in the Telecommunications Act of 1996,* CC Docket No. 96-98, First Report and Order, 11 FCC Rcd 15499, 15844-47, paras. 674-79 (1996) (*Local Competition First Report and Order*) (subsequent history omitted); 47 C.F.R. §§ 51.501-51.515. The Supreme Court upheld the Commission's forward-looking pricing methodology in determining the costs of UNEs. *Verizon Communications, Inc. v. FCC*, 122 S. Ct. 1646, 1679 (2002).

154 *Verizon Pennsylvania Order*, 16 FCC Rcd at 17453, para. 55; *see also Sprint v. FCC*, 274 F.3d at 556 ("When the Commission adjudicates § 271 applications, it does not – and cannot – conduct *de novo* review of state rate-setting determinations. Instead, it makes a general assessment of compliance with TELRIC principles.").

155 *Verizon Pennsylvania Order,* 16 FCC Rcd at 17453, para. 55 (citations omitted).

156 *See* Verizon Application at 47-49, 52-53, 56-57, 61-62; Verizon Application, App. A, Vol. 4, Tab G, Joint Declaration of Marie C. Johns, Patrick A. Garzillo, and Marsha S. Prosini Regarding Washington, D.C. (Verizon Johns/Garzillo/Prosini Decl.), paras. 45-47; Verizon Application, App. A, Vol. 4, Tab F, Joint Declaration of (continued....)

Verizon's UNE rates in New York, we find, as discussed more fully below, that Verizon's UNE rates in Maryland, Washington, D.C., and West Virginia fall within the range that a reasonable application of TELRIC principles would produce and therefore satisfy checklist item 2.

a. Background

41. *Maryland.* The Maryland Commission established Verizon's Maryland UNE rates over the course of several different state proceedings, including separate dockets to consider permanent recurring and non-recurring UNE rates, arbitration proceedings under section 252 of the Act, and the state evaluation of Verizon's compliance with section 271 of the Act. On November 8, 1996, the Maryland Commission adopted interim proxy rates for some UNEs, such as loops and switching, based on proposals submitted by the parties, as modified by the Maryland Commission, or based on the proxy rates set by this Commission in the *Local Competition First Report and Order.*[157] In addition, the Maryland Commission adopted a wholesale discount rate of 19.87 percent, and addressed interconnection and collocation rates.[158] At that time, the Maryland Commission also instituted Phase II of its existing Case No. 8731 to consider the appropriate cost studies for setting permanent interconnection rates.[159] The Maryland Commission later incorporated issues concerning Verizon's December 23, 1996 SGAT into Phase II.[160]

42. In January and March 1997, parties filed UNE rate proposals with supporting cost models and studies in Phase II of Case No. 8731.[161] The Maryland Commission solicited

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William R. Roberts, Patrick A. Garzillo, and Marsha S. Prosini Regarding Maryland (Verizon Roberts/Garzillo/Prosini Decl.), paras. 63-65; Verizon Application, App. A, Vol. 4, Tab H, Joint Declaration of Gale Y. Given, Patrick A. Garzillo, and Gary Sanford Regarding West Virginia (Verizon Given/Garzillo/Sanford Decl.), paras. 62-64.

[157] *See* Verizon Application, App. E – Maryland, Vol. 5, Tab 24, *In the Matter of the Petitions for Approval of Agreements and Arbitration of Unresolved Issues Arising Under Section 252 of the Telecommunications Act of 1996*, Public Service Commission of Maryland, Order No. 73010, Case No. 8731 (Phase I) (rel. Nov. 8, 1996) (*Maryland PSC Interim Rate Order*); Verizon Roberts/Garzillo/Prosini Decl., para. 12.

[158] *Maryland PSC Interim Rate Order* at 14-17, 26-29.

[159] *Id.* at 3 & n.5; Verizon Roberts/Garzillo/Prosini Decl., para. 12. The Maryland Commission later indicated that it would also establish UNE rates in Phase II of the proceeding. Verizon Roberts/Garzillo/Prosini Decl., para. 14.

[160] *See* Verizon Application, App. E – Maryland, Vol. 15, Tab 74, *In the Matter of the Petitions for Approval of Agreements and Arbitration of Unresolved Issues Arising Under Section 252 of the Telecommunications Act of 1996*, Public Service Commission of Maryland, Order No. 73707, Case No. 8731 at 2 and n.4 (Phase II) (rel. Sept. 22, 1997) (*Maryland PSC Rate Inputs Order*). The Maryland Commission allowed the SGAT to go into effect, subject to further review, provided that it contain a notice indicating that its terms are to be in conformance with Maryland Commission decisions and also the interim proxy rates where applicable. *See Maryland PSC Rate Inputs Order* at 51-54; Verizon Roberts/Garzillo/Prosini Decl., para. 12.

[161] Verizon Roberts/Garzillo/Prosini Decl., para. 13. Verizon sponsored the Bell Atlantic and Bellcore cost models. AT&T and MCI jointly sponsored the Hatfield 3.1 cost model. *Maryland PSC Rate Inputs Order* at 4, 6-10; *see also* Verizon Roberts/Garzillo/Prosini Decl., para. 13.

comments on the cost studies, held eight days of evidentiary hearings, and received post-hearing pleadings.[162] On September 22, 1997, the Maryland Commission issued an order adopting key input values to be used by the parties in their respective cost models, but declined to adopt any specific cost model,[163] concluding that "the choice of model is not nearly as important in determining the true costs for unbundled elements as the key inputs."[164] Accordingly, the Maryland Commission determined the appropriate inputs and authorized the parties to re-run the cost models with these inputs.[165] On October 22, 1997, Verizon and AT&T and MCI (jointly) submitted results of model runs using the new approved inputs and their respective cost models.[166]

43. On July 2, 1998, the Maryland Commission adopted permanent recurring UNE rates in Phase II of Case No. 8731,[167] using the model runs with the Commission-determined inputs.[168] It again declined to rely exclusively on either cost model as the sole methodology for determining the appropriate UNE costs and stated that it would look upon the models as "useful guides."[169] The Maryland Commission adopted a statewide average loop rate of $14.50, which is slightly above midway between AT&T's and Verizon's proposed statewide averages, and it ordered that all other loop prices and the NID price be determined using the same percentage differential between the cost models.[170] Using a similar approach to determine switching rates, the Maryland Commission adopted a rate of $0.0038 per minute, based on both the Hatfield and

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162 *See* Verizon Roberts/Garzillo/Prosini Decl., paras. 13, 15; *see also Maryland PSC Rate Inputs Order* at 2.

163 *Maryland PSC Rate Inputs Order* at 18-19. Indeed, the Maryland Commission expressed "serious and legitimate concerns with respect to the propriety of relying solely upon either model in this case." *Id.* at 18. *See also* Verizon Roberts/Garzillo/Prosini Decl., para. 16.

164 *Maryland PSC Rate Inputs Order* at 19. *See also* Verizon Roberts/Garzillo/Prosini Decl., para. 16.

165 *Maryland PSC Rate Inputs Order* at 20. For instance, the Maryland Commission adopted a 10.1 percent overall cost of capital, various fill factors, and the Commission depreciation lives, among other inputs. *Id.* at 29, 36, and 42. The Maryland Commission also made specific findings concerning cable costs and switching costs, including the appropriate switch discounts and switch mix. *Id.* at 43-49.

166 *See* Verizon Application, App. E – Maryland, Vol. 16, Tab 92, *In the Matter of the Petitions for Approval of Agreements and Arbitration of Unresolved Issues Arising Under Section 252 of the Telecommunications Act of 1996*, Public Service Commission of Maryland, Order No. 74365, Case No. 8731 at 2 (Phase II) (rel. July 2, 1998) (*Maryland PSC Recurring Rate Order*); *see also* Verizon Roberts/Garzillo/Prosini Decl., para. 18.

167 *See generally Maryland PSC Recurring Rate Order. See also* Verizon Roberts/Garzillo/Prosini Decl., para. 20.

168 *Maryland PSC Recurring Rate Order* at 3.

169 *Id.* at 5.

170 *See id.* at 10-11. *See also* Verizon Roberts/Garzillo/Prosini Decl., para. 20.

Bell methodologies.[171] On August 18, 1999, Verizon submitted a compliance filing revising its SGAT to reflect these permanent recurring UNE rates.[172]

44. In a separate proceeding, Case No. 8786, the Maryland Commission adopted interim non-recurring UNE rates.[173] The Maryland Commission initiated this proceeding on May 1, 1998 during its review of the revised cost proposals submitted in Phase II of Case No. 8731.[174] It directed Verizon to file updated cost material regarding non-recurring cost studies filed in Case No. 8731 and also directed AT&T and MCI to file their non-recurring cost materials.[175] On August 28, 1998, the Maryland Commission adopted Verizon's proposed non-recurring charges as interim rates, reasoning that they were significantly lower than the existing rates and that AT&T and MCI's proposed rates had not yet been subject to scrutiny.[176]

45. On September 29, 2000, Verizon filed proposed rates, terms and conditions for the additional UNEs this Commission established in the *UNE Remand Order*.[177] In response, the Maryland Commission issued a letter on November 29, 2000 indicating that it would permit Verizon to offer the new UNEs at the proposed rates on an interim basis subject to true-up to

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[171] *See Maryland PSC Recurring Rate Order* at 14. For many of the other UNE rates, the Maryland Commission selected something between those proposed by AT&T's and Verizon's cost models using the Commission-approved inputs. *See* Verizon Roberts/Garzillo/Prosini Decl., para. 20. Because Verizon proposed a flat charge for signaling and AT&T proposed a usage-based charge, the Maryland Commission deferred a decision on signaling rates and sought additional comment on the opposing methodologies. *See Maryland PSC Recurring Rate Order* at 20-22; Verizon Roberts/Garzillo/Prosini Decl., para. 21.

[172] *See* Verizon Application, App. E – Maryland, Vol. 17, Tab 99, Letter from John W. Dillon, Vice President – External Affairs, Bell Atlantic – Maryland, Inc., to Felecia L. Greer, Executive Secretary, Public Service Commission of Maryland, Transmittal No. 1093 (filed Aug. 18, 1999) (*Verizon SGAT Compliance Letter*); Verizon Roberts/Garzillo/Prosini Decl., para. 22.

[173] *See* Verizon Application, App. F – Maryland, Vol. 1, Tab 5, *In the Matter of the Investigation of Non-Recurring Charges for Telecommunications Interconnection Services*, Public Service Commission of Maryland, Order No. 74551, Case No. 8786 at 4-5, 7 (rel. Aug. 28, 1998) (*Maryland PSC Non-Recurring Rate Order*); Verizon Roberts/Garzillo/Prosini Decl., para. 24.

[174] *See* Verizon Application, App. F – Maryland, Vol. 1, Tab 1, *In the Matter of the Investigation of Non-Recurring Charges for Telecommunications Interconnection Services*, Public Service Commission of Maryland, Order No. 74214, Case No. 8786 at 1 (rel. May 1, 1998) (*Maryland PSC Initial Non-Recurring Order*); Verizon Roberts/Garzillo/Prosini Decl., para. 19.

[175] *See Maryland PSC Initial Non-Recurring Rate Order* at 1-2; Verizon Roberts/Garzillo/Prosini Decl., para. 19.

[176] *See Maryland PSC Non-Recurring Rate Order* at 4-5; Verizon Roberts/Garzillo/Prosini Decl., para. 24.

[177] *See* Verizon Application, App. Q – Maryland, Vol. 1, Tab 1, Letter from John W. Dillon, Vice President – External Affairs, Verizon Maryland, Inc., to Felecia L. Greer, Executive Secretary, State of Maryland Public Service Commission, Transmittal No. 1136 (filed Sept. 29, 2000); Verizon Roberts/Garzillo/Prosini Decl., para. 25. *See also Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, Third Report and Order and Fourth Further Notice of Proposed Rulemaking, 15 FCC Rcd 3696 (1999) (*UNE Remand Order*).

permanent rates subsequently adopted.[178] The Maryland Commission also set interim line sharing rates in the context of an arbitration proceeding on April 3, 2001.[179] The Maryland Commission emphasized that the interim rates it adopted would apply only until it set permanent rates in yet another pending rate proceeding, Case No. 8879.[180]

46. The Maryland Commission opened Case No. 8879 on January 19, 2001 to re-examine UNE rates in Maryland given the changes in telecommunications technology.[181] The Maryland Commission invited parties to refresh cost studies, models, and rates relied on in previous proceedings, and to address the effects of judicial and regulatory developments.[182] On February 26, 2001, the Maryland Commission expanded the scope of Case No. 8879 to include issues previously examined in Case No. 8786, the non-recurring UNE rate investigation.[183] The Maryland Commission held hearings in Case No. 8879 from December 3 to December 11, 2002, parties filed post-hearing briefs, and the record is now closed.[184] The Maryland Commission has not yet issued a pricing decision in this case.[185]

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[178] *See* Verizon Application, App. Q – Maryland, Vol. 1, Tab 3, Letter from Donald P. Eveleth, Assistant Executive Secretary, State of Maryland Public Service Commission, to John W. Dillon, Vice President – External Affairs, Verizon Maryland, Inc., Re Transmittal No. 1136 (dated Nov. 29, 2000). *See also* Verizon Roberts/Garzillo/Prosini Decl., para. 25.

[179] *See generally* Verizon Application, App. G – Maryland, Vol. 4, Tab 34, *In the Matter of the Arbitration of Rhythms Links, Inc. and Covad Communications Company vs. Bell Atlantic – Maryland, Inc. Pursuant to Section 252(b) of the Telecommunications Act of 1996*, Public Service Commission of Maryland, Order No. 76852, Case No. 8842 (Phase II) (filed April 3, 2001) (*Maryland PSC Line Sharing Rate Order*). *See also* Verizon Roberts/Garzillo/Prosini Decl., para. 26.

[180] *See Maryland PSC Line Sharing Rate Order* at 13, 49. The Maryland Commission further noted that permanent collocation rates would be addressed separately in Case No. 8766, which was a proceeding initiated to consider all collocation rates. *Id.* at 13.

[181] *See* Verizon Application, App. E – Maryland, Vol. 17, Tab 107, *In the Matter of the Investigation into Recurring Rates for Unbundled Network Elements Pursuant to the Telecommunications Act of 1996*, Public Service Commission of Maryland, Order No. 76694, Case No. 8731 at 3 (Phase II) (rel. Jan. 19, 2001) (*Maryland PSC Jan. 19 Rate Order*). *See also* Verizon Roberts/Garzillo/Prosini Decl., para. 27. At the same time, the Maryland Commission denied all requests for rehearing and reconsideration of the *Maryland PSC Recurring Rate Order* and closed Phase II of Case No. 8731. *Maryland PSC Jan. 19 Rate Order* at 4.

[182] *Maryland PSC Jan. 19 Rate Order* at 3.

[183] *See* Verizon Application, App. F – Maryland, Vol. 5, Tab 21, *In the Matter of the Investigation of Non-Recurring Charges for Telecommunications Interconnection Services*, Case No. 8786 and *In the Matter of the Investigation into Recurring Rates for Unbundled Network Elements Pursuant to the Telecommunications Act of 1996*, Public Service Commission of Maryland, Notice of Procedural Schedule, Case No. 8879 at 2 (rel. Feb. 26, 2001). Accordingly, the Maryland Commission closed Case No. 8786. *Id.*

[184] *See* Verizon Roberts/Garzillo/Prosini Decl., para. 27.

[185] *Id.*

47. In April 2002, the Maryland Commission began yet another proceeding affecting Verizon's UNE rates in Maryland, when the Maryland Commission commenced its evaluation of Verizon's compliance with the conditions of section 271(c) of the Act.[186] After conducting a detailed examination to determine the status of Verizon's compliance, the Maryland Commission concluded that, subject to certain conditions, Verizon was in "technical compliance" with the checklist.[187] Among other things, the Maryland Commission determined that the then effective UNE rates would "not adequately promote full-scale market entry in Maryland."[188] Accordingly, it required Verizon to reduce its loop rate and unbundled switching rate.[189] The Maryland Commission also required Verizon to adopt, for other UNE rates not previously adopted in Case No. 8731, interim "proxy" rates set using an approach similar to that which Verizon employed in its Virginia section 271 application.[190] This condition also required Verizon to commit to make the rates adopted in Case No. 8879 retroactive to the effective date of the reduced rates.[191] Verizon accepted the conditions imposed by the Maryland Commission[192] and, on December 17, 2002, the Maryland Commission found Verizon in technical compliance with the section 271 checklist and the public interest standard established by the Maryland Commission.[193]

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[186] *See* Maryland Commission Comments, Ex. A at 1.

[187] *See id.* at 1-3.

[188] *Id.* at 9.

[189] *Id.* Specifically, the Maryland Commission required Verizon to reduce its statewide average loop rate from *$14.50 to $12.00* and to reduce its end office per-minute switching rate from *$0.003800 to $0.001676*. *Id.* Verizon was directed to make such rates effective within five days of December 16, 2002. *Id. See also* Verizon Roberts/Garzillo/Prosini Decl., para. 29.

[190] Maryland Commission Comments, Ex. A at 9. *See also* Verizon Roberts/Garzillo/Prosini Decl., para. 29. In Virginia, because it needed to establish rates for some UNEs that were not set by the Virginia Commission, Verizon established proxy rates based on: (1) a comparable existing rate in Virginia; (2) New York rates (cost adjusted, if possible); or (3) if lower, a rate being charged to a competitive LEC under an interconnection agreement at the time it adopted the proxy rates. *See Verizon Virginia Order*, 17 FCC Rcd at 21921-22, 21949, paras. 71-73, 122. The Maryland Commission required Verizon to file a list of the rates subject to this condition at the same time it accepted this condition. *Id.* In its letter accepting the conditions imposed by the Maryland Commission, Verizon attempted to clarify that this proxy approach applied only to those rates *not* previously instituted in Phase II of Case No. 8731. *See* Maryland Commission Comments, Ex. B at 1-2. The Maryland Commission confirmed that Verizon's clarification of this condition was correct. *See* Maryland Commission Comments, Ex. C at 1.

[191] *See* Maryland Commission Comments, Ex. A at 9. *See also* Verizon Roberts/Garzillo/Prosini Decl., para. 29. In the event that the decision in Case No. 8879 is overturned on appeal, the Maryland Commission required Verizon to commit to reinstituting the reduced rates until such time as the Maryland Commission reconsiders its decision to the extent required by a court. Maryland Commission Comments, Ex. A at 9. The Maryland Commission also required Verizon to amend its Model Interconnection Agreement to eliminate charges for certain pre-order queries to its Directory Listing Inquiry System and to seek state approval before instituting any such charges. *Id.*, Ex. A at 8.

[192] *See id.*, Ex. B at 1-2.

[193] *See id.*, Ex. C at 1.

48. As a result of these state proceedings, Verizon's current Maryland UNE rates fall into two general categories. The first category includes all recurring UNE rates that were set in the *Maryland PSC Recurring Rate Order*, except for the loop and per-minute switching rate that were specifically reduced in the context of the state section 271 proceeding.[194] The second category includes rates for which the Maryland Commission required Verizon to adopt interim rates.[195] This category includes all non-recurring rates, rates required by the *UNE Remand Order*, and interim line sharing rates. For these rates, Verizon adopted a rate equaling the lower of (1) the interim rate adopted by the Maryland Commission, or (2) the comparable New York rate, adjusted where possible to reflect relative costs in New York and Maryland based on the Commission's USF Cost Model.[196] On December 18, 2002, Verizon sent an industry letter to competitive LECs informing them that Verizon had revised its UNE rates and attached a list of rates currently available in Maryland.[197]

49. *Washington, D.C.* The D.C. Commission first adopted interim rates for some UNEs on November 8, 1996 in a consolidated arbitration proceeding under section 252 of the Act.[198] The interim rates were based on proposals submitted by the parties and on the proxy rates set by this Commission in the *Local Competition First Report and Order*.[199] The D.C. Commission adopted interim rates for, among other things, unbundled loops, switching (including trunk ports), and transport.[200] The D.C. Commission also adopted some interim non-recurring charges.[201] In its decision, the D.C. Commission determined that a true-up to

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194 *See* Verizon Roberts/Garzillo/Prosini Decl., paras. 31-32.

195 *See id.*, para. 33.

196 *See id.*, paras. 33-36. Verizon did not adjust the New York port rates because the Synthesis Model predicts that port costs in Maryland are about equal to port costs in New York, and because changes to other non-loop elements produced aggregate non-loop rates that benchmark to New York. *Id.*, para. 34. In some cases, Verizon made further adjustments to take into account rate structure differences. *See id.*, para. 35. Verizon indicates that this is essentially the same approach approved in the Virginia section 271 application. *Id.*, para. 36.

197 *See* Verizon Application App. Q – Maryland, Vol. 4, Tab 32, Letter from Verizon Maryland to UNE CLEC Customers Re UNE Rates for Existing Interconnection Agreements (dated Dec. 18, 2002). *See also* Verizon Roberts/Garzillo/Prosini Decl., para. 28, 38.

198 *See* Verizon Application, App. H – District of Columbia, Vol. 1, Tab 2, Telecommunications Arbitration Case No. 6 – *In the Matter of Consolidated Issues Raised in Petitions for Arbitration Pending Before the Public Service Commission*, Arbitration Decision, Order No. 5 at 1-2 (rel. Nov. 8, 1996) (considering issues relating to rates for UNEs and reciprocal compensation arrangements) (*D.C. PSC Interim Rate Order*).

199 *See generally D.C. PSC Interim Rate Order*; *see also* Verizon Johns/Garzillo/Prosini Decl., para. 13.

200 *See generally D.C. PSC Interim Rate Order*; Verizon Johns/Garzillo/Prosini Decl., para. 13. Moreover, the D.C. Commission established an interim resale discount rate of 24.7 percent in a separate decision on December 2, 1996. *See* Verizon Application, App. H – District of Columbia, Vol. 1, Tab 3, Telecommunications Arbitration Case No. 6 – *In the Matter of Consolidated Issues Raised in Petitions for Arbitration Pending Before the Public Service Commission*, Arbitration Decision, Order No. 6 at 16 (rel. Dec. 2, 1996); *see also* Verizon Johns/Garzillo/Prosini Decl., para. 13.

201 *See D.C. PSC Interim Rate Order* at 29-36.

permanent UNE rates "is unlikely to be necessary," but also stated that it would not preclude a party from requesting a true-up to permanent UNE rates once such rates were established.[202]

50. On January 17, 1997, Verizon filed a proposed SGAT and the D.C. Commission determined that it would consider Verizon's SGAT in concert with hearings already scheduled in a pre-existing proceeding, Formal Case No. 962.[203] Formal Case No. 962 was opened on October 9, 1996 to address and resolve various issues associated with the transition to a competitive local exchange market.[204] In May 1997, parties filed proposed cost studies and, in June 1997, the D.C. Commission held four days of hearings during which it requested sensitivity runs of the parties' cost models.[205] In October 1997, the D.C. Commission directed parties to file sensitivity runs using specified inputs and adjustments to the Verizon cost models, and parties filed their results in October and November 1997.[206]

51. During the period of review of Verizon's SGAT and proposed UNE rates, Verizon states that it provisioned UNEs in Washington, D.C. pursuant to interconnection agreements that contained a combination of interim rates set by the D.C. Commission and rates contained in Verizon's proposed SGAT.[207] On September 28, 1999, the D.C. Commission directed parties to file comments on the status of the issues, the future course of proceedings in Formal Case No. 962, and the impact of recent regulatory developments.[208] On December 21,

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202 *See D.C. PSC Interim Rate Order* at 49.

203 *See* Verizon Application, App. C – District of Columbia, Vol. 2, Tab 4, Formal Case No. 962, *In the Matter of the Implementation of the District of Columbia Telecommunications Competition Act of 1996 and Implementation of the Telecommunications Act of 1996*, Order, Order No. 10916 (rel. Jan. 29, 1997). In this decision, the D.C. Commission announced that it would adopt permanent rates and conditions in Formal Case No. 962 to replace any interim rates and conditions adopted in the previous arbitration proceeding. *Id.* at 5. *See also* Verizon Johns/Garzillo/Prosini Decl., para. 14.

204 *See* Verizon Application, App. C – District of Columbia, Vol. 2 Tab 8, Formal Case No. 962, *In the Matter of the Implementation of the District of Columbia Telecommunications Competition Act of 1996 and Implementation of the Telecommunications Act of 1996*, Order, Order No. 11496 at 1 (rel. Sept. 28, 1999) (*D.C. PSC Sept. 28 Rate Order*).

205 Verizon Johns/Garzillo/Prosini Decl., para. 14. In May 1997, AT&T and MCI jointly filed the Hatfield cost model and OPC-DC filed a proposed cost model. *Id.*

206 *See* Verizon Application, App. C – District of Columbia, Vol. 2, Tab 5, Formal Case No. 962, *In the Matter of the Implementation of the District of Columbia Telecommunications Competition Act of 1996 and Implementation of the Telecommunications Act of 1996*, Order Regarding Additional Sensitivity Runs, Order No. 11081 at 1 (rel. Oct. 27, 1997); Verizon Application, App. C – District of Columbia, Vol. 12, Tab 83, Formal Case No. 962, *In the Matter of the Implementation of the District of Columbia Telecommunications Competition Act of 1996 and Implementation of the Telecommunications Act of 1996*, Opinion and Order, Order No. 12610 at 4 (rel. Dec. 6, 2002) (*D.C. PSC Final Rate Order*). The D.C. Commission also held a hearing on December 3, 1997 to receive additional information on discrepancies in the sensitivity runs. *D.C. PSC Final Rate Order* at 4.

207 Verizon Johns/Garzillo/Prosini Decl., para. 16. Verizon's 1997 SGAT expired on December 1, 1999. *Id.*

208 *Id.*, para. 17. *See generally D.C. PSC Sept. 28 Rate Order. See also D.C. PSC Final Rate Order* at 4-5 (summarizing the *D.C. Sept. 28 Rate Order*).

2000, the D.C. Commission adopted a revised list of issues to be considered in Formal Case No. 962 and directed Verizon to file revised cost studies,[209] which Verizon filed on January 29, 2001.[210] In April 2001, the D.C. Commission granted a request by Verizon to suspend the procedural schedule and allowed Verizon to file another set of revised cost studies,[211] which Verizon filed along with supporting testimony, on July 16, 2001.[212] Between March 2002 and July 2002, the D.C. Commission directed parties to perform numerous sensitivity runs, held three days of hearings, and received post-hearing briefs.[213] On November 18, 2002, the D.C. Commission directed Verizon and AT&T to re-run their cost models with revised, Commission-specified inputs.[214] Verizon and AT&T filed revised sensitivity runs on November 26, 2002.[215]

52. On December 6, 2002, the D.C. Commission released an order, which was effective immediately, establishing permanent UNE rates in Formal Case No. 962.[216] In its section 271 application, Verizon stated its intent to file a petition for reconsideration of the *D.C. Final Rate Order*, which would, under Washington, D.C. law, stay the applicability of the order

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[209] *See* Verizon Application, App. C – District of Columbia, Vol. 3, Tab 17, Formal Case No. 962, *In the Matter of the Implementation of the District of Columbia Telecommunications Competition Act of 1996 and Implementation of the Telecommunications Act of 1996*, Opinion and Order, Order No. 11861 at 1 (rel. Dec. 21, 2000); Verizon Johns/Garzillo/Prosini Decl., para. 19.

[210] Verizon Johns/Garzillo/Prosini Decl., para. 19. Specifically, Verizon filed cost studies for recurring and non-recurring permanent UNE rates and wholesale discount rates. A technical workshop to review the revised cost studies was held on March 15, 2001. *Id. See also D.C. PSC Final Rate Order* at 6.

[211] *D.C. PSC Final Rate Order* at 6; Verizon Johns/Garzillo/Prosini Decl., para. 20. Verizon made the request due to the fact that it had recently updated its data and performed new cost studies in other Verizon jurisdictions. Verizon Johns/Garzillo/Prosini Decl., para. 20.

[212] Verizon Johns/Garzillo/Prosini Decl., para. 21; *see also D.C. PSC Final Rate Order* at 6.

[213] *D.C. PSC Final Rate Order* at 8-9; Verizon Johns/Garzillo/Prosini Decl., para. 22-23.

[214] *See* Verizon Application, App. C – District of Columbia, Vol. 12, Tab 78, Formal Case No. 962, *In the Matter of the Implementation of the District of Columbia Telecommunications Competition Act of 1996 and Implementation of the Telecommunications Act of 1996*, Order, Order No. 12601 (rel. Nov. 18, 2002) (*D.C. PSC Nov. 18 Rate Order*); Verizon Johns/Garzillo/Prosini Decl., para. 24. Specifically, the D.C. Commission found that the data from the sensitivity runs contained inputs and assumptions that were not TELRIC-compliant, and ordered the parties to re-run the model using the inputs and assumptions identified by the D.C. Commission. *D.C. PSC Nov. 18 Rate Order* at 3 & App. A.

[215] *D.C. PSC Final Rate Order* at 9; Verizon Johns/Garzillo/Prosini Decl., para. 24. In its November 26, 2002 filing, Verizon also included UNE rates based on Verizon's New York UNE rates, cost adjusted for the District of Columbia where possible using results from the Commission's Synthesis Model. Verizon proposed that the D.C. Commission use these rates rather than those resulting from the final sensitivity run. Verizon Johns/Garzillo/Prosini Decl., para. 24.

[216] *Id.*, para. 25; *D.C. PSC Final Rate Order* at 186.

and resulting UNE rates until the D.C. Commission acted on the petition.[217] As a result, in the event of a stay, Verizon stated that it would offer UNEs in Washington, D.C. at the lower of (1) the recurring or non-recurring rate in effect prior to the release of the *D.C. Final Rate Order*, or (2) the equivalent rate in New York, adjusted where possible to reflect relative costs in New York and Washington, D.C. based on the Commission's USF Cost Model.[218]

53. On December 18, 2002, the day before it filed its section 271 application, Verizon sent an industry letter to carriers operating in Washington, D.C., informing them of the rates at which it would offer UNEs in the event of a stay.[219] Verizon informed the D.C. Commission on December 26, 2002 of its intent to seek reconsideration of the *D.C. Final Rate Order* and to implement interim UNE rates set at the lower of the rates in effect prior to the *D.C. Final Rate Order* or at rates benchmarked to the TELRIC-compliant rates in New York.[220] On January 3, 2002, Verizon filed an application for partial reconsideration and clarification of the *D.C. Final Rate Order*, claiming that the decision set UNE rates well below cost and requesting that the D.C. Commission vacate its decision setting the rates.[221] On January 6, 2003, the D.C. Commission issued, on its own motion, an order stating that Verizon was prohibited from "using New York unbundled network element rates, or any other unbundled network element rates, unless this Commission has approved them."[222] Verizon responded on January 7, 2003,

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[217] Verizon Application at 48, 55-56; Verizon Johns/Garzillo/Prosini Decl., para. 27. Verizon contends that the D.C. Commission misconstrued the Commission's pricing methodology and, as a result, adopted UNE rates "below the permissible TELRIC range." Verizon Application at 55-56.

[218] Verizon Johns/Garzillo/Prosini Decl., para. 27. Verizon stated that it would offer non-loop elements, including switching usage, port, transport, and signaling, at the lower of (1) the aggregate non-loop rate resulting from the Washington, D.C. rates in effect prior to the *D.C. Final Rate Order*, or (2) the New York equivalent aggregate non-loop rate, adjusted to reflect cost differences between Washington, D.C. and New York based on the Commission's Synthesis Model. *Id.*

[219] *See* Verizon Application, App. J – District of Columbia, Vol. 1, Tab 11, Formal Case No. 962, Letter from Verizon Washington, D.C. to CLECs in the District of Columbia Re: Revised UNE Rates for Existing Interconnection Agreements (dated Dec. 18, 2002).

[220] *See* Letter from Ann D. Berkowitz, Project Manager–Federal Affairs, Verizon, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-384 at Attach. 1 (filed Jan. 8, 2003) (attaching a copy of Formal Case No. 962, *In the Matter of the Implementation of the District of Columbia Telecommunications Competition Act of 1996 and Implementation of the Telecommunications Act of 1996*; Formal Case No. 1011, *In the Matter of Verizon Washington DC, Inc.'s Compliance with the Conditions Established in Section 271 of the Federal Telecommunications Act of 1996*, Order, Order No. 12626 at 2 (dated Jan. 6, 2003)) (Verizon Jan. 8 *Ex Parte* Letter on pricing issues).

[221] *See* Letter from Ann D. Berkowitz, Project Manager–Federal Affairs, Verizon, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-384 (filed Jan. 7, 2003) (attaching Verizon's Application for Partial Reconsideration and Clarification of Order No. 12610 at 1-8 (filed Jan. 3, 2003) (Verizon Jan. 7 *Ex Parte* Letter on pricing issues).

[222] *See* Verizon Jan. 8 *Ex Parte* Letter on pricing issues, Attach. 1 at 3. The D.C. Commission stated that Verizon had the following choices at this juncture: (1) implement the rates approved in the *D.C. PSC Final Rate Order*; (2) petition the D.C. Commission for new rates; or (3) request that the new UNE rates not be stayed. *Id.*

indicating that it did not intend to charge any UNE rates without the Commission's approval and noted that any change in rates proposed by Verizon would need to be accepted by a competitive LEC and incorporated into an interconnection agreement subject to the approval of the D.C. Commission.[223]

54. On January 9, 2003, Verizon filed with the D.C. Commission an amendment to an interconnection agreement between Verizon and Paetec Communications, Inc. containing UNE rates that would pass a benchmark analysis to Verizon's New York UNE rates.[224] The D.C. Commission approved the amendment to the interconnection agreement on January 24, 2003, but noted that its approval of the negotiated UNE rates was not a determination of whether the rates are TELRIC-compliant, cost-based, or just and reasonable.[225]

55. *West Virginia.* The West Virginia Commission initially established rates for some UNEs in 1997 in a rate proceeding triggered by Verizon's filing of a proposed SGAT.[226] In this rate proceeding, referred to in the record as the SGAT Proceeding, the West Virginia Commission reviewed cost models and proposals submitted by Verizon, AT&T and other parties and issued an order establishing UNE rates on April 21, 1997. In calculating many of the recurring rates, the West Virginia Commission adopted AT&T's proposed cost model, the Hatfield model version 2.2.2, but made adjustments to several of AT&T's proposed inputs, including certain depreciation lives, the distribution fill factor and structure sharing percentages.[227] For non-recurring rates, the West Virginia Commission adopted Verizon's non-recurring cost model but concluded that Verizon should not be permitted to charge for "coordinated cut-overs" performed using routine procedures at routine times.[228] Verizon, AT&T, WorldCom and Sprint filed petitions for reconsideration of the West Virginia Commission's

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223 *Id.* Attach. 2 at 1 (attaching Verizon Washington, D.C. Inc.'s Response in Compliance with Order No. 12626, Formal Case No. 962 and Formal Case No. 1011 (filed Jan. 7, 2003)).

224 *See* Letter from Ann D. Berkowitz, Project Manager–Federal Affairs, Verizon, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-384 at 1 (filed Jan. 24, 2003) (attaching a copy of Formal Case No. TIA 99-10, *In the Matter of the Application of Verizon Washington, D.C., Inc. for Approval of an Amendment to an Interconnection Agreement with Paetec Communications, Inc. Under Section 252(e) of the Telecommunications Act of 1996*, Order No. 12641 at 1-2 (dated Jan. 24, 2003)) (*D.C. PSC Verizon/Paetec Approval Order*)).

225 *See D.C. PSC Verizon/Paetec Approval Order* at 4.

226 *See* Verizon Application, App. C – West Virginia, Vol. 3, Tab 34, *Bell-Atlantic-West Virginia, Inc: Petition to Establish a Proceeding to Review the Statement of Generally Available Terms and Conditions Offered by Bell-Atlantic in Accordance with Sections 251, 252 and 271 of the Telecommunications Act of 1996*, Case No. 96-1516-T-PC, Commission Order on Arbitration (rel. Apr. 21, 1997) (*West Virginia Commission April 21 Order*). The rate proceeding was consolidated with an interconnection arbitration between Verizon and AT&T as well as two other related proceedings. *See* Verizon Given/Garzillo/Sanford Decl., para. 14.

227 *See West Virginia Commission April 21 Order* at 38-50; Verizon Given/Garzillo/Sanford Decl., para. 19.

228 *See West Virginia Commission April 21 Order* at 68-69; Verizon Given/Garzillo/Sanford Decl., para. 20.

April 21, 1997 order.[229] On reconsideration, the West Virginia Commission adopted a higher distribution fill factor and cost of capital but otherwise affirmed its April 21 Order.[230]

56. Following the conclusion of the SGAT proceeding, Verizon continued to work with the staff of the West Virginia Commission to calculate additional recurring rates not calculated by the Hatfield Model. Where possible, these new rates were derived using a rate produced by the Hatfield Model in the SGAT proceeding.[231] Where the Hatfield Model did not produce a rate from which the new UNE rate could be extrapolated, Verizon used its proprietary cost model, together with inputs prescribed by the West Virginia Commission in the SGAT proceeding to derive the new rate.[232] On January 6, 1999 and February 9, 1999, Verizon filed revised SGATs incorporating new rates and rate revisions that resulted from its discussions with the West Virginia Commission staff.[233] Verizon reports that no party raised any objection to either the rates or the methodologies used to develop new and revised UNE rates.[234] The West Virginia Commission approved Verizon's revised SGAT implementing these new and revised rates on April 16, 1999.[235] Verizon states that although it allowed its SGAT to expire in late

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229 *See* Verizon Given/Garzillo/Sanford Decl., para. 21.

230 *See* Verizon Application, App. C – West Virginia, Vol. 3, Tab 37, *Bell Atlantic-West Virginia, Inc. Petition to Establish a Proceeding to Review the Statement of Generally Available Terms and Conditions Offered by Bell-Atlantic in Accordance with Sections 251, 252 and 271 of the Telecommunications Act of 1996*, Case No. 96-1516-T-PC, Order at 56-57, 61-63 (rel. May 16, 1997) (*West Virginia Commission May 16 Order*). The West Virginia Commission otherwise affirmed its April 21 Order and clarified that Verizon could impose a charge for vertical features because the Hatfield Model's switching rates did not "provide[] for the full cost of recovery of all equipment and software used to provide vertical features." *West Virginia Commission May 16 Order* at 59; Verizon Given/Garzillo/Sanford Decl., para. 21.

231 For example, in establishing a recurring rate for 4-wire analog loops, which the Hatfield Model did not produce, Verizon used its own cost model to determine the cost difference, in percentage terms, between 2-wire and 4-wire loops, and then applied that ratio to the 2-wire loop rate the Hatfield Model did produce. *See* Verizon Given/Garzillo/Sanford Decl., para. 23. Similarly, to derive a rate for tandem switching, Verizon added the Hatfield Model's tandem switching rate (which does not include the cost of terminating the call at the end office) to the rate developed using Verizon's own cost model for terminating calls at a Verizon end office. *See id.*

232 For example, to determine rates for DS1 and DS3 dedicated transport, Verizon used its cost model with the cost of capital, depreciation and other inputs mandated by the West Virginia Commission. *See* Verizon Given/Garzillo/Sanford Decl., para. 23 (citing Letter from David B. Frost, Vice President and General Counsel, Bell Atlantic-West Virginia, Inc. to Mark A. Keffer, Senior Attorney, AT&T Communications of West Virginia, Inc. dated Oct. 17, 1997, Verizon Application App. C – West Virginia, Vol. 4, Tab 42).

233 In addition to establishing rates for new UNEs, Verizon states that it revised rates to correct for transcription and calculation errors made in deriving the original rates. Verizon also reduced its tandem switching rates and its local switching usage originating rate as recommended by the West Virginia Commission staff. *See* Verizon Given/Garzillo/Sanford Decl., para. 25.

234 *See id.*, para. 23.

235 *See* Verizon Application, App. C – West Virginia, Vol. 4, Tab 50, *Bell Atlantic-West Virginia, Inc. Petition to Establish a Proceeding to Review the Statement of Generally Available Terms and Conditions Offered by Bell-*
(continued....)

1999, the SGAT rates remain in effect through Verizon's interconnection agreements with other carriers.[236]

57. On December 21, 2001, Verizon filed a Petition for Declaratory Ruling with the West Virginia Commission seeking approval of proposed rates for several additional recurring and non-recurring UNEs that were not addressed in the SGAT proceeding or the West Virginia Commission's April 16, 1999 Order. These additional rates, which are referred to in the record as the "Gap/Remand/Merger UNEs," fall into one of three categories: (1) rates required by the this Commission's orders following the U.S. Supreme Court's remand of the *Local Competition Order*; (2) rates required in connection with the Bell Atlantic/GTE merger; or (3) rates "intended to provide to competitive local exchange carriers (CLECs) an appropriate suite of wholesale telecommunications services over Verizon WV's network."[237] The West Virginia Commission opened a proceeding, referred to in the record as the "Gap/Remand/Merger Proceeding," to consider Verizon's proposals. The West Virginia Commission received evidence and testimony in this proceeding in June through August 2002.[238]

58. On October 24, 2002, Verizon, the West Virginia Commission staff and the Consumer Advocate Division filed a Joint Stipulation proposing reduced rates for all recurring and non-recurring charges proposed in the Gap/Remand/Merger proceeding.[239] Specifically, for recurring rates, the GAP/Remand/Merger Joint Stipulation recommended adopting the lower of: (1) Verizon's proposed rate reduced by 2.2 percent, or (2) the comparable New York rate adjusted for cost differences between New York and West Virginia through the use of the Synthesis Cost Model.[240] For non-recurring rates, the GAP/Remand/Merger Joint Stipulation recommended adopting Verizon's proposed rates reduced by 2.2 percent.[241] For non-recurring

(Continued from previous page)
Atlantic in Accordance with Sections 251, 252 and 271 of the Telecommunications Act of 1996, Case No. 96-1516-T-PC, Order (rel. April 16, 1999) (*West Virginia Commission April 16 Order*).

[236] *See* Verizon Given/Garzillo/Sanford Decl., para. 26.

[237] Verizon Application, App. D – West Virginia, Vol. 1, Tab 1, *Verizon West Virginia Inc. Petition for Declaratory Ruling that Certain Pricing of Certain Additional Unbundled Network Elements (UNEs) Complies with Total Element Long-Run Incremental Cost TELRIC Principles*, Case No. 01-1696-T-PC, Petition at 2-3 (filed Dec. 21, 2001); West Virginia Commission Comments at 3.

[238] *See* West Virginia Commission Comments at 54; Verizon Given/Garzillo/Sanford Decl., paras. 30-32.

[239] *See* Verizon Given/Garzillo/Sanford Decl. Attach. 1 (attaching Petition of Verizon West Virginia, Inc., the Staff of the Public Service Commission of West Virginia, and the Consumer Advocate Division of the Public Service Commission of West Virginia for the Adoption of the Parties' Joint Stipulation in *Verizon West Virginia Inc. Petition for a Declaratory Ruling that Certain Pricing of Certain Additional Unbundled Network Elements Complies with Total Element Long-Run Incremental Cost ("TELRIC") Principles*, Case No. 01-1696-T-PC, Joint Stipulation (filed Oct. 24, 2002)) (Gap/Remand/Merger Joint Stipulation); West Virginia Commission Comments at 54.

[240] *See* Gap/Remand/Merger Joint Stipulation at 3. *See also* Verizon Given/Garzillo/Sanford Decl., paras. 35-37.

[241] *See* Gap/Remand/Merger Joint Stipulation at 3. *See also* Verizon Given/Garzillo/Sanford Decl., paras. 38-39.

UNE-platform rates, the Gap/Remand/Merger Joint Stipulation recommended adopting reduced rates proposed by the West Virginia Commission staff and the Consumer Advocate Division.[242] The Gap/Remand/Merger Joint Stipulation also recommended changes in certain recurring rates and density cell structures, consistent with a reduction in loop rates recommended in the separate Joint Stipulation filed in the state section 271 application proceeding, which we discuss below.[243] Additionally, the Gap/Remand/Merger Joint Stipulation recommended reducing Verizon's non-recurring service order charges to establish uniformity between two-wire and four-wire service order charges.[244] The West Virginia Commission adopted the Gap/Remand/Merger Joint Stipulation on December 18, 2002.[245]

59. Parallel to the West Virginia Commission's consideration of the Gap/Remand/Merger pricing proposals, the West Virginia Commission considered Verizon's state section 271 application. On October 15, 2002, in conjunction with Verizon's state section 271 application, Verizon, the West Virginia Commission staff and the Consumer Advocate Division entered into another Joint Stipulation pursuant to which Verizon agreed to: (1) reduce per minute originating switching rates by over 70 percent; (2) reduce per minute terminating switching rates by over 55 percent; (3) reduce certain UNE rates in density cell 3 and move certain wire centers from higher to lower density cell levels, thereby reducing statewide average loop rates by approximately 17 percent; and (4) freeze these rates until the expiration of Verizon WV's Incentive Regulation Plan, scheduled for January 1, 2006.[246] In its comments filed in this proceeding, the West Virginia Commission adopts the rate proposals set forth in the October 15 Joint Stipulation.[247] In doing so, the West Virginia Commission notes that the resulting UNE-platform, loop and switching rates are well below the threshold required to pass a benchmark comparison to New York using the Commission's Synthesis Cost Model.[248] In its comments, the West Virginia Commission finds that the price reductions proposed in the October 15 Joint Stipulation are "reasonable and in the public interest."[249] On this basis, the West Virginia Commission concluded that Verizon satisfies the requirements of checklist item 2.[250] In an *ex parte* letter filed on January 24, 2003, day 36 of our 90-day statutory review period, Verizon notified the Commission and interested parties that it had discovered two clerical errors in the

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242 *See* Gap/Remand/Merger Joint Stipulation at 3. *See also* Verizon Given/Garzillo/Sanford Decl., para. 39.

243 *See* Gap/Remand/Merger Joint Stipulation at 4.

244 *See id.* at 4.

245 *See* West Virginia Commission Comments at 54.

246 *See id.* at 54.

247 *See id.* at 60-63.

248 *See id.* at 61.

249 West Virginia Commission Comments at 62.

250 *See id.* at 63.

West Virginia rate list submitted with its application in this proceeding.[251] Verizon corrected these errors, and the corrections have been approved by the West Virginia Commission.[252]

b. Discussion

(i) Complete-As-Filed Requirement

60. We waive the complete-as-filed requirement on our own motion pursuant to section 1.3 of the Commission's rules to the limited extent necessary to consider rate reductions taken by Verizon during the course of this proceeding.[253] The Commission maintains certain procedural requirements governing section 271 applications.[254] In particular, the "complete-as-filed" requirement provides that when an applicant files new information after the comment date, the Commission reserves the right to start the 90-day review period again or to accord such information no weight in determining section 271 compliance.[255] We maintain this requirement to afford interested parties a fair opportunity to comment on the BOC's application, to ensure that the Attorney General and the state commission can fulfill their statutory consultative roles, and to afford the Commission adequate time to evaluate the record.[256] The Commission can waive its procedural rules, however, "if special circumstances warrant a deviation from the general rule and such deviation will serve the public interest."[257]

61. As we discussed above, Verizon filed its section 271 application with us on December 18, 2002, just after the D.C. Commission released an order establishing new UNE

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[251] Specifically, Verizon incorrectly listed the Mechanized Loop Qualification rate as nonrecurring when it is in fact a recurring charge. Additionally, Verizon incorrectly listed the labor rate for Collocation Remote Terminal Equipment Enclosures as $21.95 instead of $24.50. *See* Letter from Ann D. Berkowitz, Project Manager–Federal Affairs, Verizon, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-384 at 1 (filed Jan. 24, 2003) (Verizon Jan. 24 *Ex Parte* Letter on corrected rates and charges).

[252] Specifically, the West Virginia Commission recently approved the revised collocation rate and the West Virginia Commission staff has agreed that the Mechanized Loop Qualification rate should be charged on a recurring basis. *See id.*

[253] 47 C.F.R. § 1.3.

[254] *See Updated Filing Requirements for Bell Operating Company Applications Under Section 271 of the Communications Act*, Public Notice, 16 FCC Rcd 6923 (CCB 2001).

[255] *See Application by Verizon New England Inc., Bell Atlantic Communications Inc. (d/b/a Verizon Long Distance), NYNEX Long Distance Company (d/b/a Verizon Enterprise Solutions), Verizon Global Networks Inc., and Verizon Select Services Inc., for Authorization To Provide In-Region, InterLATA Services in Rhode Island*, CC Docket No. 01-324, Memorandum Opinion and Order, 17 FCC Rcd 3300, 3305-06, para. 7 (2002) (*Verizon Rhode Island Order*); *SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6247, para. 21.

[256] *See Verizon Rhode Island Order*, 17 FCC Rcd at 3306, para. 7; *Ameritech Michigan Order*, 12 FCC Rcd at 20572-73, paras. 52-54.

[257] *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990); *WAIT Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969). *See also* 47 U.S.C. § 154(j); 47 C.F.R. § 1.3.

rates.[258] Verizon anticipated filing a petition for reconsideration of that order, which, under the D.C. Code, would automatically stay the effectiveness of the D.C. Commission's new UNE rates pending issuance of a decision on reconsideration.[259] Thus, in its application, Verizon explained that it intended to seek reconsideration of the D.C. Commission's order.[260] Verizon further stated that, in the event of a stay, it would offer reduced rates that would pass a benchmark comparison to New York rates. Verizon included these New York benchmark rates in its application as well as the rates that the D.C. Commission established on December 6, 2002.[261] On January 3, 2003, Verizon petitioned for reconsideration, and this triggered a stay of the effectiveness of the D.C. Commission ordered rates, as Verizon had anticipated.[262] Verizon subsequently obtained approval of the New York benchmark rates through an amendment to an interconnection agreement that it negotiated with Paetec Communications, Inc., and these rates are now effective and generally available to requesting carriers in Washington, D.C.[263]

62. Several parties object to Verizon's offer of the New York benchmark rates during the pendency of the stay and insist that Verizon should not have filed its section 271 application "until adequate rates were in effect and its application was complete."[264] In general, commenters criticize Verizon's approach to implementing these rates in Washington, D.C.[265] No party claims that Verizon's reduced rates do not pass a benchmark comparison to New York.

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258 *See* Verizon Application at 55. *See also D.C. PSC Final Rate Order*. For additional background on the proceedings before the D.C. Commission, *see supra* paras. 49-54.

259 *See* Verizon Application at 56.

260 *See id.*

261 *See id.* at 56-57.

262 *See* Verizon Jan. 7 *Ex Parte* Letter on pricing issues.

263 *See D.C. PSC Verizon/Paetec Approval Order* at 4. *See also* Verizon Application at 56-57.

264 WorldCom Comments at 2. *See also* OPC-DC Comments at 24.

265 For example, AT&T argues that Verizon's unilateral actions to implement the New York benchmark rates in Washington, D.C. "cannot nullify the express determination of the [DC] PSC that just and reasonable UNE price levels are far lower." AT&T Reply Comments at 34. AT&T argues that Verizon's success in convincing a small handful of carriers to accept the New York benchmark rates does not render these rates legal or effective in Washington, D.C. *See id.* at 33-34. *See also* WorldCom Comments at 2 ("Verizon should not have filed [its application] until adequate rates were in effect and its application was complete"); Starpower/US LEC Comments at 37 (Verizon's "wholly unjustified attempt to ignore the rates set by the DC PSC and implement rates that it alone has selected" demonstrates that Verizon's application "is not in the public interest."); OPC-DC Comments at 24 (urging the Commission to reject Verizon's application "until the D.C. Commission establishes permanent unbundled network elements and resale discount rates that are complaint with TELRIC").

63. In response, Verizon argues that because it included the New York benchmark rates in its application, the complete-as-filed rule is not implicated.[266] Verizon argues that, to the extent the rule is implicated, special circumstances warrant a waiver in this case.[267]

64. We conclude that special circumstances exist that warrant a waiver of the complete-as-filed rule to the limited extent necessary in this case. A major concern that we have identified in prior cases where rates have changed during a proceeding is that interested parties should have a sufficient opportunity to review the new rates, and that the analytical burden of doing so should not be too great in light of the time constraints inherent in the section 271 application process.[268] In this case, the benchmark rates on which Verizon relies were included in its application, though they were not yet effective. Although there was some uncertainty, initially, about the rates on which Verizon intended to rely, Verizon's January 3, 2003 petition for reconsideration clarified this, triggering the automatic stay and thus Verizon's offer of the New York benchmark rates. On January 24, 2003, the D.C. Commission approved the New York benchmark rates in an amendment to Verizon's interconnection agreement with Paetec Communications, Inc. We believe under these circumstances the Commission and all parties have had ample notice of the applicable rates and Verizon's rate offer and the circumstances in which they would apply.[269] Indeed, parties have commented on these rates.[270] Whatever additional burden parties may have borne in responding to more than one set of rates is mitigated by Verizon's offer of reduced rates that pass a benchmark comparison to New York rates. Rates derived through a Synthesis Cost Model benchmark comparison have become a common feature of section 271 application proceedings and are readily assessed by commenting parties. Indeed, Verizon's rates were so assessed here. Accordingly, we believe that any increased analytical burden in this case was minimal.

65. We also note that Verizon's reduced benchmark rates are lower than the rates that are otherwise in effect in Washington, D.C. as a result of the stay of the D.C. Commission's December 6, 2002 order. During the pendency of the stay, the old D.C. rates, which are based on the proxy rates set by this Commission in its 1996 *Local Competition Order*, are in effect in D.C.[271] Verizon concedes that the old rates have never been subject to a TELRIC analysis.[272]

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[266] *See* Letter from Ann D. Berkowitz, Project Manager–Federal Affairs, Verizon, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-384 at 3-5 (filed Jan. 28, 2003) (Verizon Jan. 28 *Ex Parte* Letter on pricing issues).

[267] *See id.* at 5-7.

[268] *Verizon Rhode Island Order*, 17 FCC Rcd at 3308, paras. 10-11.

[269] Verizon Jan. 28 *Ex Parte* Letter on pricing issues at 5.

[270] *See e.g.*, AT&T Comments at 42 (reporting that the New York benchmark loop rate proposed by Verizon is nearly double the loop rate approved by the D.C. Commission, the port rate is more than double, the end-office switching rates are eight to nine times higher, and the tandem switching rate is more than 23 times higher than the D.C. Commission ordered rate).

[271] D.C. Commission Comments at 3. The D.C. Commission notes that the Commission's proxy rates were invalidated by the Eighth Circuit. *See id.* (citing *Iowa Utilities Board v. FCC*, 219 F.3d 744, 756 (8th Cir. 2000)).

Accordingly, we conclude that grant of this waiver in this instance will serve the public interest.[273]

(ii) TELRIC Compliance

(a) West Virginia TELRIC Issues

66. FiberNet argues that the West Virginia UNE rates established in the West Virginia Commission's 1997 rate proceeding are over fives years old, based on stale evidence, outdated inputs and assumptions and, therefore, no longer TELRIC-compliant.[274] FiberNet also argues that the recent rate reductions set forth in the October 15 Joint Stipulation are "illusory" and are not the product of a TELRIC-compliant cost presentation.[275] FiberNet argues that Verizon's UNE prices are among the highest in the nation, the highest in the Verizon footprint and are too high too support meaningful competitive entry in West Virginia.[276]

67. AT&T asserts that Verizon's switching rates reflect a double recovery of vertical features costs.[277] AT&T also asserts that the switch discount used to develop the vertical features

(Continued from previous page)

[272] *See* Verizon Jan. 8 *Ex Parte* Letter on pricing issues (attaching Verizon Washington, D.C, Inc.'s Response in Compliance with Order No. 12626, Formal Case No. 962 and Formal Case No. 1011, Response at 11 (filed Jan. 7, 2003)).

[273] In an *ex parte* letter filed on January 24, 2003, day 36 of our 90-day statutory review period, Verizon notified the Commission and interested parties that it had discovered two clerical errors in the West Virginia rate list submitted with its Application in this proceeding. *See* Verizon Jan. 24 *Ex Parte* Letter on pricing issues at 1. *See also, supra,* para. 59. As noted above, Verizon has corrected these errors and the corrections have been approved by the West Virginia Commission and its staff. *Id.* We note that interested parties have had ample opportunity to comment on these minor rate adjustments, and no party has objected to these rate adjustments. Under the circumstances, we find that waiver of our complete-as-filed rule is also warranted with respect to Verizon's West Virginia rate adjustments.

[274] FiberNet Comments at 44.

[275] FiberNet Reply at 3. FiberNet argues that the October 15, 2002 Joint Stipulation does not actually lower any existing UNE rate but merely shifts around certain wire centers into different density cells, and creates a new density cell 3 with an unsupported rate of $35.00. Id. *See also* FiberNet Comments at 45. FiberNet notes that the loop rates in density cells 1 and 2 remain unchanged. FiberNet Reply at 4.

[276] FiberNet Comments at 43-44. In response, Verizon argues that West Virginia costs are among the highest in the former Bell Atlantic region. Verizon Roberts/Johns/Given/Garzillo/Prosini/Sanford Reply Decl., para. 40. Specifically, Verizon notes that in 2001, West Virginia had the longest statewide average loop lengths of any state in the former Bell Atlantic region. *Id.*, para. 40 & Attach. 5. Verizon also explains that because West Virginia is more sparsely populated than other states in this region, Verizon must use more small cables and small digital loop carrier systems which cost more per line than their larger counterparts. *Id.*, para. 40.

[277] AT&T notes that the switch usage rates adopted by the West Virginia Commission are the sum of usage rates determined by the Hatfield Model plus a separate charge for vertical features developed using Verizon's vertical feature add-on cost study methodology. AT&T Comments at 48. AT&T argues that the Hatfield Model switch costs include costs for vertical features activations, and adding a separate charge for vertical features produces a double recovery. *Id.*

cost is inconsistent with assumptions underlying the Hatfield Model used to generate Verizon's switching rates.[278]

68. We need not address the merits of either of these arguments by AT&T and FiberNet because they are premised on a review of the rates established by the West Virginia Commission in its 1997 rate proceeding. As we describe in detail below, the rates on which Verizon relies for West Virginia pass a benchmark comparison to New York.[279] Accordingly, we conclude that it is unnecessary to determine whether the West Virginia Commission committed TELRIC errors in establishing UNE rates in the 1997 rate proceeding.

(b) Other TELRIC Issues

69. *Verizon's "No-Build/No Facilities" Policy.* AT&T contends that, in Maryland, Washington, D.C., and West Virginia, Verizon's "no-build/no facilities" policy for provisioning loops precludes a finding that Verizon's UNE rates comply with TELRIC.[280] Specifically, AT&T argues that the loop cost studies submitted by Verizon and adopted by the applicable state commissions contained inputs and assumptions about network investment and plant rearrangement that are inconsistent with Verizon's "no-build" policy, under which Verizon rejects orders for loops when it claims no facilities are available and construction is required.[281] AT&T argues that it is a violation of the causation element of TELRIC to charge UNE prices

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[278] Specifically, AT&T alleges that Verizon's development of vertical features costs uses a switch discount weighted entirely on the lesser discount available for purchase of growth equipment instead of the steeper, forward-looking discount available for replacement switches. *Id.* AT&T argues that this assumption is "at odds" with the switch cost assumptions underlying the Hatfield Model which implicitly incorporate the discount level attributable to new switch purchases. *Id.*

[279] *See* Section IV.A.3.b.iii (Benchmark Analysis), *infra*. FiberNet asserts that the Joint Stipulation does not cure the TELRIC deficiency in Verizon's UNE rates. FiberNet states that while the Joint Stipulation "sounds good on its face," it does not actually lower any existing UNE rate, but merely "shifts around certain wire centers into different Density Cells and creates a new Density Cell 3" with a unsupported rate of $35.00. FiberNet Comments at 45. As described more fully in Section IV.A.3.b.iii (Benchmark Analysis), *infra*, Verizon's West Virginia average loop rates pass a benchmark comparison to New York and therefore, we need not address this alleged TELRIC violation.

[280] *See* AT&T Comments at 43-44; AT&T Reply at 34-35.

[281] AT&T Comments at 44; AT&T Reply at 34. According to AT&T, the cost studies in all three states "contained growth and fill factors, assumptions that multiple vintages of investment would occur, and assumed expenditures for rearrangement and reconfiguration of the outside plant. The fundamental assumption underlying these inputs was that Verizon would expand its network to accommodate forecasted growth in demand." AT&T Comments at 44; AT&T Reply at 34. AT&T further argues that modifying these assumptions to be consistent with a "no-build" policy would result in a substantial reduction in loop costs. AT&T Comments at 44; AT&T Reply at 34. *See also* AT&T Comments, Declaration of Michael R. Baranowski, paras. 9-14 (detailing the cost study inputs that provide for investment in new facilities, spare capacity, and expenditures for rearrangement) (AT&T Baranowski Decl.). *But see* Verizon Application Reply App. A, Tab C, Joint Reply Declaration of William R. Roberts, Marie C. Johns, Gale Y Given, Patrick A. Garzillo, Marsha S. Prosini, and Gary E. Sanford Regarding Maryland, Washington, D.C., and West Virginia (Verizon Roberts/Johns/Given/Garzillo/Prosini/Sanford Reply Decl.), paras. 15-18 (disputing AT&T's claims that the inputs in the cost models are inconsistent with Verizon's provisioning policy).

that attribute to UNEs the costs of capacity and other costs that Verizon does not incur in provisioning those UNEs.[282] Verizon disagrees, and argues that the inputs in the cost models are consistent with Verizon's provisioning policy.[283]

70. Regardless of whether the inputs and assumptions used in the loop cost studies in each jurisdiction under consideration here are consistent with Verizon's current "no-build" policy, we need not address the merits of this argument here.[284] In its application, Verizon does not rely on the loop rates established by the state commissions in their various cost dockets.[285] Rather, Verizon relies on reduced loop rates in all three jurisdictions,[286] and demonstrates that these loop rates pass a benchmark analysis to New York loop rates.[287] As we have stated previously, the purpose of our benchmark analysis is to determine that a rate, despite potential TELRIC errors, falls within the range that a reasonable application of TELRIC principles would produce.[288] Thus, even assuming that AT&T could demonstrate a TELRIC error arising from Verizon's "no-build" policy, we find, as we explain below, that Verizon's loop rates in Maryland, Washington, D.C., and West Virginia fall within the range of rates that a reasonable application of TELRIC principles would produce rendering the question moot.[289]

71. *Entrance Facility Rates.* Starpower argues that Verizon should be prohibited from charging any entrance facilities rate element that "unjustifiably increases UNE rates above TELRIC-based rates in the jurisdictions covered by the Application" before it receives section 271 authority.[290] Noting that Verizon recently added a new entrance facilities rate for dedicated transport in New York, Starpower asserts that the rate was not the subject of any substantive review by the New York Commission and asserts that Verizon's rate structure in Maryland,

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[282] AT&T Comments at 44. In the *Local Competition First Report and Order*, the Commission stated that, under the TELRIC pricing methodology, costs must be attributed on a cost-causative basis. *Local Competition First Report and Order*, 11 FCC Rcd at 15851, para. 691.

[283] *See* Verizon Roberts/Johns/Given/Garzillo/Prosini/Sanford Reply Decl., paras. 15-18.

[284] Because we do not address the merits of this argument here, we need not consider the recent findings of the Virginia State Corporation Commission concerning Verizon's current provisioning policy and its affect on TELRIC prices. *See* AT&T Reply at 35 and Attach. B at 27-38, 43-44.

[285] *See* Verizon Roberts/Johns/Given/Garzillo/Prosini/Sanford Reply Decl., paras. 13-14.

[286] *See* Section IV.A.3.a (Background), *supra* (discussing reduced rates in each jurisdiction under consideration here).

[287] *See* Section IV.A.3.b.iii (Benchmark Analysis), *infra.*

[288] *See, e.g., Verizon New Jersey Order,* 17 FCC Rcd at 12295, para. 49 (when a state commission does not apply TELRIC principles or does so improperly, the Commission will look to rates in other section 271-approved states to determine whether the applicant's rates nonetheless fall within a range that a reasonable TELRIC-based rate proceeding would produce). *See also WorldCom v. FCC*, 308 F.3d 1, 4 (D.C. Cir. 2002).

[289] *See* Section IV.A.3.b.iii (Benchmark Analysis), *infra* (discussing the benchmark analysis).

[290] Starpower/US LEC Comments at 24.

Washington D.C., and West Virginia may "similarly include unwarranted entrance facilities charges."[291] While noting that "entrance facilities appear to be separate rate elements in the UNE rate structures in effect in those jurisdictions," Starpower states that "[i]t is not apparent that any substantive analysis of the propriety of an entrance facilities rate element was undertaken by the respective commissions."[292] Starpower argues that the inclusion of entrance facilities costs in the dedicated transport rate may significantly increase the cost of dedicated transport in violation of TELRIC.[293] Verizon responds that it is unclear what Starpower is alleging with the entrance facility rates in the three jurisdictions.[294] Verizon points out that the Maryland and District of Columbia rates will be superceded once these commissions issue their respective final rate orders.[295] Verizon further notes that the West Virginia entrance facility rates were part of the West Virginia Gap/Remand/Merger Joint Stipulation and no party objected to the entrance facility rates at that time despite the opportunity to do so.[296] Verizon also rejects Starpower's assertion that the New York Commission did not review or approve the entrance facility rate in New York.[297]

72. Starpower acknowledges that entrance facilities appear to be separate rate elements in the UNE rate structures in effect in the three jurisdictions.[298] If Starpower had an objection to these rates, it should have challenged them before the various state commissions at that time, but it does not appear to have done so. Nor has Starpower alleged in this proceeding any specific TELRIC error in any of the entrances facilities rates at issue. Starpower's challenge to the entrance facility rate set by the New York Commission is beyond the scope of this proceeding. Therefore, in the absence of evidence that the Maryland, Washington D.C., or West Virginia Commissions clearly erred in adopting their respective entrance facility rates, we reject Starpower's challenge.

(iii) Benchmark Analysis

73. States have considerable flexibility in setting UNE rates, and certain flaws in a cost study, by themselves, may not result in rates that are outside the reasonable range that correct application of TELRIC principles would produce.[299] The Commission has stated that,

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291 *Id.* at 24-25.

292 *Id.* at 25.

293 *Id.*

294 Verizon Roberts/Johns/Given/Garzillo/Prosini/Sanford Reply Decl., para. 20.

295 *Id.*

296 *Id.*

297 *Id.*, para. 21.

298 *See* Starpower/US LEC Comments at 25.

299 *Verizon Rhode Island Order*, 17 FCC Rcd at 3319-20, para. 37.

when a state commission has not applied TELRIC principles or has done so improperly, then we will look to rates in other section 271-approved states to see if the rates under review nonetheless fall within the range that a reasonable application of TELRIC principles would produce.[300] In comparing the rates, the Commission has used its USF cost model to take into account the differences in the underlying costs between the applicant state and the comparison state.[301] To determine whether a comparison with a particular state is reasonable, the Commission will consider whether the two states have a common BOC; whether the two states have geographic similarities; whether the two states have similar, although not necessarily identical, rate structures for comparison purposes; and whether the Commission has already found the rates in the comparison state to be TELRIC-compliant.[302]

74. In its application, Verizon relies on a benchmark comparison to its UNE rates in New York in order to demonstrate that its UNE rates in Maryland, Washington, D.C., and West Virginia fall within the range that a reasonable application of TELRIC principles would produce.[303] We note that, in every other section 271 proceeding where Verizon has relied on a benchmark analysis to demonstrate that its UNE rates fall within the TELRIC range, we have agreed with Verizon and commenters that New York is an appropriate anchor state for purposes of a benchmark analysis.[304] We agree with Verizon that New York is an appropriate benchmark state,[305] and, significantly, no commenter contends otherwise.[306] In our *Rhode Island Order*, we

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[300] *See id.* at 3320, para. 38; *Verizon Pennsylvania Order*, 16 FCC Rcd at 17456-57, para. 63; *see also SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6276, para. 82. In the *Verizon Pennsylvania Order*, we found that several of the criteria should be treated as indicia of the reasonableness of the comparison. *Verizon Pennsylvania Order*, 16 FCC Rcd at 17457, para. 64.

[301] *See Verizon Massachusetts Order*, 16 FCC Rcd at 9000, para. 22; *SWBT Arkansas/Missouri Order*, 16 FCC Rcd at 20746, para. 57; *Verizon Pennsylvania Order*, 16 FCC Rcd at 17457, para. 65; *see also SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6277, para. 84.

[302] *See Verizon Rhode Island Order*, 17 FCC Rcd at 3320, para. 38; *SWBT Arkansas/Missouri Order* 16 FCC Rcd at 20746, para. 56; *Verizon Pennsylvania Order*, 16 FCC Rcd at 17457, para. 63; *Verizon Massachusetts Order*, 16 FCC Rcd at 9002, para. 28; *SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6276, para. 82.

[303] *See* Verizon Application at 47-49, 52-53, 56-57, 61-62; Verizon Johns/Garzillo/Prosini Decl., paras. 45-47; Verizon Roberts/Garzillo/Prosini Decl., paras. 63-65; Verizon Given/Garzillo/Sanford Decl., paras. 62-64.

[304] *See, e.g., Verizon Pennsylvania Order*, 16 FCC Rcd at 17457, para. 64; *Verizon Rhode Island Order*, 17 FCC Rcd at 3320, para. 39; *Application by Verizon New England Inc., Bell Atlantic Communications, Inc. (d/b/a Verizon Long Distance), NYNEX Long Distance Company (d/b/a Verizon Enterprise Solutions), Verizon Global Networks Inc., and Verizon Select Services Inc., for Authorization to Provide In-Region, InterLATA Services in Maine*, CC Docket No. 02-61, Memorandum Opinion and Order, 17 FCC Rcd 11659, 11679, para. 32 (2002) (*Verizon Maine Order*); *Verizon New Jersey Order*, 17 FCC Rcd at 12296, para. 50; *Verizon Virginia Order*, FCC Rcd at 21931-32, para. 92.

[305] Prior to the Bell Atlantic/NYNEX merger, New York and the three applicant states were served by different BOCs: New York was served by NYNEX and Maryland, Washington, D.C., and West Virginia were served by Bell Atlantic. The Commission has determined previously that such a comparison is appropriate nonetheless. In the *Verizon Pennsylvania Order*, the Commission clarified that the most important factor in determining whether a comparison with a particular state is reasonable is whether the Commission has found the anchor state's rates to be TELRIC-compliant because without this factor, the benchmark comparison loses all significance. *Verizon* (continued....)

commended the New York Commission for the thoroughness of its recent rate proceeding and found that New York continues to be an appropriate benchmark state.[307] In light of that conclusion and the absence of any objection from the commenters, we conclude that it is appropriate to rely on New York for our benchmark comparison here.

75. Below, we first address an argument by AT&T regarding Verizon's "no-build/no-facilities" provisioning policy, an argument that potentially affects the propriety of our benchmark analysis for all three of the jurisdictions at issue here. We then discuss separately the results of our benchmark comparison to New York for each of the three jurisdictions. Finally, we address an argument raised by AT&T in West Virginia regarding the structure of our non-loop benchmark analysis.

76. *Verizon's "No-Build/No-Facilities" Policy.* We disagree with AT&T that Verizon's current "no-build/no-facilities" provisioning policy in Maryland, Washington, D.C., and West Virginia precludes us from finding that Verizon's loop rates in these states are TELRIC-compliant based on a benchmark comparison to Verizon's New York loop rates.[308] AT&T argues that a meaningful benchmark comparison must consider "comparable facilities or services" and that Verizon's current provisioning policy renders a loop both less costly to provide and less valuable to the purchaser "than the Commission and the New York Public Service Commission understood Verizon to be providing during the New York 271 proceeding."[309] AT&T explains that, in the New York proceeding, the purchase of a loop by a competitive LEC was thought to include the implicit right to purchase additional loops at the same price, whereas Verizon's current provisioning policy in all three jurisdictions under consideration here affords no comparable right.[310] AT&T states that "there is nothing in the

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Pennsylvania Order, 16 FCC Rcd at 17457, para. 64. The remaining criteria supporting a benchmark (*i.e.*, a common BOC, geographic similarities, and similar rate structure), do not rise to this same level of importance. *Id.* Thus, although the other criteria are useful to assure us that a comparison is meaningful, the absence of any one of these other criteria does not render a comparison meaningless. *See id.* In the *Verizon Pennsylvania Order*, the Commission permitted a benchmark comparison of Verizon's Pennsylvania rates to its New York rates. *Id.* Pennsylvania, like the present applicant states, was part of Bell Atlantic.

306 AT&T does contend, however, that Verizon's "no-build/no-facilities" policy precludes the Commission from finding that Verizon's loop rates in Maryland, Washington, D.C., and West Virginia benchmark with Verizon's New York rates. *See* discussion *infra*, paras. 76-78.

307 *Verizon Rhode Island Order*, 17 FCC Rcd at 3324-27, paras. 48-53.

308 AT&T Comments at 45.

309 *Id.*; *see* AT&T Baranowski Decl., para. 7. *See also* Letter from David M. Levy, Attorney, AT&T, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-384 at 1-2 (filed Jan. 17, 2003) (providing additional information concerning AT&T's claim that Verizon's "no-build/no-facilities" policy applies to DS0 or voice grade loops) (AT&T Jan. 17 *Ex Parte* Letter on "no-build/no-facilities" policy).

310 AT&T Comments at 45; *see* AT&T Baranowski Decl., para. 7. According to AT&T, the option of supplying additional loops on demand has both a cost to Verizon and a value to competitive LECs. AT&T Comments at 45; AT&T Baranowski Decl., para. 8.

subsequent Phase II UNE decisions of the New York PSC and its hearing examiner to suggest that the current New York rates reflect any changed understanding of Verizon's loop provisioning policies."[311] Thus, according to AT&T, the New York loop rates were set assuming a "build" policy and Verizon has now changed that policy. AT&T maintains that, under the current "no-build/no-facilities" policy, Verizon expansively defines routine provisioning tasks as "construction" in the context of orders for high-capacity loops.[312] According to AT&T, the loop provisioning policies now enforced by Verizon are at odds with the provisioning policies that the New York Commission believed to apply when it was reviewing Verizon's rates.[313]

77. We reject AT&T's claim that Verizon's current loop provisioning policy in Maryland, Washington, D.C., and West Virginia precludes us from finding that Verizon's loop rates in these jurisdictions are TELRIC-compliant based on a benchmark comparison to Verizon's New York loop rates. The crux of AT&T's argument is that Verizon's New York loop rates can no longer be used as benchmark rates because they were "set and upheld on assumptions that can no longer apply to Verizon loops in the region."[314] In the *Verizon Rhode Island Order*, the Commission determined that Verizon's rates now in effect in New York were appropriate benchmark rates because they fell within a reasonable TELRIC range.[315] We recognize that the New York rates may have been established based upon assumptions and inputs that, in light of Verizon's current provisioning policy, may require some adjustment, but such potential input flaws, by themselves, do not necessarily result in rates that are outside the reasonable range that a correct application of our TELRIC rules would produce. Although AT&T now suggests that Verizon's New York loop rates are no longer appropriate benchmark rates, it fails to demonstrate that those rates no longer fall within a reasonable TELRIC range. In this regard, we note that, particularly in Maryland and West Virginia, loop rates are still well below the level that might be justified under our benchmark analysis of the relative costs.[316]

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311 AT&T Comments at 46 n.65; *see* AT&T Baranowski Decl., para. 8.

312 AT&T Comments at 20. For instance, AT&T claims that routine and minor tasks such as, but not limited to, installing a repeater shelf, providing an apparatus/doubler case, adjusting the multiplexer to increase capacity, and placing a riser cable or a buried drop wire are considered "additional construction" by Verizon. *Id.*

313 *Id.* at 46. AT&T argues that "Verizon's rates in New York were set and upheld on assumptions that can no longer apply to Verizon's loops in the region." *Id.*

314 AT&T Comments at 46. AT&T does not appear to be arguing that differences in provisioning practices between New York and the applicant states undermine any benchmark comparison. Indeed, AT&T appears to concede that the change in Verizon's provisioning policy occurred simultaneously throughout the Verizon region, but argues that such a fact is "beside the point." AT&T Comments at 45. If AT&T is arguing that differences in provisioning practices between New York and the applicant states could undermine a benchmark comparison of those states' rates, we note that the record in this proceeding does not support a finding that there are in fact any such differences. *See* Verizon Reply at 20 (stating that at no point in time has Verizon's facilities policy in New York differed from its policy in the three jurisdictions at issue here).

315 *See Verizon Rhode Island Order*, 17 FCC Rcd at 3326-27, para. 53.

316 *See infra* notes 327 & 334 (providing the benchmark calculations for the loop rates in Maryland and West Virginia).

Indeed, AT&T offers nothing more than general assertions about the effect of Verizon's provisioning policy on its loop rates.[317] It fails to calculate what the loop rates would be if the inputs and assumptions used in the loop cost studies were adjusted to account for the current provisioning policy.[318] Without this type of information, we cannot assess the magnitude of any alleged effect Verizon's provisioning policy has on its New York loop rates.[319] Therefore, based on the evidence in the record, we find the New York rates remain a valid benchmark here.

78. As we noted in ruling on Verizon's most recent prior section 271 application, the issues that AT&T raises with respect to Verizon's loop provisioning practices are currently under review in our *Triennial Review* proceeding.[320] Indeed, the Commission took action on February 20, 2003, to revise its rules concerning incumbent LECs' obligations in this regard, and the order will be released in the near future.[321] We previously declined to address, in a section 271 proceeding, an alleged flaw with a benchmark rate when that precise rate is the subject of a collateral proceeding,[322] and the D.C. Circuit upheld that action.[323] Should AT&T continue to find fault with Verizon's loop rates in the wake of the *Triennial Review* decision – either the rates in New York or those in the other three jurisdictions at issue here – it may assert its arguments in a section 271(d)(6) complaint proceeding, where it will have the opportunity to build a more complete record than it has provided to us in the current proceeding.[324] For these reasons, we conclude that Verizon's "no-build/no-facilities" loop provisioning policy does not preclude us from finding that Verizon's loop rates in these jurisdictions are TELRIC-compliant based on a benchmark comparison to Verizon's New York loop rates.

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317 *See* AT&T Comments at 47.

318 *See* AT&T Baranowski Decl., para. 9 (stating only that correcting the cost study inputs and assumptions to reflect Verizon's provisioning policy would "result in a substantial reduction in UNE loop rates").

319 *Cf. BellSouth Florida/Tennessee Order*, 17 FCC Rcd at 25679-80, paras. 60-62.

320 *See Verizon Virginia Order*, 17 FCC Rcd at 21959, para. 141 & n.492.

321 A press release issued by the Commission at the time it voted on the item states that incumbent LECs "are required to make routine network modifications to UNEs used by requesting carriers where the requested facility has been constructed" and that incumbent LECs are required "to condition loops for the provision of xDSL services." *See Triennial Review News Release* Attach. at 3.

322 *See Verizon Massachusetts Order*, 16 FCC Rcd at 9003 para. 31 ("It would be unreasonable to preclude incumbent LECs from relying on appropriate rates that have been found to be TELRIC-compliant merely because these rates are under some form of challenge or review where there has not been a determination that those rates are not TELRIC-compliant.").

323 *See WorldCom, Inc. v. FCC*, 308 F.3d 1, 7 (D.C. Cir. 2002) (approving Commission reliance on an allegedly flawed switching rate from benchmark state when both benchmark and applicant states were "actively review[ing]" rate at the time of the section 271 application); *id.* at 9 ("it is reasonable for the FCC to rely on the states' periodic rate revision process as a means of correcting flaws in adopted rates").

324 *See id.* at 9 (noting availability of section 271(d)(6) complaint to ensure that rates stay current).

79. Having determined that the New York rates are appropriate rates for the benchmark comparison, we compare Verizon's loop and non-loop UNE rates in Maryland, Washington, D.C., and West Virginia to its loop and non-loop rates in New York, and conclude that Verizon's UNE rates in these jurisdictions fall within the range that a reasonable application of TELRIC principles would produce.[325]

80. *Maryland.* In its application, Verizon relies on reduced UNE rates that the Maryland Commission ordered Verizon to adopt in the state section 271 proceeding.[326] Because these rates are the result of specific rate reductions, we cannot conclude that Verizon's Maryland UNE rates are the result of a TELRIC-based rate proceeding. The fact that Verizon's Maryland UNE rates pass a benchmark comparison to Verizon's New York UNE rates provides a basis for our finding that, despite the fact that the UNE rates are not the result of a TELRIC-based rate proceeding, Verizon's Maryland UNE rates fall within the range that a reasonable application of TELRIC principles would produce. Taking a weighted average of Verizon's loop rates in Maryland and New York, we find that Verizon's Maryland loop rates satisfy our benchmark analysis and the requirements of checklist item 2.[327] We also conduct a benchmark analysis of Verizon's Maryland non-loop UNE rates. We compare Verizon's Maryland non-loop rates to the New York non-loop rates using our benchmark analysis and find that Verizon's Maryland

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[325] In our benchmark analysis of Verizon's non-loop UNE prices, we compare (1) the percentage difference between the applicant state and New York UNE-platform per-line, per-month prices for non-loop rate elements collectively, and (2) the percentage difference between the applicant state and New York per-line, per-month costs for these non-loop elements collectively, based on the Synthesis Model. We adjust the costs derived from the Synthesis Model to make them comparable to UNE-platform costs. *See Verizon Pennsylvania Order*, 16 FCC Rcd at 17458, para. 65 n.249. For purposes of this comparison, UNE-platform non-loop rate elements are line port, end office switch usage, common transport (including tandem switching), and signaling. We note that Verizon's New York non-loop rates contain both a digital and an analog port rate. For purposes of our benchmark analysis, we have used Verizon's New York digital port rate of $2.57, rather than the analog port rate of $4.22, or any blend of the two rates. The New York rate structure uses the digital port rate of $2.57 as the rate charged for ports that are purchased as part of the UNE-platform. We develop per-line per-month prices for these elements for the applicant state and New York separately by multiplying the state-approved "rates" by per-line demand estimates. State-approved rates for end office switching and transport are imposed on a MOU basis. We develop the per-line, per-month overall demand for these usage-sensitive rate elements for the applicant state and New York separately by first dividing total state-specific switched access lines into state-specific total annual MOU, based on dial equipment minutes (DEM), divided by 12 months. We then apply to each of the usage sensitive rate elements a percentage of this overall demand that is based on state-specific traffic assumptions supplied by Verizon regarding originating versus terminating, local intra-switch versus inter-switch, and tandem-routed versus direct-routed MOU.

[326] *See* Verizon Application at 47, 52; Verizon Roberts/Garzillo/Prosini Decl., paras. 64-65. *See also* Maryland Commission Comments, Ex. A at 9.

[327] Verizon's Maryland loop rates are 5.19 percent higher than New York loop rates. Comparing the weighted average costs, we find that the Maryland loop costs are 26.40 percent higher than the New York loop costs. Because the percentage difference between Verizon's Maryland loop rates and the New York loop rates does not exceed the percentage difference between Verizon's Maryland loop costs and Verizon's New York loop costs, we conclude that Verizon's Maryland loop rates satisfy our benchmark analysis.

non-loop rates satisfy our benchmark analysis.[328] Thus, we find that Verizon has demonstrated that its Maryland UNE rates satisfy the requirements of checklist item 2.

81. *Washington, D.C.* In its application, Verizon relies on reduced UNE rates set forth in an amendment to its interconnection agreement with Paetec Communications, Inc.[329] The D.C. Commission recently approved the amendment and Verizon is offering the reduced UNE rates to all requesting carriers in Washington, D.C.[330] Because these rates are the result of specific rate reductions, we cannot conclude that Verizon's Washington, D.C. UNE rates are the result of a TELRIC-based rate proceeding. The fact that Verizon's Washington, D.C. UNE rates pass a benchmark comparison to Verizon's New York UNE rates provides a basis for our finding that, despite these alleged errors, Verizon's Washington, D.C. UNE rates fall within the range that a reasonable TELRIC-based rate proceeding would produce.

82. Having determined above that the New York rates are appropriate rates for the benchmark comparison, we compare Verizon's Washington, D.C. loop rates to the New York loop rates using our benchmark analysis. Taking a weighted average of Verizon's loop rates in Washington, D.C. and New York, we find that Verizon's Washington, D.C. loop rates satisfy our benchmark analysis and the requirements of checklist item 2.[331] We also conduct a benchmark analysis of Verizon's Washington, D.C. non-loop UNE rates. We compare Verizon's Washington, D.C. non-loop rates to the New York non-loop rates using our benchmark analysis and find that Verizon's Washington, D.C. non-loop rates satisfy our benchmark analysis.[332] Thus, we find that Verizon has demonstrated that its Washington, D.C. UNE rates satisfy the requirements of checklist item 2.

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[328] Verizon's Maryland non-loop rates are 4.50 percent higher than New York non-loop rates. Comparing the weighted average costs, we find that Verizon's Maryland non-loop costs are 4.58 percent higher than Verizon's New York non-loop costs. Because the percentage difference between Verizon's Maryland non-loop rates and the New York non-loop rates does not exceed the percentage difference between Verizon's Maryland non-loop costs and Verizon's New York non-loop costs, we conclude that Verizon's Maryland non-loop rates satisfy our benchmark analysis.

[329] *See* Verizon Jan. 24 *Ex Parte* Letter on pricing issues Attach. 1.

[330] *See id.*

[331] Verizon's Washington, D.C. loop rates are 26.17% lower than New York loop rates. Comparing the weighted average costs, we find that the Washington, D.C. loop costs are 26.07% lower than the New York loop costs. Because the percentage by which Washington, D.C. loop rates fall below New York loop rates exceeds the percentage by which Washington, D.C. loop costs fall below New York loop costs, we conclude that Verizon's Washington, D.C. loop rates satisfy out benchmark analysis.

[332] Verizon's Washington, D.C. non-loop rates are 4.85% higher than New York non-loop rates. Comparing the weighted average costs, we find that Verizon's Washington, D.C. non-loop costs are 30.87% higher than Verizon's New York non-loop costs. Because the percentage difference between Verizon's Washington, D.C. non-loop rates and the New York non-loop rates does not exceed the percentage difference between Verizon's Washington, D.C. non-loop costs and Verizon's New York non-loop costs, we conclude that Verizon's Washington, D.C. non-loop rates satisfy our benchmark analysis.

83. *West Virginia.* In its application, Verizon relies on reduced UNE rates arrived at through Joint Stipulations recently approved by the West Virginia Commission.[333] Because these rates are the result of specific rate reductions, we cannot conclude that Verizon's West Virginia UNE rates are the result of a TELRIC-based rate proceeding. The fact that Verizon's West Virginia UNE rates pass a benchmark comparison to Verizon's New York UNE rates provides a basis for our finding that, despite these alleged errors, Verizon's West Virginia UNE rates fall within the range that a reasonable TELRIC-based rate proceeding would produce.

84. Having determined above that the New York rates are appropriate rates for the benchmark comparison, we compare Verizon's West Virginia loop rates to the New York loop rates using our benchmark analysis. Taking a weighted average of Verizon's loop rates in West Virginia and New York, we find that Verizon's West Virginia loop rates satisfy our benchmark analysis and the requirements of checklist item 2.[334] We also conduct a benchmark analysis of Verizon's West Virginia non-loop UNE rates. We compare Verizon's West Virginia non-loop rates to the New York non-loop rates using our benchmark analysis and find that Verizon's West Virginia non-loop rates satisfy our benchmark analysis.[335] Thus, we find that Verizon has demonstrated that its West Virginia UNE rates satisfy the requirements of checklist item 2.

85. *Switching-Only Benchmark in West Virginia.* In addition to a non-loop benchmark analysis, AT&T argues that, in West Virginia, a switching-only benchmark analysis is necessary.[336] According to AT&T, it is appropriate to consider a switching-only benchmark analysis when our benchmark analysis compares a relatively dense state with a less densely populated state because the Synthesis Model substantially overstates transport costs in less densely populated states relative to more densely populated states.[337] AT&T concludes that, as a

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[333] *See* Section. IV.A.3.a (Background), *supra*.

[334] Verizon's West Virginia loop rates are 77.38% higher than New York loop rates. Comparing the weighted average costs, we find that the West Virginia loop costs are 149.83% higher than the New York loop costs. Because the percentage difference between Verizon's West Virginia loop rates and the New York loop rates does not exceed the percentage difference between Verizon's West Virginia loop costs and Verizon's New York loop costs, we conclude that Verizon's West Virginia loop rates satisfy our benchmark analysis.

[335] Verizon's West Virginia non-loop rates are 38.68% higher than New York non-loop rates. Comparing the weighted average costs, we find that Verizon's West Virginia non-loop costs are 44.76% higher than Verizon's New York non-loop costs. Because the percentage difference between Verizon's West Virginia non-loop rates and the New York non-loop rates does not exceed the percentage difference between Verizon's West Virginia non-loop costs and Verizon's New York non-loop costs, we conclude that Verizon's West Virginia non-loop rates satisfy our benchmark analysis.

[336] AT&T Comments, Attach. Declaration of Michael Lieberman, para. 20 (stating that such an analysis should exclude the costs of transport facilities from the benchmark analysis) (AT&T Lieberman Decl.). In its comments, AT&T argues that the Commission should consider a switching-only benchmark comparison as well as an aggregate non-loop analysis or, alternatively, consider whether Verizon's non-transport, non-loop rates were set in compliance with TELRIC. AT&T Comments at 53. *See also* AT&T Comments at 52 (arguing that the Commission should directly scrutinize the reasonableness of Verizon's switching costs).

[337] AT&T Lieberman Decl., paras. 7-14. AT&T maintains that, because the Synthesis Model overstates transport costs in every state, the model gives disproportionate weight to transport costs in any benchmarking analysis. (*continued....*)

result, any comparison substantially overstates the cost justification for aggregate, non-loop rate differences.[338] AT&T also argues that TELRIC rates are calculated on the basis of individual elements and that Verizon must show that the rates for *each* of its UNEs complies with TELRIC principles.[339] AT&T raised these same arguments in the Verizon Virginia section 271 proceeding.[340]

86. For the reasons stated below and consistent with our conclusions in the *Verizon Virginia Order*,[341] we reject AT&T's argument that alleged flaws in the Synthesis Model require Verizon to satisfy a switching-only benchmark analysis. Specifically, we reject AT&T's evidence of alleged bias in the Synthesis Model. We also reject AT&T's claim that the Commission must abandon its long-standing practice of benchmarking non-loop rates in the aggregate in this case and examine switching rates in isolation.

87. As we noted in the *Verizon Virginia Order*, the Commission developed an extensive record through a rulemaking proceeding over several years to support its conclusion that the Synthesis Model accurately reflects the relative cost differences between states.[342] The differential produced by the cost model reflects variations in forward-looking costs based on objective criteria, such as density zones and geological conditions.[343] AT&T was an active

(Continued from previous page)

According to AT&T, the problem is most acute, however, when the anchor benchmark state has significantly higher average line densities than the applicant state. AT&T Comments at 52; AT&T Lieberman Decl., Ex. 2.

338 AT&T Lieberman Decl., para. 10.

339 AT&T Comments at 50-51. In support of its argument that the Commission must look at the rates for each individual element, AT&T cites to section 252(d)(1), which states that a BOC's rates for a network element comply with checklist item 2 only if they are "based on the cost . . . of providing . . . the network element." AT&T Comments at 50 (citing 47 U.S.C. § 252 (d)(1)). AT&T also cites to section 271(c)(2)(B)(v), which requires the Bell companies to offer "[l]ocal transport from the trunk side of a wireline local exchange carrier switch *unbundled from other switching or other services*," and section 271(c)(2)(B)(vi) which requires Bell companies to offer "[l]ocal switching *unbundled from transport, local loop transmission, or other services*." 47 U.S.C. §§ 271(c)(2)(B)(v) and (vi) (emphasis in AT&T Comments).

340 *See generally* AT&T Supplemental Comments filed in the *Verizon Virginia Section 271 Proceeding*, WC Docket No. 02-214 (filed Oct. 9, 2002).

341 *Verizon Virginia Order*, 17 FCC Rcd at 21937-44, paras. 101-111.

342 *See SWBT Kansas/Oklahoma*, 16 FCC Rcd at 6277, para. 84; *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Ninth Report and Order and Eighteenth Order on Reconsideration, 14 FCC Rcd 20432, 20455-56, paras. 41-42 (1999), *aff'd in part and rev'd in part on other grounds, Qwest Corp. v. FCC*, 258 F.3d 1191 (10th Cir. 2001). AT&T argues that the "extensive record" developed in the rulemaking proceeding leading to the adoption of the Synthesis Model provides no justification for relying on the model because the rulemaking proceeding concerned universal service subsidy calculations, in which relative differences in transport costs play a relatively small part. AT&T Comments at 54. The fact that transport costs represent a relatively small part of the universal service subsidy calculation produced by the Synthesis Model does not, by itself, suggest that the model does not accurately reflect transport costs or transport cost differences.

343 *See Federal-State Joint Board on Universal Service*, CC Docket Nos. 96-45 and 97-160, Tenth Report and Order, 14 FCC Rcd 20156, 20170, para. 30 (1999), *aff'd, Qwest Corp. v. FCC*, 258 F.3d 1191 (10th Cir. 2001).

participant in that rulemaking. Our Synthesis Model, like any model, may not be perfect.[344] It is, however, the best tool we have for evaluating cost differences between states.[345] In fact, in the context of universal service, AT&T has supported the Synthesis Model before the Commission and before the appellate courts.[346] Significantly, AT&T developed the transport module of the Synthesis Model and has championed it for ratemaking purposes in numerous states, including Virginia.[347] Our skepticism about AT&T's arguments is thus well-founded: AT&T appears to be willing to support the model where the model favors its desired outcome but rejects the model where the model does not.

88. As we observed in the *Verizon Virginia Order*, a re-examination of the Synthesis Model is an immensely complicated inquiry not suited to the section 271 process.[348] We could not consider AT&T's argument in isolation as we would have to consider other arguments concerning the accuracy of the Synthesis Model, including those raised by Verizon that the Synthesis Model understates switching costs in rural states.[349] Given its complexity, breadth, and industry-wide significance, such an inquiry is simply not feasible within the 90-day review

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[344] As the D.C. Circuit has noted "[t]he best must not become the enemy of the good." *MCI Telecom. v. FCC*, 712 F.2d 517, 535 (D.C. Cir. 1983) (quoting *MCI Telecom. Corp. v. FCC*, 627 F.2d 322, 341 (D.C. Cir. 1980)).

[345] *Verizon New Hampshire/Delaware Order*, 17 FCC Rcd at 18689, para. 47. Although AT&T suggests that the Synthesis Model "is clearly *not* the best available tool in the particular circumstances here," it argues, in that same paragraph, that the Commission should use the Synthesis Model to compare switching-only costs. AT&T Comments at 55. Thus, AT&T is content to rely on the Synthesis Model to compare relative costs, it just disagrees with the level of cost aggregation. *See* para. 96, *infra*. *See also WorldCom, Inc. v. FCC*, 308 F.3d 1, 7 (D.C. Cir. 2002) ("FCC need not choose the 'optimal' benchmark, only a reasonable one").

[346] *See Qwest Corporation v. FCC*, 258 F.3d 1191, 1206 (10th Cir. 2001) (affirming the Commission's decision to adopt the Synthesis Model in the context of universal service).

[347] In the Virginia state rate proceeding, AT&T and WorldCom submitted the Hatfield model (version 3.0), which is a prior version of the HAI cost model, the model from which the Synthesis Model's transport module derives.

[348] *Verizon Virginia Order*, 17 FCC Rcd at 21940, para. 105. AT&T argues that this observation "misses the point." AT&T Comments at 56. AT&T concedes that any attempt to identify and resolve the alleged defect in the transport cost module of the Synthesis Model is beyond the scope of this proceeding. *Id.* at 53. Nevertheless, AT&T urges the Commission to "recogniz[e] that the Model suffers from error in the particular circumstances of this case, and reconsider[] whether an aggregate non-loop benchmark should remain the exclusive test of TELRIC compliance in these circumstances." *Id.* at 56. The relief sought by AT&T would be necessary only upon a finding that the Synthesis Model does not in all circumstances accurately reflect cost differences. Given that the Synthesis Model is designed to account for relative cost differences between states for the purpose of apportioning universal service support, we are not persuaded by AT&T's attempt to downplay the potential implications of the conclusion inherent in the relief sought, especially since such a conclusion would have industry-wide significance beyond the section 271 application process.

[349] *See* Verizon Roberts/Johns/Given/Garzillo/Prosini/Sanford Reply Decl., para. 37. *See also Verizon New Hampshire/Delaware Order*, 17 FCC Rcd at 18690-91, para. 49 (discussing Verizon's claim that the Synthesis Model understates switching costs in some instances).

period required by Congress.[350] As the Commission made clear in the *SWBT Texas Order*, Congress designed section 271 proceedings as "highly specialized, 90-day proceedings for examining the performance of a particular carrier in a particular [s]tate at a particular time. Such fast-track, narrowly focused adjudications . . . are often inappropriate forums for the considered resolution of industry-wide local competition questions of general applicability."[351] Clearly, any conclusion concerning the ability of the Synthesis Model accurately to account for cost differences between states would have industry-wide significance, both with respect to local competition and universal service.[352] Accordingly, we decline to benchmark Verizon's West Virginia switching rates independently based on a claim that the Synthesis Model fails to accurately reflect costs and, hence, cost differences.

89. AT&T points out that the UNE transport costs supported by Verizon in the Virginia Arbitration Proceeding[353] are "only *one-third* as high as the estimates obtained by AT&T from the Synthesis Model" and argues that this amounts to a concession by Verizon that the Synthesis Model overstates transport costs.[354] AT&T's argument, however, ignores the critical difference between using the Synthesis Model (or any other model) to determine absolute UNE costs, and using it for the limited purpose of comparing relative cost differences between states. In section 271 proceedings, the Commission uses the Synthesis Model only for the latter purpose; we have not used the model to compare UNE rates set by a state commission to costs produced by the model. Indeed, the Commission has repeatedly cautioned against using the Synthesis Model to set rates.[355] Moreover, the rates proposed by Verizon in the Virginia Arbitration Proceeding have no bearing on the merits of using the Synthesis Model to compare relative costs. Verizon sponsored its own models for determining UNE loop, switching, and transport rates. The fact that in one instance, transport, Verizon's models produced rates less than those produced by the Synthesis Model is no more (or less) relevant to our use of the Synthesis Model for purposes of cost comparisons than is the fact that, in other instances (loops,

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350 *Verizon New Hampshire/Delaware Order*, 17 FCC Rcd at 18690-91, para. 49. Indeed, even an evaluation of AT&T's criticisms alone would be a complicated endeavor.

351 *SWBT Texas Order*, 15 FCC Rcd at 18366, para. 25.

352 *Verizon New Hampshire/Delaware Order*, 17 FCC Rcd at 18690-91, para. 49.

353 *See Petitions of WorldCom, Inc., Cox Virginia Telecom, Inc. and AT&T Communications of Virginia Inc. Pursuant to Section 252(e)(5) of the Communications Act for Preemption of the Jurisdiction of the Virginia State Corporation Commission Regarding Interconnection Disputes with Verizon Virginia, Inc., and for Expedited Arbitration*, CC Docket Nos. 00-218, 00-249 and 00-251, DA 02-1731 (WCB rel. July 17, 2002) (*Virginia Arbitration Order*).

354 *Id.* at 56 (citing AT&T Reply, Reply Declaration of Michael R. Lieberman and Brian F. Pitkin, filed in the *Verizon New Hampshire/Delaware Section 271 Proceeding*, WC 02-157, paras. 18-19 (filed Aug. 12, 2002)).

355 *See Verizon Maine Order*, 17 FCC Rcd at 11675, para. 28 n.107; *Bell Atlantic New York Order*, 15 FCC Rcd at 4084-85, para. 245; *SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6277, para. 84.

switching), Verizon's models produced rates that greatly exceed those produced by the Synthesis Model.[356]

90. In support of its claim of bias, AT&T attaches to its comments a chart that purports to demonstrate that the estimates of transport costs generated by the Synthesis Model, while roughly comparable in higher density states to state-approved unbundled transport rates, climb above the latter values in the lower density states.[357] AT&T charts how the ratio of transport costs to state-approved transport rates varies with line density, but it does not establish that this variation demonstrates any bias in the Synthesis Model. The state-approved unbundled transport rates used in AT&T's analysis could fall anywhere within the range of rates that a reasonable application of TELRIC principles would produce. Consequently, the ratio of transport costs derived from the Synthesis Model to state-approved transport rates may vary due to this range of rates.[358] Rather than conclusively demonstrating the existence of any bias in the Synthesis Model, high ratios of transport costs to UNE transport rates may simply reflect the fact that some states have set transport rates at the high end of the reasonable range, while other states have set transport rates at the low end.[359] Moreover, AT&T confines its analysis to seven of the 13 Verizon study areas (not counting Verizon's two wire centers in Connecticut and the former GTE operations), and excludes completely other BOC study areas. A sample of so few study areas may not produce a reliable measure of the relationship between the ratio of transport costs developed from the Synthesis Model to state-approved transport prices, on the one hand, and line density, on the other.[360] We cannot agree, therefore, that AT&T's analysis provides a "clear qualitative demonstration" of the inverse relationship between line density and the overstatement of transport costs, as AT&T alleges.[361]

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356 Additionally, we find AT&T's arguments about the Synthesis Model somewhat ironic, as it was AT&T that sponsored a modified version of the Synthesis Model to set transport rates in the Virginia Arbitration proceeding.

357 *See* AT&T Comments at 52; AT&T Lieberman Decl., Ex. 2.

358 *WorldCom, Inc. v. FCC*, 308 F.3d at 7.

359 Indeed, AT&T has previously acknowledged that there are "variations among the costing approaches taken by each state commission in setting UNE prices" and that the values used in its analysis are "rough proxies." Letter from David M. Levy, Attorney for AT&T Corp., to Marlene H. Dortch, Secretary, Federal Communications Commission, filed in the *Verizon Virginia Section 271 Proceeding*, WC Docket No. 02-214 at 3 (filed Oct. 23, 2002) (AT&T Oct. 23 Pricing *Ex Parte* Letter). *See also WorldCom, Inc. v. FCC*, 308 F.3d at 7 (TELRIC may yield a broad range of rates).

360 *See Verizon Virginia Order*, 17 FCC Rcd at 21939, Para. 102. Although we made this same observation in the *Verizon Virginia Order*, AT&T has not presented any additional evidence in this proceeding.

361 AT&T Comments at 52 n.75. AT&T urges the Commission to reconsider its conclusions in the *Verizon Virginia Order*, emphasizing the "magnitude of the switch benchmarking problem," in West Virginia. AT&T Lieberman Decl., para. 14. Specifically, AT&T notes that the ratio of transport costs derived from the Synthesis Model to West Virginia's current transport rates is 3.8 to one. *See id.*, Ex. 2. In the Verizon Virginia Proceeding, AT&T calculated the ratio of transport costs derived from the Synthesis Model to Virginia's transport rates as four to one. Thus, according to AT&T's own calculations, the magnitude of the alleged problem in West Virginia is not (continued....)

91. Further, although we do not dispute that TELRIC rates are calculated on the basis of individual elements, we find that conducting a benchmark analysis of non-loop elements together, as the Commission has done in all prior section 271 orders relying on a benchmark comparison, is consistent with our obligations under the Act. In adjudicating a section 271 application, the Commission performs a general assessment of compliance with TELRIC principles.[362] Our benchmark analysis is a method of making the general assessment as to whether UNE rates fall within the range of rates that a reasonable application of TELRIC principles would produce. We make only a general assessment of UNE rates in the context of a section 271 proceeding, as the Commission could not, as a practical matter, evaluate every single individual UNE rate relied upon in a section 271 proceeding within the 90-day timeframe. AT&T asks us to examine switching rates only, and makes its statutory arguments in that limited context. But, under AT&T's interpretation of the statute, the Commission may be required to evaluate individually every UNE rate relied upon in this proceeding. Given the large number of rates at issue in a section 271 proceeding[363] and the 90-day timeframe, we find that our interpretation of our obligation under the statute is a reasonable one.[364]

92. Although AT&T cites to section 252(d)(1) and to section 271(c)(2)(B) in support of its current preferred version of the benchmark test,[365] we note that only section 271(c)(2)(B)(ii) defines our role in this proceeding. Under that subsection, we must decide whether a BOC provides access to network elements "in accordance with the requirements of sections 251(c)(3) and 252(d)(1)."[366] In so deciding, we must exercise our judgment within the context of the compressed 90-day deadline imposed by section 271.[367] Under section 271, our role is to make a generalized decision as to whether network elements are available in

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as great as in Virginia despite the fact that West Virginia is a significantly less dense state with a line density of 52 lines per square mile as compared to Virginia's 200 lines per square mile. *Id.*

362 *See Sprint v. FCC*, 274 F.3d at 556; *AT&T Corp. v. FCC*, 220 F.3d at 615.

363 For instance, in support of its West Virginia section 271 application, Verizon filed 41 pages of rate sheets containing numerous rates on each sheet. *See* Given/Garzillo/Sanford Decl., Attach. 1-3.

364 Indeed, some states do not have separate rate elements for some UNEs that other states have. For example, New York has a separate rate element for signaling and end office trunk ports; however, New Jersey and Delaware include these elements in the per-minute switching rate. *See, e.g., Verizon New Jersey Order*, 17 FCC Rcd at 12297, para. 52. Performing aggregate benchmark comparisons of loop and non-loop elements, as we have done in the past, allows for meaningful rate comparisons when two states' specific rate structures may vary somewhat.

365 AT&T Comments at 50.

366 47 U.S.C. § 271(c)(2)(B)(ii).

367 *Cf. AT&T Corp. v. FCC*, 220 F.3d at 621-23; *WorldCom, Inc. v. FCC*, 308 F.3d at 7 (recognizing that the time constraints imposed by the 90-day limit preclude a full-scale ratemaking by the Commission).

accordance with section 252(d)(1). This is not, and cannot be, a *de novo* review of state-rate setting proceedings.[368]

93. In addition, as we stated in the *Verizon Virginia Order*, we do not believe that the statutory language supports AT&T's view that section 252(d)(1) clearly requires us to evaluate individually the checklist compliance of each UNE rate on an element-by-element basis. The relevant statutory provisions do not refer to the term "network element" exclusively in the singular and, thus, we do not believe that the statute unambiguously requires this Commission to perform a separate evaluation of the rate for each network element in isolation. Section 252(d)(1) states, in relevant part, that "[d]eterminations by a State commission of ... the just and reasonable rate for *network elements* for purposes of [section 251(c)(3)] ... shall be based on the cost ... of providing the ... network element".[369] In addition, section 271(c)(2)(B)(ii) requires a BOC to provide "[n]ondiscriminatory access to *network elements* in accordance with the requirements of sections 251(c)(3) and 252(d)(1)."[370]

94. Notably, AT&T's own proposed method of benchmarking is inconsistent with its argument that the text of the Act *requires* evaluating each element *in isolation*. Specifically, AT&T argues that the Commission should separately compare three categories of elements: loops, non-loop, and switching.[371] Yet these categories – like the Commission's approach – entail aggregating distinct elements for benchmarking purposes: for example, AT&T's "switching" category includes costs associated with shared trunk ports and signaling.[372] Thus, AT&T concedes that *some* degree of aggregation is appropriate in conducting a benchmarking analysis but simply disagrees about the optimum level of aggregation. For the reasons set forth here and in our prior orders, we construe the statute to permit a BOC to show that it complies with checklist item 2 based on a benchmark analysis of non-loop elements in the aggregate.

95. Our long-standing practice of benchmarking non-loop rates in the aggregate is a reasonable exercise of our judgment in making the general assessment of whether rates fall within the reasonable range that application of TELRIC principles would produce.[373] The benchmark test as presently constituted reflects the practicalities of how UNEs are purchased and used. Specifically, combining unbundled switching and unbundled transport for benchmarking purposes makes sense because competing LECs throughout Verizon's territory

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[368] *Sprint v. FCC*, 274 F.3d at 556. Our role is not to set UNE rates but, rather, to make a general assessment as to whether the rates set by the state comply with the statute. *Id. See also WorldCom, Inc. v. FCC*, 308 F.3d at 7.

[369] 47 U.S.C. § 252(d)(1) (emphasis added).

[370] 47 U.S.C. § 271(c)(2)(B)(ii) (emphasis added).

[371] *See* AT&T Comments at 53 (urging the Commission to perform an independent benchmark analysis of only Verizon's West Virginia switching rates in addition to the non-loop benchmark analysis).

[372] AT&T Lieberman Decl., para. 22.

[373] *See Verizon Massachusetts Order*, 16 FCC Rcd at 9001, para. 25; *Verizon Pennsylvania Order*, 16 FCC Rcd at 17458, para. 66; *Verizon New Jersey Order*, 17 FCC Rcd at 12296, para. 51.

invariably purchase them together.[374] Indeed; in the *UNE Remand Order*, the Commission acknowledged that "shared transport is technically inseparable from unbundled switching" and, thus, requesting carriers do not have the option of using unbundled shared transport without also taking unbundled switching.[375] Although it is theoretically possible to purchase unbundled switching without taking unbundled transport, it is uncontroverted that no competitive LEC has ordered switching and shared transport independently in West Virginia or in any other Verizon state.[376]

96. AT&T further argues that "[t]he flaw in the transport module of the Synthesis Model – a tendency to overstate transport costs, and to overstate them more in states with lower population density – exaggerates relative costs in lower density states, and understates their cost-adjusted rates even for CLECs that never buy switching separately from the other nonloop elements." We are not convinced that considering switching in combination with transport "allows Verizon to inflate the cost of competitive entry in states with lower population densities even for CLECs that never buy any unbundled switching separately from other non-loop elements."[377] Verizon reports and AT&T does not dispute that transport and switching UNEs are not purchased separately in the Verizon states.[378] Accordingly, for us to implement a UNE-by-UNE benchmark test for these elements would "promote form over substance, which, given the necessarily imprecise nature of setting TELRIC-based pricing, is wholly unnecessary."[379] Our benchmark analysis allows us to conduct a competitively meaningful analysis based on the way UNEs are actually purchased and we find that this approach is reasonable under the circumstances.[380]

B. Checklist Item 12 – Dialing Parity

97. Section 271(c)(2)(B)(xii) requires a BOC to provide "[n]ondiscriminatory access to such services or information as are necessary to allow the requesting carrier to implement local dialing parity in accordance with the requirements of section 251(b)(3)."[381] Based on the evidence in the record, we find, as did the state commissions,[382] that Verizon provides local

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374 *Verizon New Hampshire/Delaware Order*, 17 FCC Rcd at 18693-94, para. 54; Verizon Reply at 16.

375 *UNE Remand Order*, 15 FCC Rcd at 3863, para. 371.

376 *Verizon New Hampshire/Delaware Order*, 17 FCC Rcd at 18693-94, para. 54; Verizon Reply at 16.

377 AT&T Lieberman Decl., para. 21.

378 Verizon Roberts/Johns/Given/Garzillo/Prosini/Sanford Reply Decl., para. 32 (reporting that, as of January 21, 2003, no competitive LEC had purchased unbundled switching separately in any of the Verizon territories).

379 *Sprint v. FCC*, 274 F.3d at 561.

380 *Cf.* 47 U.S.C. § 154(j).

381 47 U.S.C. § 271(c)(2)(B)(xii). *See also* Appendix F, paras. 64-65.

382 Maryland Commission Comments, Ex. A at 3; DC Commission Comments at 55; West Virginia Commission Comments at 94-97.

dialing parity in accordance with the Commission's rules.[383] No commenter challenges Verizon's provision of dialing parity in Maryland or in Washington, D.C.

98. We disagree with FiberNet's claims that Verizon fails to satisfy the checklist regarding local dialing parity in certain geographic locations in West Virginia, where an extended area service (EAS) crosses LATA and state boundaries into Ohio, Pennsylvania, Kentucky, Maryland, or Virginia.[384] The multiple EAS locations encompass both Verizon and non-Verizon LEC wire centers in West Virginia and non-Verizon wire centers across state and LATA boundaries. FiberNet asserts that Verizon does not provide dialing parity in situations where FiberNet provides its own local switching by failing to transit FiberNet's customer's calls to non-Verizon customers in those portions of the EAS that cross LATA and state boundaries.[385]

99. In response, Verizon contends that network call routing arrangements to EAS customers not served by Verizon are the responsibility of a competitive LEC that provides its own switching, and that it is accordingly FiberNet's responsibility to seek the appropriate dialing parity arrangements with the non-West Virginia LECs within the EAS.[386] Verizon provides local dialing parity with its customers by allowing them to reach all parts of the EAS through seven-digit dialing. Verizon will transit local calls from FiberNet's switch to Verizon customers in West Virginia and to independent LECs' customers in West Virginia within the EAS. However, Verizon will not transit local calls from FiberNet's switch to wire centers within the EAS that are outside of West Virginia.[387]

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[383] Verizon Lacouture/Ruesterholz Maryland Decl., paras. 332-36; Verizon Lacouture/Ruesterholz D.C. Decl., paras. 320-24; Verizon Lacouture/Ruesterholz West Virginia Decl., paras. 317-21 (showing that Verizon uses the same procedures and processes in the application states as it does in the states where Verizon has obtained approval under section 271).

[384] FiberNet Comments at 56-60; FiberNet Reply at 28-34. No party is alleging that dialing parity is not being provided for resale or UNE-platform lines where Verizon provides local switching as an unbundled network element.

[385] FiberNet Comments at 56-57, 60; FiberNet Reply at 29. FiberNet details the extended area service network involved and expense incurred. *FiberNet Jan. 23 Ex Parte Letter* Attach. 4 and 5. FiberNet also states that it has restored dialing parity in certain areas by purchasing interstate special access DS1 facilities from Verizon but that such expensive, time consuming and cumbersome "work around" solutions are not consistent with the checklist. FiberNet states further that such "work arounds" are scheduled in the near future. FiberNet Comments at 58; FiberNet Reply at 30.

[386] Verizon Lacouture/Ruesterholz West Virginia Decl., para. 324. Verizon declares that it satisfies checklist item 12 by "providing nondiscriminatory access to such service or information as are necessary to allow the requesting carrier to implement local dialing parity. It is not Verizon's responsibility to design, build or operate the dialing capability in a CLECs' networks in order to provide dialing parity." *Id.*, para. 323.

[387] Letter from Ann D. Berkowitz, Project Manager - Federal Affairs, Verizon, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-384 at 1 (filed Feb. 6, 2003) (Verizon Feb. 6 *Ex Parte* Letter on EAS).

100. We do not believe that the facts alleged by FiberNet warrant a finding of checklist noncompliance.[388] Rather, we conclude that Verizon complies with our dialing parity rules by allowing the customers of all LECs to dial the same number of digits to complete local calls directed to Verizon West Virginia customers. Verizon is not required to develop interconnection arrangements for facilities-based competitive LECs with third-party carriers pursuant to our rules implementing section 251(b)(3). The Commission's local dialing parity rules are silent about the obligation of a LEC to provide dialing parity for a local call that is directed to a third-party carrier.[389] The West Virginia Commission considered this issue and rejected FiberNet's claims, finding that FiberNet has the responsibility of providing dialing parity to its customers where it provides local switching.[390] Moreover, the record shows that Verizon provides the very same arrangement to FiberNet as to StratusWave, another competitive LEC with network arrangements that confront this issue.[391]

101. We agree with the West Virginia Commission that it is the competitive LEC's responsibility to implement local dialing parity on its own switch and make arrangements for interconnection with other carriers.[392] Indeed, this issue appears to be more appropriately characterized as an allegation by FiberNet that Verizon has breached an obligation to provide local transiting rather than one of dialing parity.[393] There is nothing in our rules implementing section 251(b)(3), however, that requires a LEC to provide transiting. Accordingly, this dispute is beyond the scope of the instant section 271 application.

C. Checklist Item 1 – Interconnection

102. Section 271(c)(2)(B)(i) requires the BOC to provide equal-in-quality interconnection on terms and conditions that are just, reasonable and nondiscriminatory in accordance with the requirements of sections 251 and 252.[394] Based on our review of the record,

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[388] The Department of Justice believes that this disparity in competitive LECs' ability to duplicate Verizon's EAS may have significant competitive effects, but defers to the Commission's interpretation of the applicable requirements and whether those requirements are satisfied by Verizon. *See* Department of Justice Evaluation at 3, n.4.

[389] *See* 47 C.F.R. § 51.207; *see also Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-98, Second Report and Order, 11 FCC Rcd at 19392, 19428-29, paras. 67-68 (1996) (*Local Competition Second Report and Order*).

[390] West Virginia Commission Comments at 97.

[391] *Id.*

[392] *Id.* The West Virginia Commission concluded that Verizon was not required to do the "heavy lifting" for competitive LECs in negotiating interconnection agreements with other carriers on the other side of LATA boundaries.

[393] Transiting obligations are currently under consideration in the *Developing a Unified Intercarrier Compensation Regime*, CC Docket No. 01-92, Notice of Proposed Rulemaking, 16 FCC Rcd 9610 (rel. Apr. 27, 2001) (*Intercarrier Compensation NPRM*).

[394] 47 U.S.C. § 271(c)(2)(B)(i).

we conclude, as did the state commissions,[395] that Verizon is in compliance with the requirements of this checklist item in the application states.[396] In reaching this conclusion, we examine, as in prior section 271 orders, Verizon's performance in providing interconnection trunks and collocation to competing carriers.[397] We note that no commenter disputes Verizon's interconnection quality or timeliness in either Washington, D.C. or West Virginia and that only one commenter disputes interconnection quality timeliness in Maryland.[398]

1. Specific Interconnection Issues

103. *GRIPs*. We also find that Verizon provides interconnection in the application states at any technically feasible point, including a single point of interconnection within the LATA,[399] as we have required in previous section 271 proceedings.[400] The record does not support the contention by some parties that Verizon's geographically relevant interconnection point (GRIPs) policy frustrates the Commission's rule requiring incumbent LECs to offer competing carriers the ability to interconnect at a single point per LATA.[401] The record shows that Verizon's current model interconnection agreements in the application states do not contain the GRIPs language requiring competitive LECs to collocate in each Verizon central office.[402] Parties concede that the single point of interconnection language is not in the model

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[395] Maryland Commission Comments, Ex. A at 3, 6-7; DC Commission Comments at 24, 92; West Virginia Commission Comments at 19.

[396] Verizon achieved the established performance metrics standards, or had no activity, for new physical and virtual collocation timeliness, NP-2-05-6701 and NP-2-05-6702 and for augments, NP-2-05-6702 and NP-2-05-6702. Verizon Lacouture/Ruesterholz Maryland Decl., para. 48; Verizon Lacouture/Ruesterholz Washington, D.C. Decl., para. 45; Verizon Lacouture/Ruesterholz West Virginia Decl., para. 46.

[397] *See generally* Appendices B, C, D, and E.

[398] *See* Core Comments at 6, n.17.

[399] *See* Verizon Lacouture/Ruesterholz *Maryland Decl.*, para. 34; Verizon Lacouture/Ruesterholz D.C. Decl., para. 34; Verizon Lacouture/Ruesterholz West Virginia Decl., para. 34.

[400] *See SWBT Texas Order*, 15 FCC Rcd at 18390, para. 78; *Verizon Massachusetts Order*, 16 FCC Rcd at 9092, para. 182.

[401] AT&T Comments at 6-12; FiberNet Comments at 6-11; Starpower/US LEC Comments at 4-16; AT&T Reply at 4-6.

[402] Verizon Application App. P – Maryland, Tab 1 (Maryland Model Interconnection Agreement); Verizon Application App. I - Washington D.C., Tab 1 (Washington D.C. Model Interconnection Agreement); Verizon Application App. I - West Virginia, Tab 1 (West Virginia Model Interconnection Agreement); Verizon Lacouture/Ruesterholz Maryland Decl., para. 33; Verizon Lacouture/Ruesterholz Washington, D.C. Virginia Decl., para. 33; Verizon Lacouture/Ruesterholz West Virginia Decl., para. 33. Letter from Ann D. Berkowitz, Project Manager - Federal Affairs, Verizon, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-384 at 1 (filed Feb. 5, 2003) (Verizon Feb. 5 *Ex Parte* Letter on interconnection agreements). Verizon contends AT&T was confused about the Maryland Commission record and did not fully realize that the model interconnection agreements had been modified before the present application was filed. *Id.* at 2.

interconnection agreements. Parties contend, however, Verizon initially defines the interconnection point (IP), that determines financial responsibility for inter-network calls, as a Verizon switch even if the physical point of interconnection (POI) is different, such as a mid-span meet point.[403] These allegations do not, however, warrant a finding of checklist noncompliance. Verizon demonstrates that it has entered into at least one interconnection agreement in each of the three application states that allows a competing carrier to interconnect at a single point of interconnection in the LATA, as required under our rules, which neither follows the GRIPs policy nor defines the IP at a different point from the POI.[404]

104. *Dedicated Transport.* Additionally, we disagree with Starpower and US LEC's argument that Verizon violates checklist item 1 by not providing dedicated transport as UNEs.[405] Starpower and US LEC argue that Verizon requires competitive LECs to either purchase dedicated transport through interstate special access tariffs or collocate in every Verizon central office in order to obtain dedicated transport as a UNE.[406] This assertion appears to be based on an older model interconnection agreement. The record shows that Verizon currently has model interconnection agreements in the application states that no longer have these requirements.[407]

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[403] Starpower and US LEC allege that interconnection agreements, offered by Verizon to demonstrate that GRIPs are not included, have essential language that preserves the essence of the GRIPs policy. Starpower/US LEC Comments at 8-13. AT&T maintains that Verizon's GRIPs policies unfairly shift Verizon's network cost responsibilities to competing carriers by requiring the competitive LEC, in mid-span meet point interconnection, to pay for transporting calls over Verizon's network to and from the Verizon switch to the physical point of interconnection in violation of the "equal in quality" requirement of section 251(c)(2) of the Act. AT&T Comments at 6; AT&T Reply at 4.

[404] Verizon Lacouture/Ruesterholz Maryland Decl., para. 33 (citing to its interconnection agreement with Starpower); Verizon Lacouture/Ruesterholz Washington D.C. Decl., para. 33 (citing to its interconnection agreement with WorldCom and Starpower); Verizon Lacouture/Ruesterholz West Virginia Decl., para. 33 (citing to its interconnection agreement with AT&T, FiberNet and WorldCom); Letter from Ann D. Berkowitz, Project Manager - Federal Affairs, Verizon, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-384 at 1 (filed Feb. 21, 2003) (Verizon Feb. 21 *Ex Parte* Letter on interconnection agreements). In the *Virginia Arbitration Order*, the Bureau concluded that the interconnection language proposed by competing carriers was more consistent than Verizon's GRIPs language with the right of competitive LECs to interconnect at any technically feasible point. *Virginia Arbitration Order*, para. 53. FiberNet and Starpower/US LEC maintain that Verizon's recent behavior evidences an intention to disregard the directive of the *Virginia Arbitration Order* with respect to the single point of interconnection language to be included in the interconnection agreements that were the subject of the arbitration. FiberNet Comments at 8-9 and Starpower/US LEC Comments at 14-16. We find Starpower/US LEC's evidence unpersuasive. As stated above, Verizon has demonstrated that it has entered into at least one interconnection agreement in all Maryland, Washington D.C., and West Virginia that allows a competing carrier to interconnect at a single physical point in a LATA. For the same reasons, we find that Verizon complies with checklist item 13 reciprocal compensation obligations. *See* 47 U.S.C. § 271(c)(2)(B)(xiii). *See* FiberNet Comments at 7.

[405] Starpower/US LEC Comments at 23-24.

[406] *Id.*

[407] Verizon Reply at 26-27.

105. *Collocation Return Policies.* We also disagree with AT&T's allegations that Verizon's collocation return policies are unjust and unreasonable.[408] AT&T contends that Verizon has had about one-half of all collocation spaces returned to it in the three states, but has issued few collocation credits to competitive LECs in any of the states.[409] Verizon states that it has issued credits for approximately 34 reused collocation spaces in the three states and will continue to do so when such space is reused.[410] The record indicates that Verizon issues credits when returned collocation space is reused.[411] In addition, AT&T asserts that Verizon has an obligation to advertise and otherwise notify potential collocators of availability of accordingly lower priced returned collocation space.[412] Verizon contends that it meets its obligation to identify all central offices where collocation is available, and asserts that potential collocators are informed of returned collocation space by the project managers assigned to their collocation requests.[413] We find that there is no Commission requirement that returned collocation space be advertised, and thus we find that not advertising such collocation space does not constitute a violation of checklist item 1.[414]

106. *Alleged Provisioning Delay and Multi Frequency (MF) Trunks.* Additionally, we disagree with Core that Verizon's interconnection policies in Maryland violate checklist item 1.[415] Core first argues that Verizon forces competitive LECs to wait for Verizon to construct new dedicated interoffice entrance facilities although adequate common facilities already exist on existing fiber rings.[416] Core contends that being required to wait for dedicated entrance facilities

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408 AT&T Comments at 12-16; AT&T Reply at 9-12.

409 AT&T Comments at 12-13.

410 Verizon Lacouture/Ruesterholz Reply, para. 153.

411 *Id.*

412 AT&T Comments at 16.

413 Verizon Lacouture/Ruesterholz Maryland Decl., para. 51; Verizon Lacouture/Ruesterholz Washington, D.C. Decl., para. 48; Verizon Lacouture/Ruesterholz West Virginia Decl., para. 49. The record shows that of central offices that have ever had competitive LEC collocation, 97% in Maryland, 66% in West Virginia, and 100% in Washington, D.C. currently have returned collocation space. Verizon Lacouture/Ruesterholz Reply, para. 156.

414 Although we do not rely on it, the record shows that the West Virginia Commission required Verizon to advertise the availability of returned collocation space and Verizon has agreed to do so. Verizon Lacouture/Ruesterholz Reply, para. 156. We also note that there are open proceedings before both the Maryland Commission and the DC Commission concerning these conditions of interconnection. Verizon Lacouture/Ruesterholz Maryland Decl., para. 77; Letter from Ann D. Berkowitz, Project Manager - Federal Affairs, Verizon, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-384 at 1-2 (filed Jan. 22, 2003) (Verizon Jan. 22 *Ex Parte* Letter).

415 Core Comments at 2, 16.

416 *Id.* at 2-3. This issue is currently the subject of a pending complaint brought by Core against Verizon at the Maryland Commission, MDPSC Case No. 8881. *Id.* at 4. Additionally, Core has filed a complaint alleging interconnection delay on other grounds pending at the Commission, EB-01-MD-007. *Id.* We make no findings in this order with respect to the enforcement proceeding.

harms competitive LECs by delaying their entry into a market, causing them to lose customers and increasing their costs.[417] Core states that, although Verizon has recently begun to offer interconnection trunks over existing facilities,[418] Verizon's recent provisioning of interconnection trunks over existing facilities is not adequate to show that Verizon meets checklist item 1.[419] The specific details of network configuration and interconnection of BOC's and competitive LEC's facilities are appropriate for interconnection negotiations between the interconnecting parties and subject to the overall rules established to implement the 1996 Act. We find that this issue involves disputes over terms of the interconnection agreement between Core and Verizon, issues more appropriately considered as part of a complaint proceeding before the relevant state commission or this Commission.[420]

107. We also reject Core's argument that by not providing the Automatic Number Information (ANI) over MF trunks for local calls Verizon is violating checklist item 1.[421] Core contends that Verizon's refusal to pass ANI over MF trunks violates the equal-in-quality and nondiscriminatory standards of section 251(c)(2) because Verizon passes ANI information to: (1) competitive LECs that use signaling system 7 (SS7) to interconnect with Verizon, and (2) interexchange carriers (as well as competitive LECs that interconnect with Verizon for long distance as well as local traffic) using MF signaling.[422] There is no requirement in section 251(c)(2), or our implementing rules, that requires incumbent LECs, such as Verizon, to pass the ANI over MF trunks.[423] Although Verizon does pass the ANI to interexchange carriers for long distance calls, it does not pass the ANI to any carriers for *local calls*. To the extent Core wishes

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[417] *Id.* at 5-6.

[418] *Id.* at 7-8. The record shows that interconnection trunk provisioning over existing entrance facilities is available in Maryland under modified interconnection terms. Verizon Lacouture/Ruesterholz Reply, para. 142. Verizon states that in about 10% of Verizon-provisioned interconnection arrangements use existing facilities, characterized by Verizon as "loop facilities," for interconnection transportation trunks between a competitive LEC central office and a Verizon central office. *Id.*, para. 141.

[419] Core Comments at 9-12.

[420] Letter from Ann D. Berkowitz, Project Manager - Federal Affairs, Verizon, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-384, Verizon Maryland Initial Brief, Maryland Commission Case No. 8881, at 10-20 (filed Feb. 11, 2003) (Verizon Feb. 11 *Ex Parte* Letter on pending complaint). Moreover, although we do not rely on it, we note Verizon has indicated that it has available a new interconnection agreement amendment in Maryland providing interconnection over local fiber loops until dedicated entrance facilities can be built. Verizon Lacouture/Ruesterholz Reply, para. 142.

[421] Core Comments at 16-18; *see also* Letter from Michael B. Hazzard, Counsel to Core, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-384 at 1-2 (filed Jan. 21, 2003) (Core Jan. 21 *Ex Parte* Letter). ANI enables carriers to provide features such as caller ID. Core also indicates, however, that either the ANI or the calling party number (CPN) information would provide it the desired information and that Core could utilize either ANI or CPN interchangeably. Core Comments at 16-17, n. 58 and Ex. C at 84.

[422] Core Comments at 17.

[423] We note our rules only require common carriers using SS7 to transmit the CPN, which includes the ANI as well as other information, associated with an interstate call, not local calls. 47 C.F.R § 64.1601.

to have the ANI for local calls passed it may purchase SS7 trunks.[424] Accordingly, we find that Verizon provides nondiscriminatory access to interconnection trunks consistent with the requirements of section 251(c)(2).

2. Pricing of Interconnection

108. Checklist item 1 requires a BOC to provide "interconnection in accordance with the requirements of sections 251(c)(2) and 252(d)(1)."[425] Section 251(c)(2) requires incumbent LECs to provide interconnection "at any technically feasible point within the carrier's network . . . on rates, terms, and conditions that are just, reasonable, and nondiscriminatory."[426] Section 252(d)(1) requires state determinations regarding the rates, terms, and conditions of interconnection to be based on cost and to be nondiscriminatory, and it allows the rates to include a reasonable profit.[427] The Commission's pricing rules require, among other things, that in order to comply with its collocation obligations, an incumbent LEC provide collocation at rates that are based on TELRIC.[428] The D.C. Commission,[429] Maryland Commission,[430] and West Virginia Commission[431] found that Verizon currently provides collocation in compliance with checklist item 1.

109. Based on the evidence in the record, we find that Verizon offers interconnection in Maryland, Washington, D.C., and West Virginia to other telecommunications carriers at just, reasonable, and nondiscriminatory rates in compliance with checklist item 1. Under its state network interconnection services tariffs offering physical collocation, Verizon provides for pro rata refunds of non-recurring charges for space preparation where a collocator returns its collocation arrangement to Verizon and another carrier reuses that same collocation arrangement.[432] AT&T alleges that Verizon's refunds for returned collocation space have been

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[424] Verizon Lacouture/Ruesterholz Reply, para. 145.

[425] 47 U.S.C. § 271(c)(2)(B)(i).

[426] 47 U.S.C. § 251(c)(2).

[427] 47 U.S.C. § 252(d)(1).

[428] *Local Competition First Report and Order*, 11 FCC Rcd at 15816, para. 628 (concluding that the same pricing rules shall apply to both interconnection and unbundled network elements).

[429] *See* D.C. Commission Comments at 19 (finding that generally Verizon has met the requirements that satisfy checklist item 1).

[430] *See* Maryland Commission Comments, Ex. A at 3 (concluding that, subject to certain conditions, Verizon is technically in compliance with the checklist).

[431] *See* West Virginia Commission Comments at 20 (stating that Verizon satisfies the requirements of checklist item 1).

[432] Letter from Ann D. Berkowitz, Project Manager - Federal Affairs, Verizon, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket Nos. 02-384 and 02-237 at 1-2 (filed Jan. 22, 2003) (Verizon Jan. 22 *Ex Parte* Letter on pricing issues). *See also* AT&T Comments at 13; AT&T Reply at 9.

inadequate because Verizon uses an improperly short amortization period to calculate the amount of the credit.[433] According to AT&T, rather than using the 30-year period previously applied to depreciation of collocation space, Verizon uses a 12-year depreciation period to calculate credits.[434] AT&T argues that the resulting credits have been below the amounts called for by the applicable tariffs.[435]

110. Verizon states that it is calculating credits for returned collocation arrangements "in the manner prescribed by this Commission."[436] Verizon admits that it computes credits for reused collocation arrangements using a 12-year amortization period for collocation assets, but contends that such a practice is "consistent with the depreciation lives prescribed by the FCC."[437] Verizon further observes that increasing the amortization period, as AT&T suggests, would increase the cost that other competitive LECs incur when using returned collocation arrangements.[438]

111. AT&T responds that whether Verizon could adopt a 12-year depreciation period in its tariffs is irrelevant because Verizon's federal collocation tariff, as well as an OSS evaluation report by KPMG, indicate a 30-year depreciation life for collocation space.[439] Moreover, AT&T argues that a 12-year economic life for unused collocation space is unreasonable because it is "far shorter than the true economic life of the assets."[440] AT&T also

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[433] AT&T Comments at 14. *See also* AT&T Reply at 11.

[434] AT&T Comments at 14. AT&T explains that use of the shorter period substantially increases the cost to the competitive LEC of collocation space returned to Verizon. *Id. See also* AT&T Reply at 12.

[435] AT&T Comments at 14-15. AT&T also argues that Verizon's failure to calculate credits on the basis of a 30-year economic life violates the filed rate doctrine, and hence is illegal. AT&T Reply at 11. We note that AT&T has not alleged that Verizon's use of a 12-year economic life is in violation of its existing interconnection agreements.

[436] Verizon Reply at 30.

[437] *See* Verizon Jan. 22 *Ex Parte* Letter on pricing issues at 2 (citing the prescribed depreciation lives for digital circuit equipment of 11-13 years). *See also* Verizon Reply at 30-31; Verizon Lacouture/Ruesterholz Reply Decl., para. 152.

[438] Verizon Lacouture/Ruesterholz Reply Decl., para. 151.

[439] AT&T Reply at 10-11. Verizon submitted the KPMG report in its Virginia 271 application and relied on it in all three state proceedings relevant to this application. *Id.* at 10. *See* Verizon Application, App. C, Vol. 2, Tab 5, Virginia State Corporation Commission, Verizon Virginia, Inc., OSS Evaluation Project, Final Report, Version 2.0, KPMG Consulting (dated Apr. 15, 2002).

[440] AT&T Reply at 11 (arguing that the credits address collocation-related investments for activities such as construction, partitioning, and building preparation that have far longer economic lives than digital circuit equipment upon which Verizon relies to arrive at the 12-year figure). *See also* AT&T Feb. 11 *Ex Parte* Letter at 2-3 (discussing the Commission's *Expanded Interconnection Order*). Under our *Expanded Interconnection Order*, the Commission established rules governing federal expanded interconnection through collocation. *See Local Exchange Carriers' Rates, Terms, and Conditions For Expanded Interconnection Through Physical Collocation For Special Access and Switched Transport*, CC Docket No. 93-162, Second Report and Order, 12 FCC Rcd 18730 (1997) (*Expanded Interconnection Order*).

argues that "an unrealistically short economic life" constitutes a barrier to entry because a short life, "by decreasing the size of the potential refund available to [a] CLEC upon abandonment of collocation space, increases the share of the entry cost that becomes sunk immediately upon entry."[441] Thus, the subsequent user of the space, which could be Verizon or its affiliate, reaps the benefits from the improperly accelerated depreciation.[442]

112. We begin by noting that no party, including AT&T, challenges Verizon's non-recurring space preparation charge as checklist noncompliant. Rather, AT&T alleges that the first collocator faces a barrier to entry because the 12-year amortization period used by Verizon results in a decrease "in the size of the *potential* refund available to [a] CLEC upon abandonment of collocation space."[443] We cannot agree. As a general matter, the first collocator to occupy a space is not guaranteed any refund amount if it should return the space. A refund to the first collocator based on the unamortized portion of the non-recurring charge will be provided *only* if it turns out that a subsequent collocator (whether another competitive LEC or Verizon) occupies that particular collocation arrangement. Moreover, the record suggests that the competitive impact of this issue likely is currently quite small given the substantial decline in demand for collocation arrangements (thus making it less likely that the collocation arrangement will be reused) and the lack of record evidence on the duration of the collocator's occupation of the space.[444] Under these circumstances, the smaller refund that would be due only in the event of reuse of a particular collocation arrangement under Verizon's proposed depreciation schedule compared to the refund that would be due under AT&T's proposed depreciation schedule does not rise to the level of checklist noncompliance.[445]

113. Although this issue does not rise to the level of checklist noncompliance, the record raises questions concerning Verizon's calculation of credits for returned collocation

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[441] AT&T Reply at 12.

[442] *Id.*

[443] *See id.* (emphasis added).

[444] *See* Verizon Reply at 30 n.28; Verizon Lacouture/Ruesterholz Reply Decl., para. 156. *See also* Letter from Ann D. Berkowitz, Project Manager - Federal Affairs, Verizon, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-384 at 2 (filed Mar. 12, 2003) (stating that as of December 2002, 94% of returned collocation space in the three jurisdictions at issue here remains vacant and unused by any competitive LEC (because there is little demand for collocation arrangements) and that Verizon rarely reuses returned collocation space) (Verizon March 12 *Ex Parte* Letter).

[445] In an *ex parte* submission, AT&T presents several illustrative examples demonstrating the dollar impact on the refund amount using Verizon's 12-year amortization period and AT&T's proposed 30-year amortization period. *See* Letter from David M. Levy, Counsel to AT&T, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-384 at 2-5 (filed Feb. 27, 2003) (providing examples of the impact for an individual collocation space and the aggregate impact of the issue). While the potential dollar impact may be significant under certain circumstances, the impact remains speculative because any refund amount is contingent on subsequent use of that collocation space. *See* Verizon March 12 *Ex Parte* Letter at 2 (noting that AT&T's examples assume that all returned collocation arrangements qualify for credits when only those that are reused qualify for a refund).

space. We note in particular that the KPMG report on which Verizon relies in all three of these jurisdictions appears to state that the applicable amortization period is 30 years.[446] We similarly note AT&T's assertion that Verizon's federal expanded interconnection tariff appears explicitly to provide for amortization of collocation cages over 30 years.[447] Nevertheless, because Verizon's obligations arise solely from its state tariffs,[448] we believe that this dispute is best resolved by the state commission in the first instance.[449] We recognize that states may allow depreciation lives for equipment that differ from what we may allow.[450] Moreover, in prior section 271 orders, we have stated that we are reluctant to deny a section 271 application because a BOC is engaged in an unresolved rate dispute with its competitors before a state commission.[451] Below, we discuss each jurisdiction in turn and conclude that AT&T has a remedy available in all three jurisdictions.[452] In Maryland, there is evidence in the record that the issue of the proper amortization period for credits is pending before the Maryland Commission in a formal proceeding.[453] Because this specific issue is now pending before the Maryland Commission, we decline to preempt the orderly disposition of this matter in that forum.

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[446] *See* AT&T Comments at 15 n.15; AT&T Reply at 10-11. *See also* AT&T Feb. 11 *Ex Parte* Letter at 5. AT&T notes that the Virginia tariff language reviewed by KPMG in preparing its OSS report is identical to the tariff language in Verizon's Maryland, Washington, D.C., and West Virginia collocation tariffs. *See* Letter from David M. Levy, Counsel to AT&T, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-384 at 1 & n.1 (filed Mar. 13, 2003) (AT&T Mar. 13 *Ex Parte* Letter).

[447] *See* AT&T Comments at 14 & n.13 (also claiming that, in the Maryland 271 proceeding, Verizon's own witness admitted that 30 years was the period called for under the federal tariff); AT&T Reply at 10. *See also* AT&T Feb. 11 *Ex Parte* Letter at 3-4. Further, AT&T maintains that the *Expanded Interconnection Order* requires Verizon to use the cage amortization life as the amortization life for both the construction and equipment. *See* AT&T Mar. 13 *Ex Parte* Letter at 2.

[448] AT&T has not alleged that Verizon's use of a 12-year economic life is in violation of its existing interconnection agreements.

[449] We note that a similar issue concerning the proper amortization period applicable to credits for collocation space under Verizon's federal tariffs is currently before this Commission in WC Docket No. 02-237. *See Verizon Telephone Companies Section 63.71 Application to Discontinue Expanded Interconnection Service Through Physical Collocation*, WC Docket 02-237 (filed Aug. 16, 2002). We emphasize that, in considering AT&T's arguments as we do above, we express no opinion on the merits of the substantive question presented in that separate proceeding.

[450] *See, e.g., Louisiana PSC v. FCC*, 476 U.S. 355, 375 (1986) (stating that "it is certainly possible to apply different rates and methods of depreciation to [dual jurisdictional] plant once the correct allocation between interstate and intrastate use has been made").

[451] *See, e.g., SWBT Arkansas/Missouri Order*, 16 FCC Rcd at 20754, para. 73.

[452] Because Verizon's state tariffs do not specify a depreciation period to be used in calculating credits, we question AT&T's contention that use of anything other than a 30-year period is *per se* a violation of the filed rate doctrine. *See* AT&T Reply at 11.

[453] *See* Verizon Jan. 22 *Ex Parte* Letter on pricing issues at 2 (stating that that Maryland Commission is addressing the reuse of collocation space, including the appropriate amortization period for credits, in Case No. 8913). Currently, the parties to the state proceeding are engaged in settlements discussions and will proceed to (continued....)

114. In considering this issue, the D.C. Commission rejected AT&T's request to "extend" the amortization period from 12 to 30 years, stating that AT&T's request "incorrectly assume[d] that returned space must of necessity be cheaper for the next CLEC than its other alternatives."[454] The D.C. Commission further stated that AT&T "failed to address the reason for extending the amortization period or to explain why that issue is not more properly a function of the collocation proceeding [the D.C. Commission] just completed in Formal Case No. 962."[455] AT&T asserts that the D.C. Commission misunderstood AT&T's position, arguing that it did not ask to "extend" the amortization period.[456] Rather, AT&T maintains that it asked the D.C. Commission to find that Verizon's current calculations were a breach of its existing obligations.[457] AT&T further states that it did not raise the issue in the collocation proceeding (Formal Case No. 962) because, in AT&T's view, the amortization period was already established as 30 years and because the collocation proceeding concluded months before AT&T learned of Verizon's "switch" to a 12-year amortization period.[458] Finally, AT&T argues that this Commission must adjudicate this issue because it goes to the issue of Verizon's compliance with checklist item 1.[459]

115. Based on the record, we find no clear error in the D.C. Commission's decision to reject AT&T's argument on procedural grounds. As AT&T admits, it failed to raise the amortization issue in the collocation proceeding to which the D.C. Commission refers even though Verizon's state collocation tariff included no specific amortization period.[460] Moreover,

(Continued from previous page)
litigate the issue before the Maryland Commission if they are unable to reach resolution. *Id. See also* Verizon Reply at 31; Verizon Lacouture/Ruesterholz Reply Decl., para. 154.

[454] D.C. Commission Comments at 21.

[455] *Id.* at 21-22. In December 2002, the D.C. Commission released two orders approving Verizon's collocation tariff filing. *Id.* at 18. *See also* Verizon Application, App. C– District of Columbia, Vol. 12, Tab 80, Formal Case No. 962, *In the Matter of the Implementation of the District of Columbia Telecommunications Competition Act of 1996 and Implementation of the Telecommunications Act of 1996*, Order, Order No. 12608 (rel. Dec. 3, 2002) and Verizon Application, App. C – District of Columbia, Vol. 12, Tab 84, Formal Case No. 962, *In the Matter of the Implementation of the District of Columbia Telecommunications Competition Act of 1996 and Implementation of the Telecommunications Act of 1996*, Order, Order No. 12614 (rel. Dec. 12, 2002). Verizon's collocation tariff became effective on December 20, 2002. D.C. Commission Comments at 18.

[456] *See* Letter from Amy L. Alvarez, District Manager, Federal Government Affairs, AT&T, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-384 at 1 (filed Feb. 6, 2003) (AT&T Feb. 6 *Ex Parte* Letter).

[457] *Id. See also id.* at 2 (arguing that the amortization period under Verizon's existing tariffs is 30 years, not 12).

[458] *Id.* at 2. AT&T notes that Verizon was "not forthcoming on its decision to utilize a 12-year amortization period" and that the refund amounts were presented as a lump sum without any supporting calculations disclosing the 12-year amortization period. *Id.* at 2 n.5 AT&T states that it learned of the 12-year period only because it could not reconcile the refunds received from Verizon and confronted Verizon about the discrepancy. *Id.*

[459] *Id.* at 2.

[460] *See id.*

in the Washington, D.C. section 271 proceeding, AT&T offered no support or argument for its request for a 30-year amortization period.[461] In its post-hearing brief, AT&T listed a number of steps that Verizon should be required to take to comply with checklist item 1. Among several other things listed, AT&T stated that Verizon "should use a 30 year amortization period, to calculate the credits due to a vacating CLEC as well as the 'discounted' price to a subsequent CLEC."[462] We agree with the D.C. Commission that AT&T provided no rationale or support for its position. Because AT&T failed to raise this issue in the collocation proceeding and because AT&T failed to explain to the D.C. Commission why a 30-year amortization period should be applied, we find no clear error in the D.C. Commission's decision.

116. We acknowledge AT&T's claim that it only recently discovered Verizon's use of the 12-year amortization period during refund negotiations.[463] AT&T remains free to raise this issue with the D.C. Commission in an appropriate proceeding in which the D.C. Commission will be able to compile a more complete record on this issue than we can do within the constraints of a 90-day review period. We believe it would be premature at this time for this Commission to preempt a potential state proceeding addressing this issue.[464]

117. The West Virginia Commission has not addressed the issue of the proper amortization period for calculating credits for returned collocation space, although AT&T raised the issue in passing in the state section 271 proceeding. In its Recommended Findings of Fact and Conclusions of Law, AT&T asked the West Virginia Commission to require Verizon to use a 30-year amortization period to calculate these credits.[465] As was the case in Washington, D.C., however, AT&T failed to provide any reason or support for a 30-year amortization period.[466] Indeed, the only discussion of the amortization issue is a statement in a footnote that the amortization period is "critical to the calculation of the credit for a CLEC returning collocation space."[467] The West Virginia Commission did not explicitly address the issue in its Commission

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461 D.C. Commission Comments at 21-22. *See also* Letter from Amy L. Alvarez, District Manager, Federal Government Affairs, AT&T, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-384 at Attachment 1 (filed Jan. 31, 2003) (AT&T Jan. 31 *Ex Parte* Letter).

462 AT&T Jan. 31 *Ex Parte* Letter, Attach. 1 at 15. *See also id.* at 12 (requesting the same condition).

463 AT&T Reply at 9 n.6.

464 *See* Verizon Lacouture/Ruesterholz Reply Decl., para. 154.

465 See Verizon Application , App. B – West Virginia, Vol. 9, Tab 30, *Verizon West Virginia, Inc. -- Petition in the Matter of Verizon West Virginia, Inc's Compliance with Conditions Set Forth in 47 U.S.C. § 271(c)*, Case No. 02-0809-T-P, AT&T Communications of West Virginia, Inc. Recommended Findings of Fact and Conclusions of Law at 26 (filed Nov. 26, 2002).

466 *Id.*

467 *Id.* at 24 n.53. The only other support provided by AT&T, in that same footnote, is a statement that "[t]he greater the amortization period, the lower the credit for returned space to the vacating CLEC." *Id.* We further note that this statement appears to be incorrect: a greater amortization period would result in a higher credit for the returned space.

Order and Consultative Report on Verizon's compliance with section 271 of the Act.[468] Because AT&T raised this issue only briefly in the state 271 proceeding, we believe that the West Virginia Commission has not been given a meaningful opportunity to consider this issue.[469] As is the case in Washington, D.C., AT&T is free to raise this issue before the West Virginia Commission and we believe that it would be premature at this time for this Commission to address an issue more appropriately handled by the state in the first instance.[470]

118. For these reasons, we find that Verizon offers interconnection in Maryland, Washington, D.C., and West Virginia to other telecommunications carriers at just, reasonable, and nondiscriminatory rates in compliance with checklist item 1.

V. OTHER ITEMS IN DISPUTE

A. Checklist Item 4 – Unbundled Local Loops

119. Section 271(c)(2)(B)(iv) of the Act requires that a BOC provide "[l]ocal loop transmission from the central office to the customer's premises, unbundled from local switching or other services."[471] Based on the evidence in the record, we find, as did the state commissions,[472] that Verizon provides unbundled local loops in accordance with the requirements of section 271 and our rules. Our conclusion is based on our review of Verizon's performance for all loop types, which include, as in past section 271 orders, voice grade loops, hot cut provisioning, xDSL-capable loops, digital loops, high capacity loops, as well as our review of Verizon's processes for line sharing and line splitting. Evidence in the record shows that competitors in Maryland have acquired from Verizon and placed into use approximately 133,000 unbundled loops, including about 92,000 stand-alone loops (including DSL loops), and about 41,000 loops provided as part of network element platforms that also include switching

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[468] West Virginia Commission Comments at 18-20 (discussing other issues concerning returned collocation space).

[469] Indeed, regulatory agencies are not required to address arguments not stated with sufficient force or clarity. *See e.g, WAIT Radio v. FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969) (the Commission need not sift through pleadings and documents to identify arguments not stated with clarity), *cert. denied*, 409 U.S. 1027 (1972); *Northside Sanitary Landfill v. Thomas*, 849 F.2d 1515, 1519 (D.C. Cir. 1988) (the petitioner has the burden of clarifying its position before the agency), *cert. denied*, 489 U.S. 10978 (1989). *See also MCI WorldCom v. FCC*, 209 F.3d 760, 765 (D.C. Cir. 2000) (finding that a party did not raise an argument with sufficient force to obligate the Commission to respond).

[470] *See* Verizon Lacouture/Ruesterholz Reply Decl., para. 154.

[471] 47 U.S.C. § 271(c)(2)(B)(iv). The Commission has defined the loop as "a transmission facility between a distribution frame, or its equivalent, in an incumbent LEC central office, and the network interface device at the customer premises. *Local Competition First Report and Order*, 11 FCC Rcd at 15691, para. 380.

[472] Maryland Commission Comments, Ex. A at 3; D.C. Commission Comments at 29- 41; West Virginia Commission Comments at 64-78.

and transport elements.[473] In Washington D.C., competitors have about 23,000 loops, including approximately 18,000 stand-alone loops (including DSL loops), and about 5,400 loops provided as part of network element platforms that include switching and transport elements.[474] West Virginia competitors have about 24,000 loops, including approximately 22,000 stand alone loops (including DSL loops), and about 1,800 loops provided as part of network element platforms that include switching and transport elements.[475]

120. Consistent with prior section 271 orders, we do not address every aspect of Verizon's loop performance where our review of the record satisfies us that Verizon's performance is in compliance with the relevant performance standards established by the state commissions.[476] Instead, we focus our discussion on those areas where the record indicates discrepancies in performance between Verizon and its competitors. In making our assessment, we note that parties have not commented about any aspect of Verizon's loop performance, and our review of the record shows that Verizon's performance has been nondiscriminatory. Accordingly, we do not engage in a detailed discussion of Verizon's loop performance except where discrepancies may exist.[477] Instead, we focus on the issues raised by commenters. We note that in some instances, volumes with respect to specific performance measures may be too low to provide a meaningful result with regard to a particular performance metric. In such cases, because Verizon uses the same systems and procedures in the application states as it does in Virginia, we look to Verizon's performance in Virginia to assist our analysis.[478]

121. *xDSL Loops, Digital Loops, Voice Grade Loops, and Hot Cuts.* Based on the evidence in the record, we find, as did the state commissions,[479] that Verizon demonstrates that it

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[473] *See* Verizon Lacouture/Ruesterholz Maryland Decl., para. 86. As of September 2002, Verizon had in service approximately 75,000 stand-alone competitive LEC POTS loops, 1,700 high capacity DS1 loops, 13,000 DSL loops, 2,600 line sharing arrangements, and 2,700 2-wire digital loops. *Id.* at paras. 88, 109, 128, 157; Letter from Ann D. Berkowitz, Project Manager – Federal Affairs, Verizon, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-384 at 1 (filed Jan. 23, 2003) (Verizon Jan. 23 *Ex Parte* Letter on 2-wire digital loops).

[474] *See* Verizon Lacouture/Ruesterholz D.C. Decl., para. 81. As of September 2002, Verizon had in service approximately 12,000 stand-alone competitive LEC POTS loops, 300 high capacity DS1 loops, 5,000 DSL loops, 770 line sharing arrangements, and 350 2-wire digital loops. *Id.* at paras. 83, 104, 124, 150; Verizon Jan. 23 *Ex Parte* Letter on 2-wire digital loops at 1.

[475] *See* Verizon Lacouture/Ruesterholz West Virginia Decl., para. 82. As of September 2002, Verizon had in service approximately 20,000 stand-alone competitive LEC POTS loops, 400 high capacity DS1 loops, 430 DSL loops, 40 line sharing arrangements, and 1,500 2-wire digital loops. *Id.* at paras. 84, 103, 123, 148; Verizon Jan. 23 *Ex Parte* Letter on 2-wire digital loops at 1.

[476] *See, e.g., Verizon Connecticut Order*, 16 FCC Rcd at 14151-52, para. 9.

[477] *See generally* Appendices B, C, D, and E.

[478] *See SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6254, para. 36; Verizon Application at 2.

[479] Maryland Commission Comments, Ex. A at 3; D.C. Commission Comments at 29-41; West Virginia Commission Comments at 64-78.

provides xDSL-capable loops, digital loops, voice grade loops, and hot cuts in accordance with the requirements of checklist item 4 in the application states.[480]

122. *High-Capacity Loops.* Based on the evidence in the record, we find that Verizon demonstrates that it provides nondiscriminatory ordering, provisioning, and maintenance services for high-capacity unbundled local loops.[481] Several commenters allege that Verizon improperly rejects competitive LEC orders for high-capacity loops (*e.g.*, DS1 and DS3 loops) under its "no build/no facilities" policy whenever any necessary facilities are not available and "new construction" is required.[482] Commenters, however, fail to provide new supporting evidence about this issue beyond that submitted in previous Verizon section 271 proceedings.

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[480] *See generally* Appendices B, C, D, and E. We reject OPC-DC's comments that Verizon is discriminating in its provisioning of its "no dispatch" services. OPC-DC Comments at 17. OPC-DC's assertion is based upon February to April 2002 performance data. *Id.* However, Verizon's performance during the relevant months for this application (August – December 2002) indicates that it has achieved parity. *But see* PR-5-01-3341 (Percent Missed Appointment – Verizon Facilities) showing that from August to December, competing LECs reported a higher percentage of missed appointments (5.56%, 3.39%, 6.85%, 10.0%, and 3.85%) than Verizon retail customers (1.6%, 1.25%, 0.68%, 1.1%, and 1.47%); PR-6-01-3200 (Percent Installation Troubles Reported Within 30 Days) showing that from August to December, competitors reported a higher percentage of installation troubles (4.59%, 1.72%, 4.58%, 5.65%, and 4.37%) than Verizon retail customers (1.41%, 0.54%, 2.5%, 1.58%, and 2.28%). We do not find that Verizon's performance under PR-5-01-3341 to be competitively significant given that this metric measures only the subset of orders that require work at Verizon facilities, that standard technical tests typically utilized while provisioning 2-wire loops do not work for such loops provided over fiber, and that Verizon's overall performance for provisioning 2-wire digital loops meets the applicable performance standards. *See* Lacouture/Ruesterholz Reply Decl., para. 85; Appendices B, C, D, and E. With regard to its performance for PR-6-01-3200, Verizon explains that the retail comparison group for this metric is not appropriate because over 90% of the orders in the retail comparison group are for DS0 services and feature changes, which are simpler to perform, while 100% of the wholesale performance group is comprised of DS1 and DS3 loops, which are significantly more difficult to provision. Therefore, it is more likely for the wholesale group to experience installation troubles than the retail comparison group. *See* Verizon Lacouture/Ruesterholz Reply Decl., para. 33 & Attach. 2.

[481] *See* Verizon Lacouture/Ruesterholz Maryland Decl., paras. 110-117; Verizon Lacouture/Ruesterholz D.C. Decl., paras. 105-113; Verizon Lacouture/Ruesterholz West Virginia Decl., paras. 104-110; Verizon Reply at 31; Lacouture/Ruesterholz Reply Decl., paras. 29-31, 36-44; *see also* Appendices B, C, D, and E. Verizon has provisioned approximately 1,700 high capacity DS1 loops and a limited number of DS3 loops in Maryland as of September 2002. *See* Verizon Lacouture/Ruesterholz Maryland Decl., para. 109. Verizon has provisioned about 300 DS1 loops and no DS3 loops in Washington, D.C., and about 400 DS1 loops and no DS3 loops in West Virginia, as of September 2002. *See* Verizon Lacouture/Ruesterholz D.C. Decl., para. 104; Verizon Lacouture/Ruesterholz West Virginia Decl., para. 103.

[482] *See* AT&T Comments at 19-27; FiberNet Comments at 11-16; OPC-DC Comments at 14-17; AT&T Reply at 13-17; FiberNet Reply at 5-7; Letter from David Levy, Counsel for AT&T, to Marlene Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-384 at 1 (filed Jan. 17, 2003) (AT&T Jan. 17 *Ex Parte* Letter). In addition, AT&T and FiberNet allege, respectively, that Verizon's "no build/no facilities" policy also extends to voice grade (DS0) loops and EELs. FiberNet Comments at 16-17; FiberNet Reply at 13; AT&T Jan. 17 *Ex Parte* Letter at 1. AT&T also argues that Verizon's categorization of what constitutes "new construction," *e.g.*, the splicing of cable pairs, should be accounted for as an "operations expense," as provided in section 32.5999(b)(3) of our rules. AT&T Comments at 23; AT&T Reply at 16. Although we agree that from an accounting prospective, the splicing of a copper loop is an operations expense and not new facilities construction, this fact is not dispositive of checklist compliance.

Moreover, Verizon's "no build/no facilities" policy effective in the application states is the same as that approved in other section 271 orders.[483] We consider the issues that AT&T and others raise with respect to Verizon's loop provisioning practices to be serious and, as we noted in ruling on Verizon's most recent prior section 271 application, these issues are currently under review in our *Triennial Review* proceeding.[484] Indeed, the Commission took action in that proceeding on February 20, 2003, and the order, which addresses this issue, will be released in the near future.[485] Should these commenters continue to find fault with Verizon's loop provisioning in the wake of the *Triennial Review* decision, they may assert their arguments in a section 271(d)(6) complaint proceeding, where there is an opportunity to build a more complete record than that provided in the current proceeding.[486] Thus, we conclude, as we have in our prior section 271 orders, that commenters have not rebutted Verizon's showing that it provides high-capacity unbundled loops in a nondiscriminatory manner.[487]

123. *Dark Fiber.* Based on the evidence in the record, we find, as did the state commissions,[488] that Verizon provides dark fiber in the three application states in a manner consistent with checklist item 4.[489] Specifically, Verizon has demonstrated that it offers dark

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[483] *See Verizon Virginia Order*, 17 FCC Rcd at 21958-61, paras. 140-145; *Verizon New Hampshire/Delaware Order*, 17 FCC Rcd at 18724-26, paras. 112-14; *Verizon New Jersey Order*, 17 FCC Rcd at 12349-50, para. 151; *Verizon Pennsylvania Order*, 16 FCC Rcd at 17469-70, paras. 91-92.

[484] *See Verizon Virginia Order*, 17 FCC Rcd at 21959, para. 141 & n.492.

[485] A press release issued by the Commission at the time it voted on the item states that incumbent LECs "are required to make routine network modifications to UNEs used by requesting carriers where the requested facility has been constructed" and that incumbent LECs are required "to condition loops for the provision of xDSL services." *See Triennial Review News Release,* Attach. at 3.

[486] *See id.* at 9 (noting availability of section 271(d)(6) complaint to ensure that rates stay current).

[487] We note that the Maryland Commission conditioned its approval of Verizon's application upon Verizon making changes to its "no build/no facilities" policy. *See* Maryland Commission Comments, Ex. A at 3. Specifically, the Maryland Commission ordered Verizon to implement a temporary measure whereby it will automatically convert any high-capacity UNE loop order to a special access order if Verizon denies the initial order because facilities were not immediately available. *Id.* at 4. In addition, once Verizon builds the special access facility, it must automatically covert it to a UNE after the tariffed time period has elapsed. *Id.* Verizon states that it is implementing both of these temporary measures in Maryland. *See* Verizon Lacouture/Ruesterholz Maryland Decl., para. 122. In Washington, D.C. and West Virginia, however, Verizon is only implementing the process to automatically convert high-capacity UNE loop orders to special access circuits. *See* Verizon Lacouture/Ruesterholz D.C. Decl., para. 118; Verizon Lacouture/Ruesterholz West Virginia Decl., para. 117. Verizon explains that once the special access circuit is built, the competitive LEC can submit a request to convert the circuit to a UNE facility. *Id.*

[488] Maryland Commission Comments, Ex. A at 3; D.C. Commission Comments at 45; West Virginia Commission Comments at 73.

[489] Verizon's policy is the same as its offering in Virginia which the Commission found to be section 271-compliant. *See Verizon Virginia Order*, 17 FCC Rcd 21961, para. 145 n.503 (citing *UNE Remand Order*, 15 FCC Rcd at 3776, para. 174). Verizon states that under its Maryland/D.C./West Virginia dark fiber offering, an unbundled dark fiber network element consists of two spare continuous fiber stands (*i.e.*, one pair) that are within an (continued....)

fiber in the applications states in compliance with the checklist pursuant to a variety of interconnection agreements.[490]

124. We reject commenters' assertions that Verizon's dark fiber policies violate checklist item 4 in regard to provisioning, location information, and collocation requirements. First, there is nothing in our rules that requires Verizon to provision UNEs, including dark fiber, across LATA boundaries.[491] Accordingly, we do not find that Verizon's refusal to provide interLATA dark fiber warrants a finding of checklist noncompliance.

125. Second, we disagree with the three commenters that contend that Verizon fails to provide useful information regarding the location of dark fiber to competitive LECs, thus failing checklist item 2.[492] These commenters claim that Verizon does not make available to competitive LECs the tools competitive LECs need to construct a network overview of available fiber.[493] Commenters contend that Verizon's alleged failure regarding dark fiber location information is discriminatory because Verizon's retail operations have access to the necessary information.[494] However, the record demonstrates that Verizon's provision of information allows competitors to construct dark fiber networks in a nondiscriminatory fashion. The fiber inquiry process that competitive LECs use is the same process that Verizon uses to determine whether fiber is available on a given route.[495] Moreover, the record demonstrates that Verizon makes available in all three jurisdictions the same three forms of dark fiber information[496] that it makes

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existing fiber optic cable sheath. These fibers are terminated to an accessible terminal, but are not connected to any Verizon equipment used or that can be used to transmit and receive telecommunications traffic. *See* Verizon Lacouture/Ruesterholz D.C. Decl., para. 205; Verizon Lacouture/Ruesterholz Maryland Decl., para. 214; Verizon Lacouture/Ruesterholz West Virginia Decl., para. 200.

[490] *See* Verizon Lacouture/Ruesterholz Maryland Decl., para. 214, Verizon Lacouture/Ruesterholz D.C. Decl., para. 205, Verizon Lacouture/Ruesterholz West Virginia Decl., para. 200.

[491] *See* Core Comments at 21.

[492] *See* AT&T Comments at 30-31; Core Communications Comments at 19-20; FiberNet Comments at 23-26; AT&T Reply at 17-18, 20-22.

[493] FiberNet Comments at 24.

[494] AT&T Reply at 21.

[495] Letter from Ann Berkowitz, Project Manager - Federal Affairs, Verizon, to Marlene Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-384 at 1(filed Feb. 19, 2003) (Verizon Feb. 19 *Ex Parte* Letter).

[496] As in Virginia, Verizon allows competitive LECs to request serving wire center fiber layout maps showing the streets within the wire center where there are existing fiber cable sheaths. These maps include all fiber routes without identifying which routes have available dark fiber. Verizon will include termination points on the serving wire center maps it provides to competitive LECs in compliance with the requirements of the Maryland Commission. Verizon Reply at 34, n.31; Verizon Lacouture/Ruesterholz Reply Decl., para. 194; Letter from Ann Berkowitz, Project Manager - Federal Affairs, Verizon, to Marlene Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-384 (filed Feb. 10, 2003) (Verizon Feb. 10 *Ex Parte* Letter). We agree with Verizon's assertion that the failure to include such information in Washington, D.C. and West Virginia does not impact Verizon's checklist compliance because the Maryland Commission's requirement goes beyond what this (continued....)

available in Virginia,[497] where the Commission found Verizon's provision of dark fiber to satisfy the requirements of the Act.[498] Verizon claims, and we agree here as we did in previous applications, that the three types of information that Verizon makes available allow competitive LECs to do long range planning, check the availability of dark fiber and perform detailed engineering.[499] There is no evidence in the record to demonstrate that changes have occurred or that Verizon's performance has deteriorated since we approved its processes in Virginia.

126. Finally, we reject Core's allegation that Verizon has an unfiled interconnection agreement with Cavalier, regarding parallel provisioning of collocation space and dark fiber.[500] Verizon explains that the agreement that Core described in its comments has been arranged through provisioning trials rather than through an interconnection agreement.[501] Verizon also explains that Core could have participated in similar trials. Accordingly, we find that Verizon has neither failed to disclose its agreement with Cavalier, nor failed to provide similar terms to other competing LECs.[502]

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Commission has required in previous section 271 proceedings. *See* Verizon Reply at 34 n.31. Additionally, competitive LECs can inquire whether dark fiber is available on a particular route identified by the end points of the route. Verizon Lacouture/Ruesterholz Reply Decl., para. 195. If the competitive LEC's interconnection agreement includes provisions for routing dark fiber through intermediate offices, Verizon will look for alternative routes where the direct route does not have available dark fiber. *Id.* Finally, competitive LECs may request a Field Survey prior to submitting an ASR in order to verify the availability of dark fiber and to ascertain the dark fiber's current transmission characteristics. Verizon Lacouture/Ruesterholz Reply Decl., para. 196.

[497] Verizon Lacouture/Ruesterholz MD Decl., para. 214; Verizon Lacouture/Ruesterholz DC Decl., para. 205; Verizon Lacouture/Ruesterholz WV Decl., para. 200. *See also* Verizon Reply at 33-34.

[498] *Verizon Virginia Order*, 17 FCC Rcd at 21960-61, para. 145.

[499] Verizon Lacouture/Ruesterholz Reply Decl., para. 194.

[500] Core Comments at 21-23.

[501] Letter from Ann Berkowitz, Project Manager - Federal Affairs, Verizon, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-384 at 1 (filed Jan. 22, 2003) (Verizon Jan. 22 *Ex Parte* Letter on Parallel Provisioning). In regard to its interconnection agreements with Cavalier, Verizon explains that until it expired on June 24, 2002, Verizon and Cavalier used to operate under an interconnection agreement in Maryland. Letter from Ann Berkowitz, Project Manager - Federal Affairs, Verizon, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-384 at 1 (filed Jan. 29, 2003). On November 20, 2002, Cavalier requested that the Maryland Commission conduct an expedited arbitration for a new interconnection agreement with Verizon. *Id.* In Washington, D.C., Verizon operates under an interconnection agreement effective until September 30, 2003. *Id.* Cavalier and Verizon do not have an interconnection agreement in West Virginia. *Id.*

[502] Indeed, although we do not rely on it, Core has already signed an interconnection amendment with Verizon that was filed with the Maryland Commission on January 15, 2003, and which incorporates the parallel provisioning process developed in the Cavalier trial. Verizon Jan. 22 *Ex Parte* Letter on parallel provisioning at 1; Verizon Reply, App. B, Tab 16.

B. *Checklist Item* 7 – 911-E911 Access & Directory Assistance/Operator Svcs

127. Section 271(c)(2)(B)(vii)(I), (II), and (III) require a BOC to provide nondiscriminatory access to "911 and E911 services," "directory assistance services to allow the other carrier's customers to obtain telephone numbers" and "operator call completion services," respectively.[503] Additionally, section 251(b)(3) of the 1996 Act imposes on each LEC "the duty to permit all [competing providers of telephone exchange service and telephone toll service] to have nondiscriminatory access to ... operator services, directory assistance, and directory listing with no unreasonable dialing delays."[504] Based on the evidence in the record, we conclude, as did the state commissions,[505] that Verizon offers nondiscriminatory access to its 911-E911 databases, operator services (OS), and directory assistance (DA).[506] No commenter raises issues relating to access to Verizon's 911-E911 databases or Verizon's provision of OS in the application states. Further, no commenter raises issues related to Verizon's provision of DA in Washington, D.C. or West Virginia.

128. We disagree with NALA/PCA's claim that Verizon does not offer nondiscriminatory access to directory assistance to competitive LECs in Maryland because Verizon refuses to provide resellers with a monthly directory assistance call allowance that it provides to its own customers.[507] As discussed below,[508] the record shows that Verizon does not provide resellers in Maryland with a monthly allowance of free directory assistance calls because the Maryland Commission adopted a wholesale discount with a rate structure that is different from those in other Verizon states.[509] The issue of whether the Maryland Commission adopted

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[503] 47 U.S.C. § 271(c)(2)(B)(vii)(I), (II), and (III). *See also Bell Atlantic New York Order*, 15 FCC Rcd at 4131, para. 351.

[504] 47 U.S.C. § 251(b)(3). We have previously held that a BOC must be in compliance with section 251(b)(3) in order to satisfy sections 271(c)(2)(B)(vii)(II) and (III). *See Second BellSouth Louisiana Order*, 13 FCC Rcd at 20740, para. 240 n.763. *See also Bell Atlantic New York Order*, 15 FCC Rcd at 4132-33, para. 352.

[505] Maryland Commission Comments, Ex. A at 3; D.C. Commission Comments at 47; West Virginia Commission Comments at 81.

[506] Verizon Lacouture/Ruesterholz Maryland Decl., paras. 254-88; Verizon Lacouture/Ruesterholz D.C. Decl., paras. 243-77; Verizon Lacouture/Ruesterholz West Virginia Decl., paras. 239-73.

[507] NALA/PCA Comments at 6-10. NALA/PCA also argues that Verizon's directory assistance offering is discriminatory because retail customers are offered a bundled product that includes dial tone and directory assistance (including the monthly call allowance) while resellers purchase resold dial tone and directory assistance service separately. *See* Letter from Glenn S. Richards and Susan M. Hafeli, Attorneys for NALA/PCA, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-384 at 6-7 (filed Feb. 12, 2003) (NALA/PCA Feb. 12 *Ex Parte* Letter). We find that Verizon's separate offers of directory assistance and voice for resellers constitute nondiscriminatory access to directory assistance because competitive LECs can repackage the services as a bundled service for end-user customers.

[508] *See infra* Section V.G.1 (Checklist Item 14 – Resale).

[509] Letter from Ann D. Berkowitz, Project Manager - Federal Affairs, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-384 (filed Feb. 4, 2003) at 1 (Verizon Feb. 4 *Ex Parte* Letter on (continued....)

the appropriate discount for resale directory assistance is discussed under checklist item 14, below.

C. Checklist item 8 – White Pages

129. Section 271(c)(2)(B)(viii) of the Act requires a BOC to provide "[w]hite page directory listings for customers of the other carrier's telephone exchange service."[510] The Commission has previously found that a BOC satisfies the requirements of checklist item 8 by demonstrating that it: (1) provides nondiscriminatory appearance and integration of white page directory listings to competitive LECs' customers; and (2) provides white page listings for competitors' customers with the same accuracy and reliability that it provides its own customers.[511]

130. Based on the evidence in the record, we conclude, as did the state commissions,[512] that Verizon satisfies checklist item 8.[513] We note that the Department of Justice remarked that commenters in the instant application argue that Verizon is asking competitive LECs to verify the accuracy of their directory listings in a new way and that Verizon has changed the directory listings review process that it relied on to obtain approval of its section 271 application in Virginia.[514] It appears, however, that Verizon has clarified on reply that it has not changed the process that competitive LECs can follow to verify the accuracy of their directory listings.[515] Additionally, commenters contend that Verizon's methods of error detection are flawed and, as a result, Verizon unfairly shifts the burden for error detection to the competitive LECs.[516]

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DA). The Commission has repeatedly left questions of rate structure to the state commission's discretion. *See, e.g., Verizon New Jersey Order*, 17 FCC Rcd at 12307, para. 72; *Verizon Virginia Order*, 17 FCC Rcd at 21931-32, para. 92; *Verizon Maine Order*, 17 FCC Rcd at 11678, para. 29.

510 47 U.S.C. § 271(c)(2)(B)(viii).

511 *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20748, para. 255.

512 Maryland Commission Comments, Ex. A at 8 (stating that the Commission will be carefully monitoring directory listing errors, and will if necessary, institute a special proceeding to address any concerns); D.C. Commission Comments at 48-51; West Virginia Commission Comments at 148-150 (stating that a work group shall be formed to review Verizon's directory listing process).

513 *See* Verizon McLean/Webster Decl., paras. 89-123.

514 *See* Department of Justice Evaluation at 9-10; AT&T Comments at 37-38.

515 Verizon McLean/Webster Reply Decl., paras. 52-53.

516 AT&T Comments at 35-40; FiberNet Comments at 46-55; AT&T Reply at 28-33; FiberNet Reply at 7-12. Additionally, as noted by the Department of Justice, commenters raise concerns identical to those raised by competitive LECs with respect to Verizon's application for section 271 authority in Virginia. *See* Department of Justice Evaluation at 9; FiberNet Comments at 54-55 (arguing that the KPMG test is not an accurate test of the directory listings and that the performance metric OR 6-04 does not provide a complete measurement of the directory listings process from start to finish and that more metrics are needed to measure performance on flow through systems). As in the *Verizon Virginia Order*, we find that Verizon complies with checklist item 8. *See Verizon Virginia Order*, 17 FCC Rcd at 21965-76, para. 152-71. Verizon made the same improvements in the (continued....)

Commenters further contend that having to conduct their own error checking is inefficient and potentially very costly, because Verizon has reserved the right to charge competitive LECs for past use of the Directory Listing Inquiries (DLI) system.[517] For the reasons indicated below, we do not believe that the arguments made by commenters warrant a finding of checklist noncompliance.

1. Listing Verification Process

131. As an initial matter, we disagree with commenters' allegations that Verizon has changed the processes it uses to allow competitive LECs to verify the accuracy of their directory listings.[518] In support of their argument, AT&T contends that, subsequent to Verizon's application for section 271 authority in Virginia, Verizon abandoned the local service request confirmation notice (LSRC) as a method by which competitive LECs can verify the accuracy of directory listings in favor of the Directory Listing Inquiry (DLI) service.[519] According to AT&T, by this action, Verizon acknowledges that its processes for verifying listing information are inaccurate, and has placed an unreasonable and potentially costly burden on competitive LECs to verify their own listing information.[520] Based on the evidence in the record, we find that Verizon is using the same systems and processes in the instant application states as it does in its other states which have already received section 271 approval.[521]

132. Further, as Verizon has indicated, it never "abandoned" the use of the LSRC as an additional confirmation of directory listing information, but rather began to reconsider the efficacy of LSRC following an analysis of the four directories in West Virginia.[522] According to Verizon, LSRCs do contain the directory listing information for simple listings, as it appears on

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application states at the same time those improvements were made in Virginia. Verizon Application at 72. We take further comfort in the Maryland and West Virginia Commissions' statement of intent to monitory directory listing accuracy. *See* Maryland Commission Comments, Ex. A at 8; West Virginia Commission Comments at 150. Also, FiberNet asserts that there are additional problems with directory listings in the yellow pages. FiberNet Comments at 54; FiberNet Reply at 11. The Commission has previously determined that Yellow Pages listings are not relevant to our examination of checklist compliance. *See Second BellSouth Louisiana Order*, 13 FCC Rcd at 20748, para. 255. Additionally, FiberNet alleges that Verizon does not provide Alpha/Numeric Listing Identifiers (ALI) Codes. FiberNet Comments at 30. As we found in the *Verizon Virginia Order*, Verizon provides competitive LECs with a weekly ALI code report that contains a list of the competitive LECs' ALI codes for directory listings associated with loop and facilities-based services. *Verizon Virginia Order*, 17 FCC Rcd at 21974, para. 169.

[517] AT&T Comments at 40.

[518] Department of Justice Evaluation at 9-10 (citing AT&T Comments at 37-38).

[519] AT&T Comments at 37, 38.

[520] *Id.* at 38.

[521] Verizon McLean/Webster Reply Decl., paras. 42, 45. *See also Verizon Virginia Order*, 17 FCC Rcd at 21974, para. 168.

[522] Verizon McLean/Webster Decl., paras. 111-12.

the service order.[523] While the competitive LECs can review the directory listing information from the LSRC, it may not be efficient for them to do so then as Verizon is still in the process of performing a quality review of listing orders when the LSRC is sent to the competitive LEC.[524] According to Verizon, it performs various quality assurance steps during the order processing cycle to ensure the accuracy of information contained in the directory. Verizon discovered that a competitive LEC could be making simultaneous corrections using the LSRC during this confirmation stage, thus causing system conflicts and potential listings errors.[525] As a result of this discovery, Verizon suggested to the competitive LECs that using the DLI to verify listings after the completion step would provide an additional, and potentially more accurate, view of the directory information.[526] Because the DLI would provide a more accurate indication of competitive LECs' listings as they would appear in Verizon's white page listings than the LSRC, we believe that Verizon's actions, rather than constituting a checklist violation, are a further indication of Verizon's commitment to ensuring the accuracy of customer listings.

133. We disagree with commenters' allegations that Verizon's error rate on directory listings is high.[527] We further disagree that the current process of verifying a customer's directory listing, under which the competitive LECs may engage in checking on their own, impermissibly shifts Verizon's duty to the competitive LEC of ensuring the accuracy of directory listings.[528] The record shows that the accuracy of Verizon's directory listings is high.[529] Prior to filing this application, Verizon performed a special study in Virginia that tested the reliability of directory listing information from the service order through its publication in the listings verification report (LVR).[530] The results of this study showed that the match rate of this information ranged between 96.78% and 99.51%. The remaining unmatched service orders were resolved by Verizon.[531] Further, when competitive LECs raised concerns about the potential publication of directory listing errors in West Virginia, Verizon delayed the publication of four directories to further ensure the accuracy of competitors' listings.[532] Upon investigation, Verizon

523 Verizon McLean/Webster Reply Decl., para. 53.

524 *Id.*

525 *Id.*

526 Verizon McLean/Webster Decl., para. 112.

527 *See* AT&T Comments at 35 (claiming Verizon's error rate for competitive LEC directory listings ranges between 0.67 and 1.67%); FiberNet Comments at 51 (showing 1229 listing errors out of 4580 listings in the LVR); FiberNet Reply at 7-12.

528 AT&T Comments at 40; FiberNet Comments at 48.

529 Verizon McLean/Webster Decl., para. 103-110.

530 *Id.*, para. 103.

531 *Id.* (21 unmatched services orders were remaining).

532 *Id.*, para. 110.

found 101 incorrect listings, 58 of which were corrected prior to publication.[533] We believe that Verizon has taken appropriate actions, and performed necessary adjustments to remedy these problems in a satisfactory manner.

134. We do not agree that the errors cited by FiberNet rise to the level of checklist noncompliance. FiberNet claims that some customers' names were transposed, with the listing showing the customer's first name first, thus putting it out of sequence in the directory,[534] Verizon has shown that it made software changes in September and October 2002 to detect and correct this type of error.[535] FiberNet has not shown that this continues to be a problem and thus we have no reason to believe that Verizon has failed to adequately address this problem. Similarly, we reject FiberNet's claim that Verizon in West Virginia is inappropriately holding the processing of their service orders to insure that the directory listing is correct.[536] It is inconsistent for FiberNet to argue that by taking reasonable actions to ensure the accuracy of FiberNet's listings, Verizon is failing to provide nondiscriminatory access to those listings.

135. We also do not agree with the FiberNet assertion that UNE-loop competitive LECs do not receive equal treatment with regard to directory listings. According to FiberNet, when a competitive LEC using UNE-platform or resale migrates a customer from Verizon retail service, the directory listing is migrated through Verizon's systems without need for modification.[537] When competitive LECs using their own facilities migrate a customer from Verizon, FiberNet claims that the directory listing information must be deleted from Verizon's system completely, and then re-submitted to Verizon so that it can be sent to Verizon's database for inclusion in the directory listing.[538] According to FiberNet, this extra step is responsible for the vast majority of directory listing errors and omissions.[539] Rather than being discriminatory, Verizon explains that this process is necessary to ensure the accuracy of the listings of facilities-based carriers' listings. According to Verizon, if a competitive LEC provides service using unbundled stand-alone loops, or is a facilities-based provider, that competitive LEC provides the dial tone and telephone number from its own switch.[540] Accordingly, Verizon is not aware of the new telephone number used to serve the end user. Thus, Verizon cannot automatically arrange for the directory listing, as it can with competitive LECs that provide services via UNE-platform

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533 *Id.* The remaining 43 listings were for the Wheeling West Virginia book, which closed in June and had already been published.

534 FiberNet Comments at 51.

535 Verizon McLean/Webster Reply Decl., para. 56.

536 FiberNet Comments at 53. FiberNet did not quantify the delay in processing service orders.

537 *Id.* at 48.

538 *Id.*

539 *Id.*

540 Verizon McLean/Webster Decl., para. 95.

or resale.[541] We find that Verizon's procedure for facilities-based carriers, therefore, offers carriers a meaningful opportunity to compete.

2. DLI Charge

136. We also reject AT&T's assertion that the costs of using the DLI, which if actually imposed by Verizon would range from $.24 to $.27 for each inquiry, are unduly burdensome for the competitive LECs.[542] AT&T expresses concern that while the Maryland Commission has demanded a removal of this charge from Verizon's interconnection agreements in that state, there has been no such requirement by either the D.C. or West Virginia Commissions.[543] AT&T acknowledges that Verizon has stated that it will not levy this charge, but notes it has not confirmed that it will not assess this charge for future DLI queries, or begin back billing competitive LECs for inquiries made to date.

137. Because Verizon is not currently seeking to impose a charge for DLI queries, we find that AT&T's claims of unreasonableness are premature and, accordingly, not relevant for purposes of the instant application.[544] We also note that the appropriateness of such a charge is presently before the Maryland and D.C. Commissions,[545] and the West Virginia Commission has indicated it would review the appropriateness of such a charge if Verizon sought to impose one.[546] With respect to back billing, Verizon has indicated that it would not back bill for DLI services in the application states.[547]

D. Checklist Item 10 – Databases and Associated Signaling

138. Section 271(c)(2)(B)(x) of the Act requires a BOC to provide "nondiscriminatory access to databases and associated signaling necessary for call routing and completion."[548] Based

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[541] *Id.*, paras. 94-95.

[542] AT&T Comments at 39.

[543] *Id.* at 40.

[544] Verizon Roberts/Johns/Given/Garzillo/Prosini/Sanford Reply Decl. at paras. 9-10.

[545] *Id.*

[546] *Id.*

[547] *Id; see also* Letter from Ann D. Berkowitz, Project Manager - Federal Affairs, Verizon, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-384 at 1 (filed Feb. 20, 2003) (Verizon Feb. 20 *Ex* Parte Letter).

[548] 47 U.S.C. § 271(c)(2).

on the evidence in the record, we find, as did the state commissions,[549] that Verizon provides nondiscriminatory access to databases and signaling networks in the application states.[550]

139. Only one commenter raised an issue regarding signaling. Starpower argues that Verizon is not providing common channel signaling (CCS) links as UNEs, but is requiring competing LECs to purchase CCS links through interstate special access tariffs.[551] The record shows that Starpower ordered CCS links as special access services in September or October 1998, before Verizon made an ordering process available for purchasing unbundled CCS links.[552] The record shows, however, that if Starpower or any other competitive LEC currently wishes to purchase CCS links as a UNE, Verizon will assist the competitive LEC throughout the process of designing, ordering, and installing the links.[553] Because there is no evidence in the record that Verizon is presently denying competitive LECs access to CCS links as UNEs, we do not find Verizon is violating the requirements of checklist item 10.[554] Additionally, although we do not rely on it, the record shows that Verizon is working on a method of accomplishing Starpower's special access to UNE conversions that will not interrupt service on the links, and will not require Starpower to write new orders.[555] Further, the record shows that Verizon will provide Starpower with a credit for the difference between access rates and UNE rates for the period from December 1998, when CCS links could be ordered as UNEs, until such time as the conversion to UNEs is completed.[556]

E. Checklist Item 11 – Number Portability

140. Section 271(c)(2)(B) of the Act requires a BOC to comply with the number portability regulations adopted by the Commission pursuant to section 251.[557] Section 251(b)(2) requires all LECs "to provide, to the extent technically feasible, number portability in

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549 Maryland Commission Comments, Ex. A at 3; D.C. Commission Comments at 53; West Virginia Comments at 94.

550 Verizon Lacouture/Ruesterholz Maryland Decl., para. 301; Verizon Lacouture/Ruesterholz D.C. Decl., para. 291; Verizon Lacouture/Ruesterhozl West Virginia Decl., para. 288.

551 Starpower/US LEC Comments at 16-21.

552 Letter from Ann D. Berkowitz, Project Manager - Federal Affairs, Verizon, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-384 at 2 (filed Feb. 7, 2003) (Verizon Feb. 7 *Ex Parte* Letter on LNP and CCS Links). Verizon instituted an ordering process for unbundled CCS links in December 1998, but Starpower's links were not converted from access to UNEs at that time. *Id.*

553 *Id.*

554 *Id.* The record shows that the ASR form now includes fields that allow a competitive LEC to order CCS links as UNEs. *Id.*

555 *Id.*

556 *Id.*

557 47 U.S.C. § 271(c)(2)(B)(xi).

accordance with requirements prescribed by the Commission."[558] Based on the evidence in the record, we find, as did the state commissions,[559] that Verizon complies with the requirements of checklist item 11.[560]

141. Only one commenter raises an issue regarding this checklist item. Starpower contends that the process of porting numbers for customers that have DSL-based services, which is different from the process of porting customers without DSL service, causes Starpower to experience significant delays in acquiring customers that currently subscribe to both voice and DSL services.[561] Starpower alleges that when porting numbers from customers that have Verizon voice service and are receiving DSL service from either Verizon or another provider, the order is rejected from Verizon's system until the customer cancels the DSL on the line.[562] Additionally, Starpower alleges that it is difficult to tell the customer to perform this required step because Starpower cannot identify the data LEC that is providing the DSL to the customer.[563]

142. The record shows that the process for converting a customer with DSL service when a customer switches to a new local service voice provider is the same for Verizon as for any competitive LEC.[564] Verizon explains that when voice and data are established on a single line, the voice provider controls the line, and the data provider is a "sub-tenant."[565] As a result, when the underlying voice service is disconnected, as happens when an end user chooses Starpower as his or her new local service provider and asks that the existing telephone number be ported to the new service, the data service using the same line must also be disconnected.[566] When an end user changes his or her voice provider, the end user must also contact his or her

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[558] *Id.* at § 251(b)(2).

[559] D.C. Commission Comments at 54; West Virginia Commission Comments at 94. The Maryland Commission did not raise any concerns related to checklist item 11.

[560] Lacouture/Ruesterholz Maryland Decl., para. 328-31; Lacouture/Ruesterholz D.C. Decl., para. 316-19; Lacouture/Ruesterholz West Virginia Decl., para. 313-16. Verizon provides the local number portability in Maryland, Washington, D.C., and West Virginia using essentially the same procedures and processes as in the other states where Verizon has obtained approval under section 271. Lacouture/Ruesterholz Maryland Decl., para. 328; Lacouture/Ruesterholz D.C. Decl., para. 316; Lacouture/Ruesterholz West Virginia Decl., para. 313.

[561] Starpower/US LEC Comments at 27.

[562] *Id.* Starpower claims that that competitive LEC requests for number portability of customers who currently have DSL and voice should be handled in the ordinary course, similar to the treatment of a request from a customer who has several Verizon voice lines and wishes to transfer one of the lines to a competitive LEC's voice service. *Id.*

[563] *Id.*

[564] Verizon McLean/Webster Reply Decl., para. 15; *see also* Verizon Feb. 7 *Ex Parte* Letter on LNP and CCS Links at 1-2.

[565] Verizon McLean/Webster Reply Decl., para. 15.

[566] *Id.*

Internet Service Provider (ISP) or data LEC, either to determine how the ISP or data LEC can still provide service to the customer or to notify the ISP or data LEC to terminate the service and to stop billing.[567] Additionally, the record shows that a code identifying the data LEC is provided on the customer's CSR, so that the new voice carrier can tell whether Verizon or another data LEC is providing the customer's DSL service.[568] Because nothing in our rules regarding number portability prohibits Verizon's policy of requiring the customer to cancel its DSL and ISP and because Verizon's policy is applied in a nondiscriminatory fashion, we do not find Verizon's policy is a violation of checklist item 11.[569]

F. Checklist Item 13 – Reciprocal Compensation

143. Section 271(c)(2)(B)(xiii) of the Act requires BOCs to enter into "[r]eciprocal compensation arrangements in accordance with the requirements of section 252(d)(2)."[570] In turn, section 252(d)(2)(A) specifies the conditions necessary for a state commission to find that the terms and conditions for reciprocal compensation are just and reasonable.[571] We conclude that Verizon provides reciprocal compensation as required by checklist item 13.

144. We reject the allegation of Xspedius that Verizon fails to meet checklist item 13 because it refuses to provide reciprocal compensation in Washington, D.C. and in Maryland consistent with the Act and the Commission's rules.[572] Xspedius contends that Verizon refuses to pay for transport and termination provided by Xspedius for both voice and Internet-bound traffic.[573] Xspedius argues that, regardless of the other remedies available to Xspedius or alleged

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567 *Id.*

568 *Id.*

569 47 C.F.R. § 52.21 defines the term "number portability" as "the ability of users of telecommunications services to retain, at the same location, existing telecommunications numbers without impairment of quality, reliability , or convenience when switching from one telecommunications carrier to another." 47 C.F.R. § 52.21. *See also BellSouth Multistate Order*, 17 FCC Rcd at 17680-82, paras. 161-162 (finding that BellSouth's did not need to eliminate a requirement for competitive LECs to remove the DSL USOC before converting UNE-platform customers).

570 47 U.S.C. § 271(c)(2)(B)(xiii).

571 47 U.S.C. § 252(d)(2)(A).

572 Xspedius Comments at 2-3.

573 *Id.* at 3. According to Xspedius, Verizon owes it over $1.5 million for local transport and reciprocal compensation. *Id.* at 2. Xspedius claims that, since June 1, 2002, Verizon has withheld from Xspedius all payments for transport and termination usage charges in Washington, D.C. and Maryland. *Id.* at 3. *See also* Letter from Michael B. Hazzard, Counsel, Xspedius Management Co., to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-384 at 1-4 (filed Jan. 23, 2003) (providing clarification concerning Xspedius' reciprocal compensation claims) (Xspedius Jan. 23 *Ex Parte* Letter).

past due balances, Verizon must pay Xspedius the reciprocal compensation due in order for the Commission to find compliance with checklist item 13.[574]

145. Verizon responds by stating that it is engaged in discussions with Xspedius regarding billing disputes in Washington, D.C. and Maryland, among other places.[575] In Washington D.C. and Maryland, Xspedius is the successor to interconnection agreements between e.spire and Verizon.[576] According to Verizon, the Washington, D.C. interconnection agreement provides that all local and ISP-bound traffic shall be exchanged on a bill-and-keep basis.[577] Verizon further contends that the Maryland interconnection agreement entitles Xspedius to reciprocal compensation for local traffic, but not Internet-bound traffic.[578] Verizon further notes that both Xspedius and e.spire have "significant past due balances with Verizon under their Maryland agreement" and argues that such amounts should be set off against amounts owed by Verizon.[579]

146. As an initial matter, we note that Xspedius did not participate in the Maryland or Washington, D.C. 271 proceedings, and that both the Maryland and the D.C. Commissions determined that Verizon met the requirements of checklist item 13.[580] To the extent that

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[574] Xspedius Jan. 23 *Ex Parte* Letter at 2. In addition, Xspedius claims that Verizon's refusal to compensate it for Internet-bound traffic is contrary to the public interest. *Id.* at 2-3. *See infra* Section VII.B (Public Interest) for discussions on these alleged public interest violations.

[575] *See* Letter from Ann D. Berkowitz, Project Manager - Federal Affairs, Verizon, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-384 at 1 (filed Jan. 22, 2003) (stating that Verizon would like to resolve these billing disputes through negotiations or litigation before the relevant state commission) (Verizon Jan. 22 *Ex Parte* Letter on pricing issues). *See also* Verizon Reply at 42 n.35; Verizon Lacouture/Ruesterholz Reply Decl., para. 217.

[576] Verizon Jan. 22 *Ex Parte* Letter on pricing issues at 2. *See also* Xspedius Comments at 2 (explaining that Xspedius acquired substantially all of the assets of e.spire Communications, Inc. in Maryland and Washington, D.C. in 2002).

[577] Verizon Jan. 22 *Ex Parte* Letter on pricing issues at 2. Xspedius acquired the assets of e.spire in Washington, D.C. and Maryland. Xspedius Comments at 3-4 n.7. Verizon and Xspedius reached a settlement regarding reciprocal compensation amounts owed prior to May 31, 2002. Xspedius Comments at 3-4 n.7.

[578] Verizon Jan. 22 *Ex Parte* Letter on pricing issues at 2. According to Verizon, paragraph 81 of the *ISP Remand Order* establishes a rule of bill-and-keep for Internet traffic for new entrants and markets in cases where the competitive LEC and the incumbent LEC did not exchange traffic pursuant to an interconnection agreement prior to the adoption on the *ISP Remand Order*. Verizon argues that, because Xspedius did not begin providing telecommunications services in Maryland until December 11, 2002 (after the adoption of the *ISP Remand Order*), the order requires Xspedius and Verizon to exchange Internet-bound traffic on a bill-and keep basis. *Id.* (citing *Implementation of the Local Competition Provisions in the Telecommunications Act of 1996 and Inter-Carrier Compensation for ISP-Bound Traffic*, CC Docket Nos. 96-98 and 99-68, Order on Remand and Report and Order, 16 FCC Rcd 9151 (2001) (*ISP Remand Order*)).

[579] *Id.*

[580] *See* DC Commission Comments at 56-58 (concluding that, despite a payment dispute with AT&T concerning compensation for Internet-bound traffic, Verizon has met the requirements of this checklist item pursuant to section (continued....)

Xspedius and Verizon are unable to resolve their differences in their ongoing negotiations, we find that Xspedius' allegations are best addressed in the first instance in a proceeding to enforce its interconnection agreements.[581] While we do not require parties to raise all pricing issues elsewhere before raising them in a section 271 proceeding, it is both impractical and inappropriate for us to make these sorts of fact-specific findings regarding compliance with interconnection agreements in a section 271 review when the issue was not previously raised in the appropriate forum.[582] Although we have an independent obligation to ensure compliance with the checklist, "section 271 does not compel us to preempt the orderly disposition of intercarrier disputes."[583] We have confidence that the allegations of Xspedius will be resolved in a more appropriate forum consistent with our rules.

147. We also reject, for a separate reason, Xspedius' claim that Verizon must fail checklist item 13 because it refuses to pay reciprocal compensation for Internet-bound traffic. The Commission previously determined that whether a BOC pays reciprocal compensation for Internet-bound traffic "is not relevant to compliance with checklist item 13"[584] because Internet-bound traffic is not subject to the reciprocal compensation provisions of sections 251(b)(5) and 252(d)(2).[585] Although currently subject to remand, our rules regarding the scope of section

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271(c)(2)(B)(xiii)); Maryland Commission Comments, Ex. A at 3 (finding that, subject to certain conditions, Verizon is in compliance with the section 271 checklist).

[581] Xspedius indicates that it is engaged in ongoing efforts to settle its dispute with Verizon and states its intent to continue settlement discussions. Xspedius Comments at 2 n.3.

[582] *In the Matter of Application by SBC Communications Inc., Pacific Bell Telephone Company, and Southwestern Bell Communications Services Inc. for Authorization to Provide In-Region, InterLATA Services in California*, WC Docket No. 02-306, Memorandum Opinion and Order, FCC No. 02-330, para. 143 (rel. Dec. 19, 2002) (*Pacific Bell California Order*); *In the Matter of Application by Verizon New England Inc., Bell Atlantic Communications, Inc. (d/b/a Verizon Long Distance), NYNEX Long Distance Company (d/b/a Verizon Enterprise Solutions), Verizon Global Networks Inc., and Verizon Select Services Inc. for Authorization to Provide In-Region, InterLATA Services in Vermont*, CC Docket No. 02-7, Memorandum Opinion and Order, 17 FCC Rcd 7625, 7636, para. 20 (2002) (*Verizon Vermont Order*). *See also Verizon New Jersey Order*, 17 FCC Rcd at 12354, para. 159 (declining to resolve a billing dispute under an interconnection agreement in a section 271 proceeding); *BellSouth Florida/Tennessee Order*, 17 FCC Rcd at 25736, para. 155 (rejecting a claim by KMC that BellSouth is obligated to pay reciprocal compensation for properly disputed charges).

[583] *Verizon New Jersey Order*, 17 FCC Rcd at 12354, para. 159 (quoting *Verizon Pennsylvania Order*, 16 FCC Rcd at 17484, para. 118); *SWBT Arkansas/Missouri Order*, 16 FCC Rcd at 20776, para. 115.

[584] *Verizon Connecticut Order*, 16 FCC Rcd at 14177, para. 67. *Accord Verizon Pennsylvania Order*, 16 FCC Rcd at 17484, para. 119; *Verizon Massachusetts Order*, 16 FCC Rcd at 9108-09, para. 215.

[585] *Implementation of the Local Competition Provisions in the Telecommunications Act of 1996: Inter-Carrier Compensation for ISP-Bound Traffic*, Declaratory Ruling in CC Docket No. 96-98 and Notice of Proposed Rulemaking in CC Docket No. 96-98, 14 FCC Rcd 3689 at 3706, para. 26 n.87 (1999) (*Reciprocal Compensation Declaratory Ruling*), *rev'd and remanded sub nom. Bell Atlantic Tel. Cos. v. FCC*, 206 F.3d 1 (D.C. Cir. 2000), *decision on remand, ISP Remand Order*, 16 FCC Rcd 9151, 9167, 9171-72, paras. 35, 44 (2001), *rev'd and remanded sub nom. WorldCom v. FCC*, 288 F.3d 429 (D.C. Cir. 2002).

251(b)(5) remain in effect. Accordingly, we reject Xspedius' claim of checklist noncompliance based on Verizon's refusal to pay reciprocal compensation for Internet-bound traffic.[586]

148. FiberNet argues that Verizon's refusal to pay reciprocal compensation for Internet-bound traffic in West Virginia violates checklist item 13.[587] Specifically, FiberNet contends that Verizon has refused to compensate FiberNet for minutes exceeding the 3:1 ratio established by the Commission in the *ISP Remand Order* and has refused to negotiate any alternative mechanism regarding compensation for these minutes.[588] Verizon maintains that Internet-bound traffic is not subject to section 251(b)(5), which means that reciprocal compensation for such traffic is not an issue under the checklist.[589] The West Virginia Commission considered this issue and concluded that Verizon satisfies checklist item 13.[590] Based on the record before us, we agree. As discussed above, whether a carrier pays reciprocal compensation for Internet-bound traffic is irrelevant to checklist item 13. Moreover, the West Virginia Commission stated that parties to such disputes are free to "raise those disputes with the [West Virginia] Commission in an appropriate proceeding."[591] FiberNet filed a petition with the West Virginia Commission raising this issue, and the matter is now pending before the state commission.[592] There is no evidence on the record before us that warrants our interfering with a pending state proceeding addressing this dispute.

149. Starpower alleges that Verizon is in violation of checklist item 13 because Verizon's Model Interconnection Agreements for Maryland, Washington, D.C., and West Virginia contain provisions excluding payment of reciprocal compensation for virtual foreign exchange (FX) traffic.[593] Virtual FX service allows callers from a distant incumbent LEC rate

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586 *See In the Matter of Joint Application by BellSouth Corp., BellSouth Telecommunications, Inc., and BellSouth Long Distance, Inc. for Provision of In-Region, InterLATA Services in Georgia and Louisiana*, CC Docket No. 02-35, Memorandum Opinion and Order, 17 FCC Rcd 9018, 9173, para. 272 (2002) (*BellSouth Georgia/Louisiana Order*); *Verizon New Jersey Order*, 17 FCC Rcd at 12354, para. 160.

587 *See* FiberNet Comments at 61-63. FiberNet argues that, "until Verizon-WV is made to comply with the applicable orders issued by both the Commission and the Public Service Commission of West Virginia, it cannot be deemed to be in compliance with Checklist Item 13." *Id.* at 63.

588 *Id.* at 62.

589 Verizon Reply at 41; Verizon Lacouture/Ruesterholz Reply Decl., para. 218. Verizon adds that FiberNet has never attempted to rebut the presumption that traffic exceeding the 3:1 ratio was Internet-bound traffic. Verizon Lacouture/Ruesterholz Reply Decl., para. 218.

590 *See* West Virginia Comments at 101-03. Citing our prior section 271 orders, the West Virginia Commission concluded that disputes regarding reciprocal compensation for Internet-bound traffic are irrelevant to checklist item 13. West Virginia Commission Comments at 103.

591 *Id.* at 103.

592 Verizon Lacouture/Ruesterholz Reply Decl., para. 218.

593 Starpower/US LEC Comments at 26

center to reach a virtual FX subscriber without incurring toll charges.[594] To accomplish this, competitive LECs simply assign their virtual FX customers an NPA-NXX associated with the rate center designated by the subscriber and rely on their switches' broad coverage to complete calls between incumbent LEC rate centers.[595] Starpower notes that the *Virginia Arbitration Order* concluded that Verizon had proposed "no viable alternative to the current toll rating system, under which carriers rate calls by comparing the originating and terminating NPA-NXX codes."[596] Starpower asserts that under the current toll rating system, Verizon is obligated to pay reciprocal compensation for virtual FX calls.[597] Starpower argues that Verizon still has no viable alternative to the current toll rating system, and it consequently has no basis to exclude virtual FX calls from eligibility for reciprocal compensation.[598]

150. Verizon responds that virtual FX traffic is non-local access traffic for which Verizon has no obligation to pay reciprocal compensation under sections 251(b)(5) and 252(d)(2) of the Act.[599] Verizon argues that because it has no obligation to pay reciprocal compensation for this traffic, Starpower's argument that Verizon does not pay reciprocal compensation for virtual FX traffic is not relevant under checklist item 13.[600]

151. The Commission has not had occasion to determine whether incumbent LECs have a duty to pay reciprocal compensation for virtual FX traffic under section 252(d)(2), and we find no clear Commission precedent or rules declaring such a duty.[601] As we have found in

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[594] *See* Letter from Ann D. Berkowitz, Project Manager - Federal Affairs, Verizon, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-384 at 1 (filed Jan. 29, 2003) (Verizon Jan. 29 *Ex Parte* Letter on virtual FX traffic).

[595] Traditional FX service, by comparison, occurs when the ILEC connects the subscribing customer, via a dedicated private line for which the subscriber pays, to the end office switch in the distant rate center from which the subscriber wishes callers to be able to reach him without incurring the toll charges.

[596] Starpower/US LEC Comments at 26 (quoting *Virginia Arbitration Order*, para. 301).

[597] *See id.*

[598] *See id.*

[599] Verizon argues that these calls traverse two rate centers and therefore implicate the CLEC's obligation to pay access charges. *See* Verizon Jan. 29 *Ex Parte* Letter on virtual FX traffic at 1-2.

[600] Verizon argues that virtual FX traffic, like ISP-bound traffic, is not subject to section 251(b)(5) and therefore, as with ISP-bound traffic, a BOC's payment of reciprocal compensation is not relevant to compliance with checklist item 13. *See id.* at 2.

[601] In the *Virginia Arbitration Order*, in choosing between the two sides' proposals, the Bureau adopted contract language one consequence of which was to subject virtual FX calls to reciprocal compensation. The Bureau did not, however, address the legal question of whether incumbent LECs have an obligation under section 252(d)(2) to provide reciprocal compensation for virtual FX traffic. *See Virginia Arbitration Order*, paras. 286-288. We note that the issue of compensation for virtual FX traffic has been raised and may ultimately be resolved in our intercarrier compensation proceeding. *See Intercarrier Compensation Regime NPRM*, 16 FCC Rcd at 9652, para. 115.

previous proceedings, given the applicable time constraints, the section 271 process simply could not function if we were required to resolve every interpretive dispute between a BOC and each competitive LEC about the precise content of the BOC's obligations to its competitors.[602] Starpower does not allege that Verizon has refused to compensate it or any other interconnecting carrier for virtual FX traffic in the subject states, nor does Starpower allege that Verizon has refused to negotiate such an arrangement.[603] To the extent Starpower has such a claim, a complaint before the state commission, or this Commission pursuant to section 208, is the more appropriate means for raising such allegations.[604] We decline to resolve Starpower's claim in the context of this proceeding.

152. We therefore reject the claims of Xspedius, FiberNet, and Starpower concerning Verizon's failure to pay reciprocal compensation and conclude that, with regard to these claims, Verizon has met its obligations under checklist item 13.

G. Checklist Item 14 – Resale

153. Section 271(c)(2)(B)(xiv) of the Act requires that a BOC make "telecommunications services . . . available for resale in accordance with the requirements of section 251(c)(4) and section 252(d)(3)."[605] Based on the record in this proceeding, we conclude as did the state commissions,[606] that Verizon satisfies the requirements of this checklist item.[607] Verizon has demonstrated that it has satisfied its legal obligation to make retail telecommunications services available for resale to competitive LECs at wholesale rates. No commenters question Verizon's showing of compliance with the requirements of this checklist item except in the areas of directory assistance in Maryland and call blocking services, which we discuss below.

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602 *See Verizon Pennsylvania Order*, 16 FCC Rcd at 17475, para. 101; *SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6355, para. 230.

603 We note that parties to an interconnection agreement have been and remain free to negotiate compensation arrangements for virtual FX traffic pursuant to sections 251 and 252.

604 *See e.g., BellSouth Multistate Order*, 17 FCC Rcd at 17717, para. 218. *See also Starpower Communications, Inc. v. Verizon-South, Inc.*, File No. EB-00-MD-019 (filed June 7, 2002).

605 47 U.S.C. § 271(c)(2)(B)(xiv). *See* Appendix F, para. 67.

606 Maryland Commission Comments, Ex. A at 3; D.C. Commission Comments at 59; West Virginia Commission Comments at 103.

607 Verizon has a concrete and specific legal obligation in its interconnection agreements and tariffs to make its retail services available for resale to competing carriers at wholesale rates. *See* Verizon Lacouture/Ruesterholz Maryland Decl., para.341; Verizon Lacouture/Ruesterholz D.C. Decl., para. 330; Verizon Lacouture/Ruesterholz West Virginia Decl., para. 330.

1. Resale of Directory Assistance

154. NALA/PCA contends that Verizon fails to make all retail services available for resale in accordance with the Act.[608] Specifically, NALA/PCA argues that Verizon does not make its retail directory assistance service available for resale because the directory assistance service offered to resellers by Verizon does not include a free monthly call allowance.[609] Verizon's retail tariff in Maryland provides residential customers with six free directory assistance calls per month, whereas Verizon's wholesale directory assistance tariff in Maryland contains no call allowance. Thus, resellers purchasing directory assistance from Verizon in Maryland get no free directory assistance calls per residential line.[610] NALA/PCA argues that Verizon's refusal to provide the same call allowance in Maryland "places resellers at a significant and potentially devastating competitive disadvantage."[611]

155. Verizon maintains that the Maryland Commission simply adopted a different rate structure for wholesale rates in Maryland.[612] According to Verizon, in all states in the former Bell Atlantic service area other than Maryland, state commissions have established different wholesale discounts – one discount for resellers that use Verizon's directory assistance and operator services and a greater discount for resellers that provide their own directory assistance and operator services because Verizon will avoid the costs associated with these services if the reseller provides them.[613] In cases where it provides directory assistance and operator services, Verizon will incur more costs, thereby supporting a smaller discount.[614] Unlike other state commissions, the Maryland Commission declined to adopt a dual discount approach, as proposed by its staff. Maryland Commission staff had proposed a 16.63 percent discount for resellers not providing their own directory assistance services and a 19.87 percent discount for

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608 NALA/PCA Comments at 8-10. *See also* NALA/PCA Feb. 12 *Ex Parte* Letter at 1-2. Additionally, NALA/PCA alleges that Verizon does not resell national DA, although Verizon provides national DA to retail customers. NALA/PCA Comments at 8-9. However, the record shows that Verizon allows its national DA service to be resold by resellers at a wholesale discount. *See* Letter from Ann D. Berkowitz, Project Manager - Federal Affairs, Verizon, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC 02-384 at 1 (filed Feb. 11, 2003) (Verizon Feb. 11 *Ex Parte* Letter on DA).

609 NALA/PCA Feb. 12 *Ex Parte* Letter at 4-6.

610 NALA/PCA Comments at 9.

611 *Id.* NALA/PCA states that, in other section 271-approved states, such as Delaware, New Jersey, and Pennsylvania, Verizon offers resellers the same monthly directory assistance call allowance that Verizon provides to its retail customers. *Id.*

612 *See* Verizon Reply at 44-46; Verizon Roberts/Johns/Given/Garzillo/Prosini/Sanford Reply Decl., paras. 22-28. *See also* Verizon Feb. 4 *Ex Parte* Letter on DA at 1-4.

613 Verizon Feb. 4 *Ex Parte* Letter on DA at 1-2. *See also* Verizon Roberts/Johns/Given/Garzillo/Prosini/Sanford Reply Decl., para. 23.

614 Verizon Roberts/Johns/Given/Garzillo/Prosini/Sanford Reply Decl., para. 23; Verizon Feb. 4 *Ex Parte* Letter on DA at 1-2.

resellers who provide such services.[615] Instead, the Maryland Commission adopted a single discount of 19.87 percent that applied to all resellers, regardless of whether they purchased directory assistance and operator services from Verizon or provided it themselves.[616] The Maryland Commission then directed Verizon to establish a separate tariff charge for directory assistance and operator services, subject to acceptance by the Maryland Commission.[617]

156. On September 2, 1997, Verizon filed proposed regulations, rates, and charges for resold directory assistance and operator services.[618] After considering the matter at an administrative meeting, the Maryland Commission approved Verizon's tariff and declined to require a free call allowance for resellers.[619] Verizon contends that the Maryland Commission's decision to adopt a single wholesale discount and to deny a free call allowance for resellers is consistent with section 251(c)(4) and section 252(d)(3).[620] According to Verizon, the Maryland rate structure gives resellers a single discount that is larger than the costs that will actually be avoided where Verizon provides directory assistance.[621] Verizon argues that the Maryland Commission permitted it to establish a separate charge for each directory assistance call.[622] Verizon states that the discount for lines that include Verizon's directory assistance is greater than the discount to which resellers would be entitled under the dual discount approach similar to that adopted in other states.[623] Thus, Verizon reasons that resellers do not pay more for resold

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615 *Maryland PSC Interim Rate Order* at 28. *See also* Verizon Roberts/Johns/Given/Garzillo/Prosini/Sanford Reply Decl., para. 24; Verizon Feb. 4 *Ex Parte* Letter on DA at 2.

616 *Maryland PSC Interim Rate Order* at 28.

617 *Id.* at 28-29.

618 Verizon Roberts/Johns/Given/Garzillo/Prosini/Sanford Reply Decl., Attach. 1 (attaching Letter from Daniel P. Gahagan, Executive Secretary, State of Maryland Public Service Commission, to David K. Hall, Vice President and General Counsel, Bell Atlantic–Maryland, ML # 58356, TE-2341 at 1 (dated Oct. 24, 1997)).

619 *See id.* The Maryland Commission also rejected a request to apply a discount to residential directory assistance and operator services because the rates for those services were below-cost. *Id.* The Maryland Commission reasoned that because "there is no information on the record regarding the breakdown of the underlying costs, the Commission submits that avoided costs either do not exist or are indeterminable and should, therefore, be set at zero." *Id.* at 2.

620 Verizon Feb. 4 *Ex Parte* Letter on DA at 2.

621 *Id.*

622 Verizon Roberts/Johns/Given/Garzillo/Prosini/Sanford Reply Decl., para. 25; Verizon Feb. 4 *Ex Parte* Letter on DA at 2.

623 Verizon Reply at 44; Verizon Roberts/Johns/Given/Garzillo/Prosini/Sanford Reply Decl., para. 25; Verizon Feb. 4 *Ex Parte* Letter on DA at 1-2. Verizon states that the per-call charges approved by the Maryland Commission were established in recognition of this. Verizon Reply at 44. Verizon explains that, instead of adopting a smaller discount with some directory assistance call allowance, the Maryland Commission chose to give resellers a larger discount with no free calls. *Id.* at 44-45. NALA/PCA disputes this characterization and notes that the Maryland Commission addressed the 19.87 percent wholesale discount and the directory assistance call allowance issue in separate proceedings ten months apart. *See* NALA/PCA Feb. 12 *Ex Parte* Letter at 2-4. Because (continued....)

directory assistance in Maryland than in other Verizon states.[624] Indeed, Verizon attempts to demonstrate that resellers purchasing Verizon's residential directory assistance are better off receiving the 19.87 percent discount with no free residential directory assistance calls than they would have been had the Maryland Commission adopted the dual discount approach with a free call allowance.[625] Verizon claims that the Maryland Commission's decision to provide the wholesale discount for directory assistance calls in the form of a larger wholesale discount that applies to all resellers is a rate structure issue, which is within the state commission's discretion.[626]

157. Based on the record, we conclude that the approach taken by the Maryland Commission does not disadvantage resellers, as NALA/PCA suggests. The Maryland Commission set avoided costs associated with directory assistance services at zero.[627] In Maryland, unlike other Verizon states, the Maryland Commission declined to adopt a smaller discount for resellers that purchase directory assistance from Verizon and adopted a larger discount of 19.87 percent for all resellers. Although the Maryland Commission's approach is unique among the 271 applications we have considered, we find that it does not amount to clear error. Instead of receiving a call allowance, resellers purchasing directory assistance from Verizon in Maryland get the benefit of a larger discount amount that would ordinarily be available only to resellers providing their own directory assistance services. The rate analysis provided by Verizon demonstrates that, assuming the average number of two local directory assistance calls per month,[628] resellers are slightly better off than they would have been had the

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our conclusion does not rely on the Maryland Commission's rationale for adopting the larger discount, we need not resolve this factual dispute here.

[624] Verizon Reply at 45.

[625] *See* Verizon Feb. 4 *Ex Parte* Letter on DA at 3-4 (providing a confidential analysis in support of its contention that resellers fare better under the current rate structure based on the average number of directory assistance calls per month). *See also* Verizon Roberts/Johns/Given/Garzillo/Prosini/Sanford Reply Decl., paras. 27-28 and Attach. 3 (*citing confidential version*).

[626] Verizon Feb. 4 *Ex Parte* Letter on DA at 2-3. *See also* Verizon Reply at 45-46 (noting that section 251(c)(4) does not require than an incumbent LEC offer services at wholesale using the same rate structure that it uses for retail customers).

[627] *See* Verizon Roberts/Johns/Given/Garzillo/Prosini/Sanford Reply Decl., Attach. 1 (attaching Letter from Daniel P. Gahagan, Executive Secretary, State of Maryland Public Service Commission, to David K. Hall, Vice President and General Counsel, Bell Atlantic–Maryland, ML # 58356, TE-2341 at 2 (dated Oct. 24, 1997)).

[628] *See* Verizon Feb. 4 *Ex Parte* Letter on DA at 3 (stating that retail and resale residential customers in Maryland make, on average, two directory assistance calls per month). *See also* Verizon Feb. 11 *Ex Parte* Letter on DA at 1-2 (providing the source data for Verizon's claim that residential retail customers used, on average, approximately two directory assistance calls per month) (*citing confidential version*). NALA/PCA questions Verizon's data because "the database from which the data was obtained records only *billed* calls, not free calls" and because the data does not segregate calls made by Verizon retail customers from those made by customers of NALA/PCA members. NALA/PCA Feb. 12 *Ex Parte* Letter at n.4. Verizon responds that its data includes *all* directory assistance calls, including both billed and free directory assistance calls. *See* Letter from Ann D. Berkowitz, Project Manager - Federal Affairs, Verizon, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC (continued....)

Maryland Commission adopted the lower discount amount of 16.63 percent along with a free call allowance.[629] Thus, although resellers do not get the free call allowance provided to retail customers, they receive an analogous benefit in the form of a larger discount off other retail services. Because the Maryland Commission's unique rate structure does not, as a practical matter, result in greater costs to the reseller, we do not agree with NALA/PCA that Verizon's refusal to provide a free call allowance in Maryland places resellers at any significant competitive disadvantage. Although we find no competitive disadvantage based on the record here, we note that this rate structure was set in 1997.[630] We encourage the Maryland Commission to refresh the record on the resale of directory assistance services taking into account the approach taken in other Verizon states.

2. Call Blocking Services

158. We disagree with commenters' allegations that Verizon unreasonably requires resellers to either purchase call blocking services or be liable for casual, third-party, and collect call charges incurred by their end users.[631] The Commission has previously found that Verizon's

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Docket No. 02-384 at 2 (filed Feb. 21, 2003)(Verizon Feb. 21 *Ex Parte* Letter on DA). Verizon further argues that the segregation of calls requested by NALA/PCA would be inappropriate because the combined resale and retail directory assistance call volume is the relevant set of calls for the average customer and is consistent with Commission precedent. *Id.* at 2. We agree with Verizon that it is appropriate to look at the combination of retail and resale customers to determine the average customer's calling patterns. *See id.* (discussing the use of combined resale and retail data when determining Dial Equipment Minutes (DEM) to be used in the context of the Commission's benchmark analysis).

[629] *See* Verizon Roberts/Johns/Given/Garzillo/Prosini/Sanford Reply Decl., paras. 27-28 and Attach. 3 (*citing confidential version*); Verizon Feb. 4 *Ex Parte* Letter on DA at 3-4 (*citing confidential version*). As Verizon correctly observes, applying the larger discount of 19.87 percent with a free call allowance would result in a windfall for resellers seeking to resell Verizon's directory assistance because Verizon would not be avoiding the costs associated with providing directory assistance service. Verizon Roberts/Johns/Given/Garzillo/Prosini/Sanford Reply Decl., para. 26.

[630] *See* Verizon Roberts/Johns/Given/Garzillo/Prosini/Sanford Reply Decl. at Attach. 1 (attaching Letter from Daniel P. Gahagan, Executive Secretary, State of Maryland Public Service Commission, to David K. Hall, Vice President and General Counsel, Bell Atlantic – Maryland, ML # 58356, TE-2341 at 1-2 (dated Oct. 24, 1997)). NALA/PCA also argues, as part of an *ex parte*, that Verizon's resale directory assistance tariff conflicts will federal law because it charges resellers a non-discounted rate for residential directory assistance service. NALA/PCA Feb. 12 *Ex Parte* Letter at 3. In a letter ruling dated October 24, 1997, the Maryland Commission rejected requests to include a free call allowance and discounts based on its conclusion that Verizon offered residential directory assistance at a rate below its cost. *Id.* We note that the *Local Competition First Report and Order* explicitly states that below-cost services are subject to the wholesale rate obligation under section 251(c)(4). *See Local Competition First Report and Order*, 16 FCC Rcd at 15973, para. 956. Because the Maryland Commission found that avoided costs should be "set at zero," *id.*, we can find no clear error in its decision not to apply any discount to residential directory assistance services. Nevertheless, we encourage the Maryland Commission to develop a more complete record on this issue in order to ensure that its conclusion is consistent with our rules and section 251(c)(4) of the Act.

[631] NALA/PCA Comments at 5. Commenters claim that such a policy impermissibly shifts risks and costs to the reseller from Verizon. *Id.* In addition, because Verizon's services will not block certain types of calls, including calls from interexchange carriers that have not opted to participate in Verizon's screening process, commenters (continued....)

policies are consistent with the requirements of this checklist item and commenters are merely renewing the same arguments that the Commission previously rejected in the *Verizon New Jersey Order*.[632]

H. Remaining Checklist Items (3, 5, 6, and 9)

159. In addition to showing that it is in compliance with the requirements discussed above, an applicant under section 271 must demonstrate that it complies with checklist item 3 (access to poles, ducts, and conduits),[633] item 5 (unbundled transport),[634] item 6 (local switching unbundled from transport),[635] and item 9 (numbering administration).[636] Based on the evidence in the record, we conclude, as did the state commissions,[637] that Verizon demonstrates that it is in compliance with the requirements of these checklist items.[638] We note that no party objects to Verizon's compliance with these checklist items.[639]

VI. SECTION 272 COMPLIANCE

160. Section 271(d)(3)(B) provides that the Commission shall not approve a BOC's application to provide interLATA services unless the BOC demonstrates that the "requested authorization will be carried out in accordance with the requirements of section 272."[640] Verizon provides evidence that it maintains the same structural separation and nondiscrimination safeguards in the application states as it does in Virginia, New Jersey, Connecticut, Maine, Pennsylvania, Rhode Island, Vermont, New York, Connecticut, and Massachusetts – where

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contend that Verizon effectively requires resellers to pay for both ineffective call blocking services and for all calls that are not blocked. *Id.* at 6.

632 Verizon McLean/Webster Reply Decl., para. 37-40. *See Verizon New Jersey Order*, 17 FCC Rcd at 12355, para. 162-163.

633 47 U.S.C. § 271(c)(2)(B)(iii).

634 *Id.* § 271(c)(2)(B)(v).

635 *Id.* § 271(c)(2)(B)(vi).

636 *Id.* § 271(c)(2)(B)(ix).

637 Maryland Commission Comments, Ex. A at 3; D.C. Commission Comments at 28, 42-46, 52; West Virginia Commission Comments at 63, 78-80, 93-94.

638 *See* Verizon Application at 64-65 (item 3), 41-43 (item 5), 40-41 (item 6), and 73-74 (item 9).

639 Arguments raised by Core regarding checklist item 5 are discussed in checklist item 4 (Section V.A), *supra*.

640 47 U.S.C. § 271(d)(3)(B).

Verizon has already received section 271 authority.[641] Based on the record before us, we conclude that Verizon has demonstrated that it will comply with the requirements of section 272.

161. The only party to raise a concern that touches on Verizon's compliance with section 271(d)(3)(B) is the Maryland Office of the People's Counsel (MD-OPC), that claims that even if Verizon is complying with section 272, section 272 is insufficient to forestall the potential for discriminatory and anticompetitive conduct.[642] The MD-OPC suggests that the recent 272 audit in New York indicates that joint marketing, joint account management and combined billing between Verizon's local and long distance services confirm improper activities that might occur in Maryland after Verizon receives its section 271 approval.[643] To the extent that the MD-OPC believes that the protections of section 272 as implemented by this Commission are insufficient, this is beyond the scope of this proceeding. Further, although the MD-OPC argues that the New York audit demonstrates a violation, there is no adjudicated finding of wrongdoing before us in the record. Moreover, although we do not rely on it, we note that the Maryland Commission has committed to "carefully review the biennial audit that Verizon is required to" undertake and that the Maryland Commission will "participate fully in the biennial audit proceedings conducted by the FCC, and institute its own proceeding, if necessary."[644]

VII. PUBLIC INTEREST ANALYSIS

162. Apart from determining whether a BOC satisfies the competitive checklist and will comply with section 272, Congress directed the Commission to assess whether the requested authorization would be consistent with the public interest, convenience, and necessity.[645] At the same time, section 271(d)(4) of the Act states that "[t]he Commission may not, by rule or otherwise, limit or extend the terms used in the competitive checklist set forth in subsection (c)(2)(B)."[646] Accordingly, although the Commission must make a separate determination that approval of a section 271 application is "consistent with the public interest, convenience, and necessity," it may neither limit nor extend the terms of the competitive checklist of section 271(c)(2)(B). Thus, the Commission views the public interest requirement

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641 *See* Verizon Application at 96-97, Application App. A, Vol. 5, Tab I, Declaration of Susan C. Browning. *See also Verizon Pennsylvania Order*, 16 FCC Rcd at 17486, para. 124; *Verizon Connecticut Order*, 16 FCC Rcd at 14178-79, para. 73; *Verizon Massachusetts Order*, 16 FCC Rcd at 9114-17, paras. 226-31; *Bell Atlantic New York Order*, 15 FCC Rcd at 4152-61, paras. 401-21; *Verizon New Jersey Order*, 17 FCC Rcd at 12357, para. 165; *Verizon Virginia Order* 17 FCC Rcd at 21987, para. 194.

642 MD-OPC at 9-10. In addition, the MD-OPC requests the Commission to establish four additional rules for Verizon in dealing with its separate affiliate. *Id.* at 10-12.

643 *Id.* at 9 & App. 1 at 23-24.

644 Maryland Commission Comments, Ex. A at 10.

645 47 U.S.C. § 271(d)(3)(C).

646 *Id.* at § 271(d)(4).

as an opportunity to review the circumstances presented by the application to ensure that no other relevant factors exist that would frustrate the congressional intent that markets be open, as required by the competitive checklist, and that entry will serve the public interest as Congress expected.

163. We conclude, as did the state commissions, that approval of this application is consistent with the public interest.[647] From our extensive review of the competitive checklist, which embodies the critical elements of market entry under the Act, we find that barriers to competitive entry in the local exchange markets in the application states have been removed, and that the local exchange markets in these states are open to competition. We further find that the record confirms our view that, as noted in previous section 271 orders, BOC entry into the long distance market will benefit consumers and competition if the relevant local exchange market is open to competition consistent with the competitive checklist.[648]

164. We disagree with commenters that low levels of competition in the application states indicate that it would be inconsistent with the public interest to grant this application.[649] We similarly disagree with commenters asserting that under our public interest standard, we must consider a variety of other factors such as the economy and financing difficulties of competitive LECs.[650] Further, we reject arguments by commenters that Verizon exercises control over local markets and therefore should not receive section 271 approval.[651] Given an affirmative showing that the competitive checklist has been satisfied, low customer volumes do not necessarily undermine that showing. We note that Congress specifically declined to adopt a market share or other, similar test for BOC entry into long distance.[652] As the Commission has

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[647] *See* Maryland Commission Comments, Ex. A at 3; D.C. Commission Comments at 16; West Virginia Commission Comments at 105.

[648] *See SWBT Texas Order*, 15 FCC Rcd at 18558-59, para. 419.

[649] AT&T Comments at 62-69; Core Comments at 25; FiberNet Comments at 66-70 (stating that low levels of competition indicate that Verizon still has access to bottleneck facilities in West Virginia); MD-OPC Comments at 4; Sprint Comments at 4-12.

[650] FiberNet Comments at 67 (stating that Verizon's entry into the long distance market will have a detrimental effect on competitors' ability and willingness to enter the local exchange market in West Virginia); Sprint Comments at 4-12; Starpower Comments at 33-34 (stating that by not considering factors outside the BOC's control, we are abandoning the public interest standard).

[651] AT&T Comments at 65-69; FiberNet Comments at 69-70 (stating that Verizon still controls bottleneck assets in West Virginia, as evidenced by low competitive market share there); MD-OPC Comments at 4 (stating that "if Verizon is allowed to offer in-region interLATA service while still maintaining what is effectively a monopoly in the local market (and especially in the residential market) such authorization is clearly not consistent with the public interest ..."); Starpower/US LEC Comments at 35 (stating that "Verizon's discriminatory and anticompetitive conduct in the [checklist] areas addressed in these Comments will only serve to preclude the development of viable competition"); FiberNet Reply at 34-35 (stating that Verizon is requiring West Virginia's state government agencies to honor telephone service contracts written before the passage of the Act).

[652] *See, e.g., Ameritech Michigan Order*, 12 FCC Rcd at 20585, para. 77; *Sprint v. FCC*, 274 F. 3d at 553-54.

said in previous section 271 orders, factors beyond the control of the BOC, such as competitive LEC entry strategies, a weak economy, or the business plans of individual competing LECs or other BOCs, can explain the lack of entry into a particular market.[653]

A. Assurance of Future Performance

165. As set forth below, we find that the Performance Assurance Plans (PAPs) in the application states provide further assurance that the local markets in these states will remain open after Verizon receives section 271 authorization.[654] Although it is not a requirement for section 271 approval that a BOC be subject to such post-entry performance assurance mechanisms, the Commission has previously stated that the existence of a satisfactory performance monitoring and enforcement mechanism would be probative evidence that the BOC will continue to meet its section 271 obligations.[655] We have examined certain key aspects of the PAPs in the application states, and we find that the plans are likely to provide incentives that are sufficient to foster post-entry checklist compliance. As in prior section 271 orders, our conclusions are based on a review of several key elements in any performance remedy plan: total liability at risk in the plan; performance measurement and standards definitions; structure of the plan; self-executing nature of remedies of the plan; data validation and audit procedures in the plan; and accounting requirements.[656] The three PAPs all expose Verizon to the same level of liability as in the Virginia PAP.[657] The three commissions adopted self-executing PAPs, modeled on the PAPs adopted in New York and Virginia.[658] The Maryland Commission uses the same

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653 *See, e.g., Verizon Pennsylvania Order*, 16 FCC Rcd at 17487, para. 126.

654 *Ameritech Michigan Order*, 12 FCC Rcd at 20748-50, paras. 393-98. In all of the previous applications that the Commission has granted to date, the applicant was subject to an enforcement plan administered by the relevant state commission to protect against backsliding after BOC entry into the long distance market. *See* Verizon App. J – Maryland, Vol. 2, Tab 6, Verizon Maryland's Compliance Filing of Maryland Carrier-to-Carrier Guidelines and Performance Assurance Plan (*Maryland PAP*); Verizon Application – App. G – D.C., Vol. 3, Tab 7, DC PSC's Order No. 12451 Adopting Attached Performance Assurance Plan (*D.C. PAP*); Verizon Application – App. B – West Virginia, Vol. 2, Part b, Tab 2, Verizon West Virginia's Supplemental Phase B Compliance Filing (Including Declarations, Attachments, and Verizon WV's Proposed Performance Assurance Plan) (*West Virginia PAP*).

655 *See Verizon New Jersey Order*, 17 FCC Rcd at 12362, para. 176; *Ameritech Michigan Order*, 12 FCC Rcd at 20748-50, paras. 393-98.

656 *See, e.g., Verizon Massachusetts Order*, 16 FCC Rcd at 9121-24, paras. 240-47; *SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6377-81, paras. 273-78.

657 Verizon Application, App. A, Vol. 3, Tab E, Joint Decl. Of Elaine M. Guerard, Julie A. Canny, and Marilyn C. DeVito, para. 27 (Verizon Guerard/Canny/DeVito Decl.).

658 Verizon Application at 104. After this application was filed, the New York PAP was modified by the New York Public Service Commission (New York Commission). In February 2003, Verizon will file performance assurance plans with Maryland, D.C., and West Virginia Commissions that have been revised to incorporate the changes adopted by the New York Commission. Letter from Ann D. Berkowitz, Project Manager - Federal Affairs, Verizon, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-384 at 1-2 (filed Jan. 30, 2003) (Verizon Jan. 30 *Ex Parte* letter).

general standards and measures set forth in the Virginia Carrier-to-Carrier Guidelines.[659] The D.C. Commission and the West Virginia Commission use the same general standards and measures set forth in the New York Carrier-to-Carrier Guidelines.[660]

166. While the New York and Virginia PAPs form the bases for the PAPs in the application states, the PAPs in the application states differ from the New York and Virginia PAPs to reflect the specific concerns of each commission. The PAPs differ only by the dollar amount at risk (although the percentage of net return at risk is the same for each state), the effective date, and the reporting date.[661] We find generally that the three PAPs satisfy our analyses in each of the above respects. No parties commented on any differences in the PAPs.

167. We disagree with AT&T's assertion that Verizon must agree not to challenge the authority of the three state commissions to make changes to the respective PAPs.[662] We conclude that the state commissions have demonstrated sufficient authority to implement, enforce, and change the plans in the application states, assuring that local markets will remain open after Verizon receives section 271 authorization.[663] Additionally, the performance remedy plan is not the only means of ensuring that Verizon continues to provide nondiscriminatory service to competing carriers. In addition to the monetary payments at stake under this plan, Verizon faces other consequences if it fails to sustain an acceptable level of service to competing carriers, including enforcement provisions in interconnection agreements, federal enforcement action pursuant to section 271(d)(6), and remedies associated with antitrust and other legal actions.[664]

B. Other Issues

168. Commenters raise several other concerns which they contend support a finding that a grant of this application is not in the public interest.[665] Based on the record before us, we

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[659] Verizon Guerard/Canny/DeVito Decl., para. 13. Additionally, on August 30, 2002, the Maryland Commission issued an order to automatically adopt any changes made to the New York Guidelines in the absence of the objection of Verizon or any competitive LEC. *Id.*, para. 14. These changes are effective January 2003, and therefore are not reflected in the performance data in Maryland in the instant application. *Id.*, para. 16.

[660] Verizon Guerard/Canny/DeVito Decl., para. 23-24. For Washington, D.C., Verizon used the same guidelines as Maryland in the August 2002 reporting month and subsequently switched the revised New York Guidelines, which were used for all 5 reporting months for the West Virginia data. *Id.*, paras. 24-26.

[661] Verizon Guerard/Canny/DeVito Decl., paras. 28-30, 116.

[662] AT&T Comments at 59-62.

[663] *See Maryland PAP* at 22; *D.C. PAP*, para. 149; *West Virginia PAP* at 25.

[664] 47 U.S.C. § 271(d)(6).

[665] *See CloseCall Comments at 5-6; Core Comments* at 25; MD-OPC Comments at 8; Starpower/US LEC Comments at 36-37, Letter from Glenn S. Richards and Susan M. Hafeli, Counsel for CAT Communications International, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-384 at 1-2 (filed Mar. 11, 2003) (CAT Mar. 11 *Ex Parte* Letter); Letter from Glenn S. Richards and Susan M. Hafeli, Counsel to Metro Teleconnect, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket (continued....)

are unable to find that Verizon's processes or practices in the areas raised by commenters have such anti-competitive impact as to raise public interest concerns necessitating withholding of section 271 approval.

169. First, we find that Xspedius and NALA/PCA's arguments that approval of Verizon's application is not in the public interest are largely based on arguments of checklist noncompliance.[666] We find that these concerns have been adequately addressed above. Second, we disagree with the MD-OPC that UNE-platform must remain available for Verizon's application to be in the public interest.[667] The issue of whether UNE-platform will remain available was dealt with in the *Triennial Review* proceeding and is beyond the scope of the instant proceeding.

170. Third, we disagree with commenters that contend that because final UNE rates are not yet known, either because the state commission has not yet set final UNE rates or because Verizon has appealed the final UNE rate decision, it is impossible to know what level of local phone competition will develop for residential customers.[668] Specifically, the MD-OPC argues it is impossible to know what level of phone competition will develop for residential customers until the Maryland Commission sets final UNE rates.[669] Although it is possible that the amount of facilities-based residential competition may change in the future in Maryland, as we explain above, we find that facilities-based competitors serve more than a *de minimis* amount of

(Continued from previous page)
No. 02-384 at 1-2 (filed Mar. 11, 2003) (Metro Teleconnect Mar. 11 *Ex Parte* Letter); Letter from Glenn S. Richards and Susan M. Hafeli, Counsel for NALA/PCA, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-384 at 1-2 (filed Mar. 11, 2003) (NALA/PCA Mar. 11 *Ex Parte* Letter); Letter from Joseph G. Dicks, Counsel for North County Communications, to Mr. Jackson Nichols, Department of Justice, WC Docket No. 02-384 at 1 (filed Mar. 11, 2003) (NCC Mar. 11 *Ex Parte* Letter) (alleging unfair business practices by Verizon in California, Oregon, and New York).

[666] *See* Xspedius Comments at 4-5 (asserting that Verizon's withholding of reciprocal compensation payments demonstrates that its application violates the public interest); *see also* NALA/PCA Comments at 11 (asserting that Verizon's application violates the public interest because competitive LECs are being "squeezed" by Verizon's failure to negotiate billing disputes, its insistence on the purchase of ineffectual blocking services, and on providing wholesale directory assistance that is inferior to its retail service), Xspedius Jan. 23 *Ex Parte* Letter at 2-4. We note that Xspedius also argues that Verizon's failure to pay reciprocal compensation is a violation of our *ISP Remand Order*. *Id.* at 3-4. The Verizon-Xspedius disagreement stems from the parties' differing interpretations of the *ISP Remand Order*. As we have stated in prior section 271 orders, new interpretive disputes concerning the precise content of an incumbent LEC's obligation to its competitors, disputes our orders have not yet addressed, and that do not involve a *per se* violation of our rules, are not appropriately dealt with in the context of a section 271 proceeding. *See, e.g., Verizon New Jersey Order*, 17 FCC Rcd at 12349, para. 151. We also reject commenters' arguments that Verizon is engaging in discriminatory, anti-competitive, or unlawful business practices. *See* CAT Mar. 11 *Ex Parte* Letter at 1-2, Metro Teleconnect Mar. 11 *Ex Parte* Letter at 1-2, NALA/PCA Mar. 11 *Ex Parte* Letter at 1-2. These commenters provide no specific evidence of discriminatory, unlawful, or anti-competitive behavior by Verizon.

[667] MD-OPC Comments at 8.

[668] *Id.* at 7; Starpower/US LEC Comments at 36-37.

[669] MD-OPC Comments at 7.

customers for the purposes of the instant application. Moreover, the Maryland Commission required Verizon to adopt an interim rate-setting approach similar to the approach Verizon employed and the Commission approved in the *Verizon Virginia Order*.[670] Additionally, we reject arguments by Starpower and US LEC that Verizon's appeal of the final UNE rates set by the D.C. Commission indicates that approval of this application is not in the public interest.[671] The Commission has previously found that although there may be some uncertainty concerning the ultimate outcome of pending rate appeals, such uncertainty does not warrant denial of a BOC's section 271 application.[672] Finally, as discussed above, we find that the rates in effect in the application states satisfy our requirements under checklist item 2.[673] Thus, we find that the lack of a final UNE rate order in Maryland and Verizon's appeal of the final rates in Washington, D.C. do not warrant a finding that the application is contrary to the public interest.

171. Fourth, FiberNet alleges that Verizon engages in anti-competitive marketing practices that make it difficult for competitors to enter or continue in the West Virginia market.[674] In support of this generalized claim, FiberNet recounts three instances of such practices.[675] Verizon states that it has extensive processes and procedures in place to ensure that its sales personnel do not make disparaging remarks about competitors and to ensure that, if such conduct occurs, appropriate disciplinary actions are taken.[676] Consistent with our section 271 precedent, we find that such anecdotal evidence is not sufficient to demonstrate that this application is not in the public interest.[677]

172. Fifth, we reject North County Communications (NCC)'s allegation that Verizon engages in anticompetitive conduct.[678] In support of their allegation, NCC merely submits numerous briefs that were filed with the West Virginia Commission regarding a complaint that is currently pending in front of the West Virginia Commission. NCC provides no evidence in their comments in this proceeding to support a conclusion that Verizon's actions violate our public interest standard or a specific checklist requirement.

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670 *Verizon Virginia Order*, 17 FCC Rcd at 21949, para. 122; Maryland Commission Comments, Ex. A at 9.

671 Starpower/US LEC Comments at 37.

672 *See SWBT Texas Order*, 15 FCC Rcd 18394, para. 87; *Verizon New Hampshire/Delaware Order*, 17 FCC Rcd at 18735 paras. 130-131.

673 *See supra* Section IV.A.3. (Pricing of Unbundled Network Elements).

674 FiberNet Comments at 63-66, FiberNet Reply at 34-35.

675 *Id.*

676 Verizon Reply at 53; *see also* Verizon Roberts/Johns/Given/Garzillo/Prosini/Sanford Reply Decl., para. 44.

677 *See, e.g., Verizon New Jersey Order* 17 FCC Rcd at 12365-12366, para. 184.

678 NCC Comments at 1-2.

173. Finally, we do not find Verizon's alleged non-compliance with conditions set by the Maryland Commission rises to the level of finding that granting of this application is not in the public interest.[679] Verizon has agreed to comply with the terms set by the Maryland Commission.[680] Disputes over the implementation of those conditions are best addressed by the Maryland Commission. For our purposes, we find that Verizon has successfully complied with our rules.[681]

VIII. SECTION 271(d)(6) ENFORCEMENT AUTHORITY

174. Section 271(d)(6) of the Act requires Verizon to continue to satisfy the "conditions required for . . . approval" of its section 271 application after the Commission approves its application.[682] Thus, the Commission has a responsibility not only to ensure that Verizon is in compliance with section 271 today, but also that it remains in compliance in the future. As the Commission has already described the post-approval enforcement framework and its section 271(d)(6) enforcement powers in detail in prior orders, it is unnecessary to do so again here.[683]

175. Working in concert with the state commissions in the application states, we intend to closely monitor Verizon's post-approval compliance to ensure that Verizon does not "cease[] to meet any of the conditions required for [section 271] approval."[684] We stand ready to exercise our various statutory enforcement powers quickly and decisively in appropriate circumstances to ensure that the local market remains open in each of the states.

176. Consistent with prior section 271 orders, we require Verizon to report to the Commission all Maryland, Washington, D.C. and West Virginia carrier-to-carrier performance metrics results and PAP monthly reports, beginning with the first full month after the effective

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679 CloseCall Comments at 4-5 (stating that Verizon has not contacted CloseCall to establish technical and business arrangements for DSL service); Core Comments at 25 (stating that Verizon has not worked with Core Communications to provide interconnection over shared entrance facilities); MD-OPC Comments at 8 (stating that either the Maryland Commission or this Commission should require Verizon Maryland to commit to provide DSL to a customer who leaves Verizon to buy voice services from another company, but who wishes to keep his DSL service with Verizon); Close Call Reply at 1-4. *See also* Maryland Commission Comments, Ex. A at 7. We note that the Commission has previously found that it is neither a violation of the public interest nor a violation of a specific checklist item for a BOC to refuse to sell DSL to customers who have voice service provided by a competitive LEC. *See BellSouth Florida/Tennessee Order*, 17 FCC Rcd at 21949, para. 178.

680 *See* Maryland Commission Comments, Ex. A at 1-10 & Ex. B at 1-2.

681 47 U.S.C. § 271(d)(6).

682 *Id.*

683 *See, SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6382-84, paras. 283-85; *SWBT Texas Order*, 15 FCC Rcd at 18567-68, paras. 434-36; *Bell Atlantic New York Order*, 15 FCC Rcd at 4174, paras. 446-53; *see also* Appendix F.

684 47 U.S.C. § 271(d)(6)(A).

date of this Order, and for each month thereafter for one year, unless extended by the Commission. These results and reports will allow us to review Verizon's performance on an ongoing basis to ensure continued compliance with the statutory requirements. We are confident that cooperative state and federal oversight and enforcement can address any backsliding that may arise with respect to Verizon's entry into the long distance market for these states.

IX. CONCLUSION

177. For the reasons discussed above, we grant Verizon's applications for authorization under section 271 of the Act to provide in-region, interLATA services in Maryland, Washington, D.C., and West Virginia.

X. ORDERING CLAUSES

178. Accordingly, IT IS ORDERED that, pursuant to sections 4(i), 4(j), and 271 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), and 271, Verizon's application to provide in-region, interLATA service in Maryland, Washington, D.C., and West Virginia, filed on December 19, 2002, IS GRANTED.

179. IT IS FURTHER ORDERED that this Order SHALL BECOME EFFECTIVE March 31, 2003.

180. IT IS FURTHER ORDERED that Xspedius's Motion to Accept Late-Filed Comments is hereby GRANTED.

181. IT IS FURTHER ORDERED that Core's Motion to Accept Late-Filed Comments is hereby GRANTED.

182. IT IS FURTHER ORDERED that CloseCall's Motion to Accept Late-Filed Reply Comments is hereby GRANTED.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

APPENDIX A

Commenters in WC Docket No. 02-384
Verizon – Maryland, Washington, D.C. & West Virginia

Commenters	Abbreviation
Alliance for Public Technology	Alliance
AT&T Corp.	AT&T
Core Communications, Inc	Core
Close Call America, Inc	CloseCall
Department of Justice	Department of Justice
District of Columbia Public Service Commission	D.C. Commission
District of Columbia Office of the People's Counsel	OPC-DC
FiberNet, LLC	FiberNet
Maryland Office of the People's Counsel	*MD-OPC*
Maryland Public Service Commission	Maryland Commission
National ALEC Association / Prepaid Communications Association (filing jointly)	NALA/PCA
North County Communications Corporation	NCC
Sprint Communications, Inc	Sprint
Starpower and US LEC Corporation (filing jointly)	Starpower/US LEC
West Virginia Public Service Commission	West Virginia Commission
WorldCom, Inc.	WorldCom
Xspedius Management Company	Xspedius
Z-Tel Communications, Inc.	Z-Tel

Reply Commenters	Abbreviation
American Legislative Exchange Council	ALEC
AT&T Corp.	AT&T
Close Call America, Inc	*CloseCall*
FiberNet, LLC	FiberNet
National Black Chamber of Commerce	NBCC
National Grange of the Order of Patrons of Husbandry	National Grange
National Native American Chamber of Commerce and National Indian Education Association (filing jointly)	NNACC/NIEA
Verizon Maryland, Washington, D.C., and West Virginia	Verizon

Appendix B

Maryland Performance Metrics

All data included here are taken from the Maryland Carrier-to-Carrier Reports. This table is provided as a reference tool for the convenience of the reader. No conclusions are to be drawn from the raw data contained in this table. Our analysis is based on the totality of the circumstances, such that we may use non-metric evidence, and may rely more heavily on some metrics more than others, in making our determination. The inclusion of these particular metrics in this table does not necessarily mean that we relied on all of these metrics nor that other metrics may not also be important in our analysis. Some metrics that we have relied on in the past and may rely on for a future application were not included here because there was no data provided for them (usually either because there was no activity, or because the metrics are still under development). Metrics with no retail analog provided are usually compared with a benchmark. Note that for some metrics during the period provided, there may be changes in the metric definition, or changes in the retail analog applied, making it difficult to compare the data over time.

PERFORMANCE METRICS CATAGORIES

Metric Number	Metric Name
Preorder and OSS Availability:	
OR-1-02	% On Time LSRC – Flow Through
OR-1-04	% On Time LSRC No Facility Check
OR-1-06	% On Time LSRC/ASRC Facility Check
OR-1-07	Average ASRC Time No Facility Check
OR-1-08	% On Time ASRC No Facility Check
OR-1-10	% On Time ASRC Facility Check
OR-1-11	Av. FOC Time
OR-1-12	% On Time FOC
OR-1-13	% On Time Design Layout Record (DLR)
OR-1-19	% On Time Resp. - Request for Inbound Augment Trunks
PO-1-01	Customer Service Record
PO-1-02	Due Date Availability
PO-1-03	Address Validation
PO-1-04	Product & Service Availability
PO-1-05	Telephone Number Availability & Reservation
PO-1-06	Average Response Time - Mechanized Loop Qualification - DSL
PO-1-07	Rejected Query
PO-1-08	% Timeouts
PO-1-09	Parsed CSR
PO-2-01	OSS Interf. Avail. – Total
PO-2-02	OSS Interf. Avail. – Prime Time
PO-2-03	OSS Interf. Avail. – Non-Prime
PO-4-01	% Notices Sent on Time
PO-4-02	Change Mgmt. Notice - Delay 1-7 Days
PO-4-03	Change Mgmt. Notice - Delay 8+ Days
PO-8-01	% On Time - Manual Loop Qualification
PO-8-02	% On Time - Engineering Record Request
MR-1-01	Create Trouble

Metric Number	Metric Name
Change Management, Billing, OS/DA, Interconnection and Collocation:	
BI-1-02	% DUF in 4 Business Days
BI-2-01	Timeliness of Carrier Bill
BI-3-01	% Billing Adjustments - Dollars Adjusted
BI-3-02	% Billing Adjustments - Number of Adjustments
NP-1-01	% Final Trunk Groups Exceeding Blocking Standard
NP-1-02	% FTG Exceeding Blocking Std. -(No Exceptions)
NP-2-01	% On Time Response to Request for Physical Collocation
NP-2-02	% On Time Response to Request for Virtual Collocation
NP-2-03	Average Interval – Physical Collocation
NP-2-04	Average Interval – Virtual Collocation
NP-2-05	% On Time – Physical Collocation
NP-2-06	% On Time – Virtual Collocation
NP-2-07	Average Delay Days – Physical Collocation
NP-2-08	Average Delay Days – Virtual Collocation

Ordering:	
OR-2-02	% On Time LSR Reject – Flow Through
OR-2-04	% On Time LSR Reject < 6 Lines - Electronic - No Flow-Through
OR-2-06	% On Time LSR Reject >= 6 Lines - Electronic - No Flow-Through
OR-2-08	% On Time LSR Reject < 6 Lines - Fax
OR-2-10	% On Time ASR Reject Facility Check
OR-2-11	Average Trunk ASR Reject Time (<= 192 Forecasted Trunks)
OR-2-12	% On Time Trunk ASR Reject (<= 192 Forecasted Trunks)
OR-3-01	% Rejects
OR-4-02	Completion Notice (BCN) – % On Time
OR-4-05	Work Completion Notice (PCN) – % On Time

PERFORMANCE METRICS CATAGORIES

Metric Number	Metric Name
OR-4-12	% Due Date to PCN within 2 Business Days
OR-4-14	% Due Date to BCN within 4 Business Days
PR-5-03	% Orders Held for Facilities > 60 Days
OR-5-01	% Flow Through - Total
OR-5-03	% Flow Through Achieved
OR-6-01	% Accuracy - Orders
OR-6-02	% Accuracy – Opportunities
OR-6-03	% Accuracy – LSRC
OR-6-04	% Accuracy - Directory Listing
OR-7-01	% Order Confirmation/Rejects sent within 3 Business Days

Provisioning:	
PR-1-09	Av. Interval Offered – Total
PR-2-01	Average Interval Completed – Total No Dispatch
PR-2-02	Average Interval Completed – Total Dispatch
PR-2-03	Average Interval Completed – Dispatch (1-5 Lines)
PR-2-04	Average Interval Completed - Dispatch (6-9 Lines)
PR-2-05	Average Interval Completed - Dispatch (>= 10 Lines)
PR-2-06	Average Interval Completed – DS0
PR-2-07	Average Interval Completed – DS1
PR-2-08	Average Interval Completed – DS3
PR-2-09	Av. Interval Completed – Total
PR-2-18	Average Interval Completed – Disconnects
PR-4-01	% Missed Appointment – Verizon
PR-4-02	Average Delay Days – Total
PR-4-03	% Missed Appointment – Customer
PR-4-04	% Missed Appointment – Verizon – Dispatch
PR-4-05	% Missed Appointment – Verizon – No Dispatch
PR-4-07	% On Time Performance – LNP Only
PR-4-08	% Missed Appt. – Customer – Late Order Conf.
PR-4-14	% Completed On Time [With Serial Number]

Metric Number	Metric Name
PR-5-01	% Missed Appointment – Verizon – Facilities
PR-5-02	% Orders Held for Facilities > 15 Days
MR-4-10	Mean Time To Repair - Double Dispatch
MR-5-01	% Repeat Reports within 30 Days
PR-6-01	% Installation Troubles reported within 30 Days
PR-6-02	% Installation Troubles reported within 7 Days
PR-6-03	% Inst. Troubles reported w/ in 30 Days - FOK/TOK/CPE
PR-8-01	Open Orders in a Hold Status > 30 Days
PR-8-02	Open Orders in a Hold Status > 90 Days
PR-9-01	% On Time Performance – Hot Cut
PR-9-08	Average Duration of Service Interruption

Maintenance and Repair:	
MR-2-01	Network Trouble Report Rate
MR-2-02	Network Trouble Report Rate
MR-2-03	Network Trouble Report Rate – Central Office
MR-2-04	% Subsequent Reports
MR-2-05	% CPE/TOK/FOK Trouble Report Rate
MR-3-01	% Missed Repair Appointment – Loop
MR-3-02	% Missed Repair Appointment – Central Office
MR-3-03	% CPE/TOK/FOK - Missed Appointment
MR-3-04	% Missed Repair Appointment - No Double Dispatch
MR-3-05	% Missed Repair Appointment - Double Dispatch
MR-4-01	Mean Time To Repair
MR-4-02	Mean Time To Repair – Loop Trouble
MR-4-03	Mean Time To Repair – Central Office Trouble
MR-4-04	% Cleared (all troubles) within 24 Hours
MR-4-05	% Out of Service > 2 Hours
MR-4-06	% Out of Service > 4 Hours
MR-4-07	% Out of Service > 12 Hours
MR-4-08	% Out of Service > 24 Hours
MR-4-09	Mean Time To Repair - No Double Dispatch

MARYLAND PERFORMANCE METRIC DATA

Metric Number	Metric Name	August		September		October		November		December		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
OSS & BILLING (Pre-Ordering) - POTS/Special Services												
PRE-ORDERING												
PO-1 - Response Time OSS Ordering Interface												
PO-1-01-6020	Customer Service Record - EDI	0.89	2.56	0.32	2.68	0.22	2.66	0.25	2.66	0.21	3.19	
PO-1-01-6030	Customer Service Record - CORBA	0.89	0.85	0.32	0.93	0.22	0.97	0.25	0.97	0.21	1.02	
PO-1-01-6050	Customer Service Record -Web GUI	0.89	2.56	0.32	2.62	0.22	2.89	0.25	5.43	0.21	2.69	
PO-1-02-6020	Due Date Availability - EDI	1.15	3.3	1.3	NA	1.02	2.45	1.09	3.93	1.05	5.17	1,3
PO-1-02-6030	Due Date Availability - CORBA	1.15	1.89	1.3	2.55	1.02	1.64	1.09	1.96	1.05	1.89	
PO-1-02-6050	Due Date Availability - Web GUI	1.15	4.07	1.3	4.02	1.02	3.69	1.09	3.79	1.05	3.55	
PO-1-03-6020	Address Validation - EDI	4.58	7.68	4.83	6.45	4.04	6.09	4.05	6.15	4.02	6.06	
PO-1-03-6030	Address Validation - CORBA	4.58	4.83	4.83	5.69	4.04	5.48	4.05	5.93	4.02	3.04	
PO-1-03-6050	Address Validation - Web GUI	4.58	7.04	4.83	7.51	4.04	6.66	4.05	7.06	4.02	6.41	
PO-1-04-6020	Product & Service Availability - EDI	10.02	NA	10.93	NA	9.12	NA	9.07	NA	9.07	NA	
PO-1-04-6030	Product & Service Availability - CORBA	10.02	NA	10.93	NA	9.12	NA	9.07	NA	9.07	NA	
PO-1-04-6050	Product & Service Availability - Web GUI	10.02	18.33	10.93	18.13	9.12	18.02	9.07	16.42	9.07	18.2	
PO-1-05-6020	Telephone Number Availability & Reservation - EDI	5.64	9.48	5.92	NA	4.94	9.76	4.97	8.23	4.96	8.15	1,3
PO-1-05-6030	Telephone Number Availability & Reservation - CORBA	5.64	6.42	5.92	5.49	4.94	6.2	4.97	6.18	4.96	5.65	
PO-1-05-6050	Telephone Number Availability & Reservation - Web GUI	5.64	7.69	5.92	8.32	4.94	7.71	4.97	7.33	4.96	7.42	
PO-1-06-6020	Facility Availability (Loop Qualification) - EDI	14.25	5.04	16.02	5.54	14.49	5.26	13.9	5.4	13.89	5.01	
PO-1-06-6030	Facility Availability (Loop Qualification) - CORBA	14.25	5.41	16.02	5.4	14.49	4.58	13.9	4.31	13.89	3.19	5
PO-1-06-6050	Facility Availability (Loop Qualification) - Web GUI	14.25	5.03	16.02	5.48	14.49	5.19	13.9	5.03	13.89	4.49	
PO-1-07-6020	Rejected Query - EDI	0.85	2.9	0.17	3.04	0.17	3.31	0.18	3.29	0.2	3.02	
PO-1-07-6030	Rejected Query - CORBA	0.85	0.81	0.17	0.76	0.17	0.91	0.18	0.87	0.2	0.97	
PO-1-07-6050	Rejected Query - Web GUI	0.85	2.94	0.17	2.94	0.17	3.14	0.18	3.1	0.2	2.92	
PO-1-08-6020	% Timeouts - EDI		0.35		0.02		0.13		0.45		0.17	
PO-1-08-6030	% Timeouts - CORBA		0.02		0.02		0.02		0		0	
PO-1-08-6050	% Timeouts - Web GUI		0.21		0.82		0.18		2.27		0.31	
PO-1-09-6020	Parsed CSR - EDI	0.89	1.93	0.32	1.96	0.22	1.99	0.25	1.97	0.21	2.01	
PO-1-09-6030	Parsed CSR - CORBA	0.89	0.35	0.32	0.32	0.22	0.32	0.25	0.35	0.21	0.53	
PO-2 - OSS Interface Availability												
PO-2-01-6020	OSS Interf. Avail. - Total - EDI		99.91		99.98		99.99		99.94		99.93	1,2,3,4,5
PO-2-01-6030	OSS Interf. Avail. - Total - CORBA		99.97		99.99		99.99		99.97		100	1,2,3,4
PO-2-01-6060	OSS Interf. Avail. - Total - Electronic Bonding		100		100		99.88		100		100	3
PO-2-02-6020	OSS Interf. Avail. - Prime Time - EDI		99.89		99.98		99.99		99.9		99.98	1,2,3,4,5

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Metric Number	Metric Name	August		September		October		November		December		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
PO-2-02-6030	*OSS Interf. Avail. - Prime Time - CORBA*		*99.96*		*100*		*100*		*99.96*		*100*	*1,4*
PO-2-02-6050	OSS Interf. Avail. - Prime Time - Maint. Web GUI / Pre-ordering/Ordering WEB GUI		99.71		100		99.78		99.87		100	1,3,4
PO-2-02-6060	OSS Interf. Avail. - Prime Time - Electronic Bonding		100		100		99.82		100		100	3
PO-2-03-6020	OSS Interf. Avail. - Non-Prime - EDI		99.96		99.98		99.98		100		99.86	1,2,3,5
PO-2-03-6030	OSS Interf. Avail. - Non-Prime - CORBA		100		99.97		99.98		99.98		100	2,3,4
PO-2-03-6050	OSS Interf. Avail. - Non-Prime - Maint. Web GUI / Pre-ordering/Ordering WEB GUI		100		99.72		99.61		98.96		100	2,3,4
PO-2-03-6060	OSS Interf. Avail. - Non-Prime - Electronic Bonding		100		100		100		100		100	
PO-8 - Manual Loop Qualification												
PO-8-01-2000	Average Response Time - Manual Loop Qualification		207.6		30.96		10.68		12.73		3.61	1,5
PO-8-02-2000	% on Time - Engineering Record Request		NA		NA		NA		NA		NA	
Change Notification												
PO-4 - Timeliness of Change Management Notice												
PO-4-01-6611	% Notices Sent on Time - Emergency Maint.		100		100		100		100		100	2,4,5
PO-4-01-6621	% Notices Sent on Time - Regulatory		100		100		NA		NA		100	2,5
PO-4-01-6631	% Notices Sent on Time - Industry Standard		100		100		NA		100		100	1,2,4
PO-4-01-6641	% Notices Sent on Time - Verizon Orig.		100		NA		NA		NA		100	1,5
PO-4-01-6651	% Notices Sent on Time - TC Orig.		100		NA		NA		NA		100	1,5
PO-4-02-6611	Change Mgmt. Notice - Delay 1-7 Days - Emergency Maint.		NA		NA		NA		NA		NA	
PO-4-02-6621	Change Mgmt. Notice - Delay 1-7 Days - Regulatory		NA		NA		NA		NA		NA	
PO-4-02-6631	Change Mgmt. Notice - Delay 1-7 Days - Ind. Std.		NA		NA		NA		NA		NA	
PO-4-02-6641	Change Mgmt. Notice - Delay 1-7 Days - Verizon Orig.		NA		NA		NA		NA		NA	
PO-4-02-6651	Change Mgmt. Notice - Delay 1-7 Days - TC Orig.		NA		NA		NA		NA		NA	
PO-4-03-6611	Change Mgmt. Notice - Delay 8+ Days - Emergency Maint.		NA		NA		NA		NA		NA	
PO-4-03-6621	Change Mgmt. Notice - Delay 8+ Days - Regulatory		NA		NA		NA		NA		NA	
PO-4-03-6631	Change Mgmt. Notice - Delay 8+ Days - Ind. Std.		NA		NA		NA		NA		NA	
PO-4-03-6641	Change Mgmt. Notice - Delay 8+ Days - Verizon Orig.		NA		NA		NA		NA		NA	
PO-4-03-6651	Change Mgmt. Notice - Delay 8+ Days - TC Orig.		NA		NA		NA		NA		NA	
Change Confirmation												
PO-4 - Timeliness of Change Management Confirmation												
PO-4-01-6622	% Notices Sent on Time - Regulatory		NA		100		NA		NA		NA	

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Metric Number	Metric Name	August		September		October		November		December		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
PO-4-01-6632	% Notices Sent on Time - Ind. Std.		33.33		100		100		NA		NA	2,3
PO-4-01-6642	% Notices Sent on Time - Verizon Orig.		NA		100		NA		NA		NA	2
PO-4-01-6652	% Notices Sent on Time - TC Orig.		NA		100		NA		NA		NA	2
PO-4-02-6622	Change Mgmt. Notice - Delay 1-7 Days - Regulatory		NA		NA		NA		NA		NA	
PO-4-02-6632	Change Mgmt. Notice - Delay 1-7 Days - Ind. Std.		NA		NA		NA		NA		NA	
PO-4-02-6642	Change Mgmt. Notice - Delay 1-7 Days - Verizon Orig.		NA		NA		NA		NA		NA	
PO-4-02-6652	Change Mgmt. Notice - Delay 1-7 Days - TC Orig.		NA		NA		NA		NA		NA	
PO-4-03-6622	Change Mgmt. Notice - Delay 8+ Days - Regulatory		NA		NA		NA		NA		NA	
PO-4-03-6632	Change Mgmt. Notice - Delay 8+ Days - Ind. Std.		NA		NA		NA		NA		NA	
PO-4-03-6642	Change Mgmt. Notice - Delay 8+ Days - Verizon Orig.		NA		NA		NA		NA		NA	
PO-4-03-6652	Change Mgmt. Notice - Delay 8+ Days - TC Orig.		NA		NA		NA		NA		NA	
TROUBLE REPORTING (OSS)												
MR-1 - Response Time OSS Maintenance Interface												
MR-1-01-2000	Create Trouble	8.88	3.85	9.16	3.81	9.83	3.96	5.07	2.49	4.69	2.42	
BILLING												
BI-1 - Timeliness of Daily Usage Feed												
BI-1-02-2030	% DUF in 4 Business Days		99.64		99.71		99.73		99.73		99.32	
BI-2 - Timeliness of Carrier Bill												
BI-2-01-2030	Timeliness of Carrier Bill		100		100		99.84		100		100	
BI-3 - Billing Accuracy												
BI-3-01-2030	% Billing Adjustments - Dollars Adjusted	3.72	3.83	0.9	0.97	0.66	1.21	1.11	3.33	1.09	0.75	
BI-3-02-2030	% Billing Adjustments - Number of Adjustments	3.95	0.14	4.19	0.32	4.23	0.38	3.66	0.23	4.45	0.19	
OR-6 - Order A												
OR-6-04-1020	% Accuracy - Stand-alone Directory Listing Orders								95.63		96.32	
OR-6-04-1030	% Accuracy - Other Directory Listing Orders								96.52		98.86	
RESALE												
RESALE Ordering												
OR-7 - Order Completeness												
OR-7-01-2000	% Order Confirmation/Rejects sent within 3 Business Days		99.76		99.78		99.78		99.93		99.8	
POTS & Pre-qualified Complex - Electronically Submitted												
OR-1 - Order Confirmation Timeliness												
OR-1-02-2320	% On Time LSRC - Flow Through		99.77		99.78		96.75		93.99		94.46	
OR-1-04-2100	% On Time LSRC/ASRC No Facility Check		96.84		96.96		96.42		96.56		96.63	
OR-1-06-2320	% On Time LSRC/ASRC Facility Check		100		97.08		98.71		98		100	

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Metric Number	Metric Name	August		September		October		November		December		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
OR-2 - Reject Timeliness												
OR-2-02-2320	% On Time LSR Reject - Flow Through		99.48		99.52		96.8		95.39		93.77	
OR-2-04-2320	% On Time LSR/ASR Reject No Facility Check		100		98.69		98.11		98.54		98.55	
OR-2-06-2320	% On Time LSR/ASR Reject Facility Check		98.51		100		100		100		100	
2 Wire Digital Services												
OR-1 - Order Confirmation Timeliness - Requiring Loop Qualificatio												
OR-1-04-2341	% On Time LSRC/ASRC No Facility Check		100		100		90		93.02		100	
OR-1-06-2341	% On Time LSRC/ASRC Facility Check		100		100		100		90		100	1,2,3,5
OR-2 - Reject Timeliness - Requiring Loop Qualification												
OR-2-04-2341	% On Time LSR/ASR Reject No Facility Check		100		100		100		100		100	
OR-2-06-2341	% On Time LSR/ASR Reject Facility Check		100		100		100		100		100	1,2,3,4,5
POTS / Special Services - Aggregate												
OR-3 - Percent Rejects												
OR-3-01-2000	% Rejects		14.05		12.94		15.69		16.35		13.15	
OR-4 - Timeliness of Completion Notification												
OR-4-02-2000	Completion Notice (BCN) - % On Time		98.72		99.39		99.45		97.06		99.14	
OR-4-05-2000	Work Completion Notice (PCN) - % On Time		98.57		99.49		99.5		99.72		99.69	
OR-4-12-2000	% Due Date to PCN within 2 Business Days		99.28		98.65		99.23		99.2		98.95	
OR-5 - Percent Flow-Through												
OR-5-01-2000	% Flow Through - Total		81.46		82.13		84.72		85.24		88.17	
OR-5-03-2000	% Flow Through Achieved		97.43		98.06		97.47		96.78		98.72	
OR-6 - Order Accuracy												
OR-6-01-2000	% Accuracy - Orders		93.71		94.57		95.1		95.18		95.37	
OR-6-02-2000	% Accuracy - Opportunities		99.29		99.4		99.49		99.23		99.13	
OR-6-03-2000	% Accuracy - LSRC		0		0		0.03		0		0	
Special Services - Electronically Submitted												
OR-1 - Order Confirmation Timeliness												
OR-1-04-2210	% On Time LSRC/ASRC No Facility Check DS0		NA		NA		NA		NA		NA	
OR-1-04-2211	% On Time LSRC/ASRC No Facility Check DS1		NA		NA		NA		NA		NA	
OR-1-04-2213	% On Time LSRC/ASRC No Facility Check DS3		NA		NA		NA		NA		NA	
OR-1-04-2214	% On Time LSRC/ASRC No Facility Check (Non DS0, DS1, & DS3)		91.67		100		100		100		100	3,5
OR-1-06-2210	% On Time LSRC/ASRC Facility Check DS0		NA		NA		NA		NA		NA	
OR-1-06-2211	% On Time LSRC/ASRC Facility Check DS1		NA		NA		NA		NA		NA	
OR-1-06-2213	% On Time LSRC/ASRC Facility Check DS3		NA		NA		NA		NA		NA	

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Metric Number	Metric Name	August		September		October		November		December		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
OR-1-06-2214	% On Time LSRC/ASRC Facility Check (Non DS0, DS1, & DS3)		75		100		100		100		66.67	1,3,4,5
OR-2 - Reject Timeliness												
OR-2-04-2200	% On Time LSR/ASR Reject No Facility Check		100		100		90.91		100		100	2,4,5
OR-2-06-2200	% On Time LSR/ASR Reject Facility Check		100		100		100		87.5		100	1,2,3,4,5
Resale (Provisioning) - POTS/Special Services												
POTS - Provisioning - Total												
PR-2 - Average Completed Interval												
PR-2-04-2100	Average Interval Completed - Dispatch (6-9 Lines)	8.31	4	7.58	4	8.44	4.33	6.15	4	7.81	7.5	1,2,3,4,5
PR-2-05-2100	Average Interval Completed - Dispatch (>= 10 Lines)	11.47	NA	8.11	NA	7.31	NA	7.51	NA	8.75	NA	
PR-4 - Missed Appointments												
PR-4-02-2100	Average Delay Days - Total	3.22	2.54	3.43	3.29	3.22	2.05	3.17	5.9	4.27	2.47	
PR-4-03-2100	% Missed Appointment - Customer	1.75	1.75	1.84	1.58	1.76	2.15	2.04	1.62	2.44	2.7	
PR-4-04-2100	% Missed Appointment - Verizon - Dispatch	8.92	2.36	8.54	2.33	8.28	2.58	9.61	4.25	11.27	5.92	
PR-4-05-2100	% Missed Appointment - Verizon - No Dispatch	1.09	0.02	0.83	0.12	0.6	0.07	0.86	0.07	0.8	0.02	
PR-4-08-2100	% Missed Appt. - Customer - Due to Late Order Conf.		0.05		0.08		0.05		0		0	
PR-5 - Facility Missed Orders												
PR-5-01-2100	% Missed Appointment - Verizon - Facilities	2.66	1.04	2.73	1.29	2.49	0.68	2.84	1.54	3.03	1.4	
PR-6 - Installation Quality												
PR-6-01-2100	% Installation Troubles reported within 30 Days	4.2	4.15	4.23	3.65	4.15	3.84	4.21	3.76	4.27	4.37	
PR-6-02-2100	% Installation Troubles reported within 7 Days	2.64	2.91	2.69	2.49	2.59	2.48	2.67	2.58	2.68	2.75	
PR-6-03-2100	% Inst. Troubles reported w/ in 30 Days - FOK/TOK/CPE	3.86	3.84	3.97	3.29	3.86	3.86	3.92	3.41	3.95	4.05	
PR-8 - Open Orders in a Hold Status												
PR-8-01-2100	Open Orders in a Hold Status > 30 Days	0.04	0	0.04	0	0.03	0	0.05	0	0.04	0.02	
PR-8-02-2100	Open Orders in a Hold Status > 90 Days	0.02	0	0.02	0	0.02	0	0.02	0	0.01	0	
POTS - Business												
PR-2 - Average Completed Interval												
PR-2-01-2110	Average Interval Completed - Total No Dispatch	1.36	1.55	1.06	1.18	0.96	1.78	0.96	1.98	1.17	1.12	
PR-2-03-2110	Average Interval Completed - Dispatch (1-5 Lines)	5.17	3.75	4.28	6.26	4.02	3.56	3.65	4.19	4.11	4.54	
POTS - Residence												
PR-2 - Average Completed Interval												
PR-2-01-2120	Average Interval Completed - Total No Dispatch	1.12	1.3	1.19	1.42	1.13	1.25	1.13	1.06	1.05	1.67	
PR-2-03-2120	Average Interval Completed - Dispatch (1-5 Lines)	4.36	3.53	4.57	3.57	4.29	3.69	4.22	3.4	4.47	3.72	

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		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
POTS & Complex Aggregate												
PR-2 - Average Completed Interval												
PR-2-18-2103	Average Interval Completed - Disconnects	3.55	1.01	3.13	0.94	3.01	1.09	2.95	0.92	2.72	1.05	
2-Wire Digital Services												
PR-2 - Average Completed Interval												
PR-2-01-2341	Average Interval Completed - Total No Dispatch	2.39	1	4.07	2	2.31	4.75	4.09	1.33	2.51	1.6	1,2,3,5
PR-2-02-2341	Average Interval Completed - Total Dispatch	7.7	3.6	8.54	5.4	7.4	12.5	7.17	7.2	6.14	2	1,2,3,4,5
PR-4 - Missed Appointments												
PR-4-02-2341	Average Delay Days - Total	7.92	NA	18	NA	3.46	NA	9.72	2	6.13	NA	4
PR-4-03-2341	% Missed Appointment - Customer	9.81	12.5	9.8	0	10.2	0	8.24	0	8.2	0	5
PR-4-04-2341	% Missed Appointment - Verizon - Dispatch	11.91	0	12.68	0	8.97	0	8.91	16.67	13.35	0	3,4,5
PR-4-05-2341	% Missed Appointment - Verizon - No Dispatch	4.17	0	5.83	0	2.02	0	3.48	0	3.02	0	1,2,3,5
PR-4-08-2341	% Missed Appt. - Customer - Due to Late Order Conf.		0		0		0		0		0	5
PR-5 - Facility Missed Orders												
PR-5-01-2341	% Missed Appointment - Verizon - Facilities	1.6	0	1.25	0	0.68	0	1.1	0	1.47	0	3,4,5
PR-6 - Installation Quality												
PR-6-01-2341	% Install. Troubles Reported within 30 Days	4.73	28.57	3.67	11.11	4.31	100	5.25	0	3.91	50	1,3,4,5
PR-6-03-2341	% Install. Troubles Reported w/in 30 Days - FOK/TOK/CPE	4.17	14.29	3.91	0	4.7	66.67	4	16.67	6.41	0	1,3,4,5
PR-8 - Open Orders in a Hold Status												
PR-8-01-2341	Open Orders in a Hold Status > 30 Days	0.21	0	0.28	0	0.48	0	0.76	0	1.05	0	5
PR-8-02-2341	Open Orders in a Hold Status > 90 Days	0	0	0	0	0	0	0	0	0	0	5
Special Services - Provisioning												
PR-2 - Average Completed Interval												
PR-2-01-2200	Average Interval Completed - Total No Dispatch	6.92	1.64	7.56	7.54	4.58	2	5.75	1.67	7.26	3.67	4,5
PR-2-02-2200	Average Interval Completed - Total Dispatch	9.13	5.63	8.6	4.4	8.15	5.57	8.84	18	9.43	3.5	1,2,3,4,5
PR-2-06-2200	Average Interval Completed - DS0											
PR-2-07-2200	Average Interval Completed - DS1											
PR-2-08-2200	Average Interval Completed - DS3											
PR-2-18-2200	Average Interval Completed - Disconnects	7.37	3.76	6.75	4.11	5.87	4.62	5.72	4.36	6.03	3.42	
PR-4 - Missed Appointments												
PR-4-01-2210	% Missed Appointment - Verizon - DS0	14.94	4.17	11.83	2.17	9.1	2.94	11.46	13.33	13.23	0	
PR-4-01-2211	% Missed Appointment - Verizon - DS1	7.75	0	10.82	0	13.37	0	7.61	0	9.52	0	1,2,3,4,5
PR-4-01-2213	% Missed Appointment - Verizon - DS3	0	NA	0	NA	0	NA	0	NA	0	NA	
PR-4-01-2214	% Missed Appointment - Verizon - Special Other	8.33	0	4.08	0	3.85	0	3.23	0	8.33	0	2,3,4,5
PR-4-02-2200	Average Delay Days - Total	4.38	1.5	9.69	35	3.33	4	5.6	3	8.77	NA	1,2,3,4

MARYLAND PERFORMANCE METRIC DATA

Metric Number	Metric Name	August		September		October		November		December		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
PR-4-03-2200	% Missed Appointment - Customer	16.41	24.19	11.78	7.14	13.62	12.82	12.03	31.58	12.65	20	
PR-4-08-2200	% Missed Appt. - Customer - Due to Late Order Conf.		3.23		0		0		0		0	
PR-5 - Facility Missed Orders												
PR-5-01-2200	% Missed Appointment - Verizon - Facilities	1.57	0	1.22	0	1.09	0	3.37	0	1.62	0	4,5
PR-6 - Installation Quality												
PR-6-01-2200	% Installation Troubles reported within 30 Days	1.41	0	0.54	0	2.5	0	1.58	2.13	2.28	0	
PR-6-03-2200	% Inst. Troubles reported w/ in 30 Days - FOK/TOK/CPE	1.22	0.37	0.87	0	3.15	0	2.74	2.13	1.69	1.67	
PR-8 - Open Orders in a Hold Status												
PR-8-01-2200	Open Orders in a Hold Status > 30 Days	0.73	0	0.23	0	0.3	0	1.05	0	0.78	0	
PR-8-02-2200	Open Orders in a Hold Status > 90 Days	0.24	0	0.15	0	0.2	0	0.31	0	0.19	0	
Resale (Maintenance) - POTS/Special Services												
POTS - Maintenance												
MR-2 - Trouble Report Rate												
MR-2-02-2100	Network Trouble Report Rate - Loop	1.13	0.41	1.01	0.38	1.19	0.52	0.99	0.42	0.92	0.41	
MR-2-03-2100	Network Trouble Report Rate - Central Office	0.12	0.04	0.09	0.03	0.09	0.03	0.07	0.03	0.08	0.02	
MR-2-04-2100	% Subsequent Reports	4.57	2.23	4.26	2.18	4.22	2.74	4.09	5.24	4.11	2.14	
MR-2-05-2100	% CPE/TOK/FOK Trouble Report Rate	1.02	0.4	0.93	0.39	1.02	0.47	0.81	0.37	0.79	0.35	
MR-3 - Missed Repair Appointments												
MR-3-01-2110	% Missed Repair Appointment - Loop Bus.	27.21	24.18	26.66	13.19	29.5	28.5	28.62	21.85	29.21	29.17	
MR-3-01-2120	% Missed Repair Appointment - Loop Res.	19.02	10.84	19.52	10.76	22.93	11	21.64	12.02	22.74	12.24	
MR-3-02-2110	% Missed Repair Appointment - Central Office Bus.	19.36	12.5	26.5	30.56	18.47	5	20.16	28.57	19.51	11.11	
MR-3-02-2120	% Missed Repair Appointment - Central Office Res.	11.21	11.63	14.84	25.81	10.93	12.82	15.79	27.59	16.9	12.5	
MR-3-03-2100	% CPE/TOK/FOK - Missed Appointment	9.74	9.07	10.24	7.91	11.08	8.7	10.23	7.42	9.93	6.7	
MR-3-04-2100	% Missed Repair Appointment - No Double Dispatch	14.41	9.12	14.73	9.04	18.41	10.72	15.96	9.47	16.35	11.32	
MR-3-05-2100	% Missed Repair Appointment - Double Dispatch	49.11	46.15	49.9	36.08	52.06	39.29	52.73	45.79	49.76	40.45	
MR-4 - Trouble Duration Intervals												
MR-4-01-2100	Mean Time To Repair - Total	24.66	18	24	17.93	30.12	24.58	29.38	22.75	29.52	22.42	
MR-4-02-2110	Mean Time To Repair - Loop Trouble- Bus.	13.79	11.83	13.68	11.99	14.16	14.39	14.94	14.69	15.54	17.16	
MR-4-02-2120	Mean Time To Repair - Loop Trouble - Res.	27.69	20.18	26.27	19.94	33.8	27.69	32.14	24.96	32.29	24.66	
MR-4-03-2110	Mean Time To Repair - Central Office Trouble- Bus.	8.26	9.74	9.61	8.44	7.65	10.72	10.35	10.71	9.81	6.78	
MR-4-03-2120	Mean Time To Repair - Central Office Trouble - Res.	11.49	18.84	14.34	18.04	13.78	22.12	16.89	23.94	17.23	18.17	
MR-4-04-2100	% Cleared (all troubles) within 24 Hours	62.4	76.46	62.78	75.56	54.27	66.42	50.46	63.65	53.33	67.11	
MR-4-06-2100	% Out of Service > 4 Hours	81.38	74.79	82.51	75.89	83.71	78.07	88.2	83.02	85.57	80.03	
MR-4-07-2100	% Out of Service > 12 Hours	67.65	58.45	67.57	59.06	71.11	64.39	75.18	70.28	73.73	68.18	

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Metric Number	Metric Name	August		September		October		November		December		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
MR-5 - Repeat Trouble Reports												
MR-5-01-2100	% Repeat Reports within 30 Days	15	11.54	16.39	11.29	15.98	11.35	16.69	13.29	14.95	15.9	
2-Wire Digital Services												
MR-2 - Trouble Report Rate												
MR-2-02-2341	Network Trouble Report Rate - Loop	0.46	0.02	0.31	0.01	0.4	0.03	0.37	0.01	0.37	0.01	
MR-2-03-2341	Network Trouble Report Rate - Central Office	0.19	0.01	0.14	0	0.19	0.01	0.19	0	0.2	0.01	
MR-2-04-2341	% Subsequent Reports	11.76	20	8.9	0	11.17	0	9.24	0	11.54	0	
MR-2-05-2341	% CPE/TOK/FOK Trouble Report Rate	1.14	0.07	0.97	0.01	1.01	0.03	0.76	0.04	0.88	0.01	
MR-3 - Missed Repair Appointments												
MR-3-01-2341	% Missed Repair Appointment - Loop	61.87	66.67	55.43	0	52.54	60	60	0	61.11	0	1,2,3,4,5
MR-3-02-2341	% Missed Repair Appointment - Central Office	62.5	0	51.22	NA	45.61	100	50.88	NA	43.75	0	1,3,5
MR-3-03-2341	% CPE/TOK/FOK - Missed Appointment	32.84	18.18	28.87	50	22.33	40	33.19	33.33	30.52	0	2,3,4,5
MR-3-04-2341	% Missed Repair Appointment - No Double Dispatch	40.23	33.33	36.07	0	26.51	50	36.47	0	26.98	0	1,2,3,4,5
MR-3-05-2341	% Missed Repair Appointment - Double Dispatch	84.69	100	69.12	NA	74.42	100	81.16	NA	79.45	NA	1,3
MR-4 - Trouble Duration Intervals												
MR-4-01-2341	Mean Time To Repair - Total	24.68	15.35	24.34	2.67	24.93	11.77	27.99	2.9	24.37	2.58	1,2,3,4,5
MR-4-02-2341	Mean Time To Repair - Loop Trouble	26.48	19.76	26.96	2.67	27.19	10.02	32.98	2.9	24.45	3.06	1,2,3,4,5
MR-4-03-2341	Mean Time To Repair - Central Office Trouble	20.22	2.1	18.45	NA	20.25	20.52	18.35	NA	24.23	2.09	1,3,5
MR-4-04-2341	% Cleared (all troubles) within 24 Hours	63.59	50	70.68	100	66.29	100	72.46	100	71.74	100	1,2,3,4,5
MR-4-07-2341	% Out of Service > 12 Hours	61.27	66.67	72.92	0	57.5	60	67.27	0	57.9	0	1,2,3,4,5
MR-4-08-2341	% Out of Service > 24 Hours	35.21	66.67	32.29	0	32.5	0	31.82	0	29.47	0	1,2,3,4,5
MR-5 - Repeat Trouble Reports												
MR-5-01-2341	% Repeat Reports within 30 Days	17.44	25	18.05	0	14.86	33.33	18.56	0	23.91	0	1,2,3,4,5
Special Services - Maintenance												
MR-2 - Trouble Report Rate												
MR-2-01-2200	Network Trouble Report Rate	0.65	0.52	0.55	0.4	0.76	0.9	0.49	0.71	0.5	0.21	
MR-2-05-2200	% CPE/TOK/FOK Trouble Report Rate	0.81	1.01	0.63	0.64	0.73	0.86	0.48	0.67	0.51	0.47	
MR-4 - Trouble Duration Intervals												
MR-4-01-2200	Mean Time To Repair - Total	5.43	2.75	5.55	5.09	5.52	4.62	5.41	6.22	5.7	0.97	5
MR-4-04-2200	% Cleared (all troubles) within 24 Hours	99.57	100	98.32	100	99.26	100	99.79	100	98.95	100	5
MR-4-06-2200	% Out of Service > 4 Hours	52.94	33.33	47.39	37.5	53.99	40.91	51.61	50	52.97	0	2,5
MR-4-08-2200	% Out of Service > 24 Hours	0.43	0	1.69	0	0.74	0	0.21	0	1.06	0	2,5
MR-5 - Repeat Trouble Reports												
MR-5-01-2200	% Repeat Reports within 30 Days	15.49	15.38	12.96	0	13.36	13.64	15.6	17.65	17.47	60	5

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Metric Number	Metric Name	August		September		October		November		December		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
UNBUNDLED NETWORK ELEMENTS (UNEs)												
UNE (Ordering) - POTS/Special Services												
Platform												
OR-1 - Order Confirmation Timeliness												
OR-1-02-3143	% On Time LSRC - Flow Through		99.25		93.74		96.92		97.32		97.3	
OR-1-04-3143	% On Time LSRC/ASRC No Facility Check		96.61		95.97		90.42		92.57		93.18	
OR-1-06-3143	% On Time LSRC/ASRC Facility Check		98.59		98.33		98.15		93.36		92.12	
OR-2 - Reject Timeliness												
OR-2-02-3143	% On Time LSR Reject - Flow Through		99.31		94.08		94.09		98.16		97.41	
OR-2-04-3143	% On Time LSR/ASR Reject No Facility Check		99.11		98.68		96.62		97.83		98.07	
OR-2-06-3143	% On Time LSR/ASR Reject Facility Check		100		100		95.12		97.62		100	
OR-6 - Order Accuracy												
OR-6-01-3143	% Accuracy - Orders		96.06		93.93		94.6		94.12		94.5	
OR-6-02-3143	% Accuracy - Opportunities		99.71		99.34		99.18		98.78		99.36	
OR-6-03-3143	% Accuracy - LSRC		0		0		0.05		0.07		0.19	
OR-7 - Order Completeness												
OR-7-01-3143	% Order Confirmation/Rejects sent within 3 Business Days		99.79		99.79		99.4		99.89		99.3	
Loop/Pre-qualified Complex/LNP												
OR-1 - Order Confirmation Timeliness												
OR-1-02-3331	% On Time LSRC - Flow Through		98.63		98.51		99.28		98.17		98.24	
OR-1-04-3331	% On Time LSRC/ASRC No Facility Check		95.16		97.7		96.98		96.5		95.67	
OR-1-06-3331	% On Time LSRC/ASRC Facility Check		97.45		97.84		97.51		96.5		97.72	
OR-2 - Reject Timeliness												
OR-2-02-3331	% On Time LSR Reject - Flow Through		98.92		98.57		99.89		98.83		99.23	
OR-2-04-3331	% On Time LSR/ASR Reject No Facility Check		97.67		99.42		99.37		98.66		97.61	
OR-2-06-3331	% On Time LSR/ASR Reject Facility Check		100		100		99.36		99.39		100	
OR-6 - Order Accuracy												
OR-6-01-3331	% Accuracy - Orders		98.17		98.98		98.37		99.54		99.62	
OR-6-02-3331	% Accuracy - Opportunities		99.81		99.89		99.76		99.95		99.86	
OR-6-03-3331	% Accuracy - LSRC		0		0.09		0.09		0.27		0.05	
OR-7 - Order Completeness												
OR-7-01-3331	% Order Confirmation/Rejects sent within 3 Business Days		99.59		99.54		99.54		99.75		99.5	

MARYLAND PERFORMANCE METRIC DATA

Metric Number	Metric Name	August		September		October		November		December		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
2 Wire Digital Services												
OR-1 - Order Confirmation Timeliness (Requiring Loop Qual)												
OR-1-04-3341	% On Time LSRC/ASRC No Facility Check		100		100		100		100		86.67	
OR-1-06-3341	% On Time LSRC/ASRC Facility Check		NA		NA		NA		NA		NA	
OR-2 - Reject Timeliness (Requiring Loop Qual)												
OR-2-04-3341	% On Time LSR/ASR Reject No Facility Check		100		100		100		100		100	1,3,4
OR-2-06-3341	% On Time LSR/ASR Reject Facility Check		NA		NA		NA		NA		NA	
2 Wire xDSL Loops												
OR-1 - Order Confirmation Timeliness (Requiring Loop Qual)												
OR-1-04-3342	% On Time LSRC/ASRC- No Facility Check		97.83		97.47		100		100		100	
OR-1-06-3342	% On Time LSRC/ASRC - Facility Check		NA		NA		NA		NA		NA	
OR-2 - Reject Timeliness (Requiring Loop Qual)												
OR-2-04-3342	% On Time LSR/ASR Reject- No Facility Check		100		100		94.12		100		100	4,5
OR-2-06-3342	% On Time LSR/ASR Reject Facility Check		NA		NA		NA		NA		NA	
2 Wire xDSL Line Sharing												
OR-1 - Order Confirmation Timeliness (Requiring Loop Qual)												
OR-1-04-3343	% On Time LSRC/ASRC- No Facility Check		100		100		100		100		100	
OR-1-06-3343	% On Time LSRC/ASRC - Facility Check		NA		NA		NA		NA		NA	
OR-2 - Reject Timeliness (Requiring Loop Qual)												
OR-2-04-3343	% On Time LSR/ASR Reject- No Facility Check		100		100		100		100		100	1,2,3,4,5
OR-2-06-3343	% On Time LSR/ASR Reject Facility Check		NA		NA		NA		NA		NA	
POTS / Special Services - Aggregate												
OR-3 - Percent Rejects (ASRs + LSRs)												
OR-3-01-3000	% Rejects		28.79		23.08		25.54		21.3		22.57	
OR-4 - Timeliness of Completion Notification												
OR-4-02-3000	Completion Notice (BCN) - % On Time		97.34		97.89		99.43		99.08		99.33	
OR-4-05-3000	Work Completion Notice (PCN) - % On Time		97.44		98.05		99.33		99.4		99.54	
OR-4-12-3000	% Due Date to PCN within 2 Business Days		97.57		96.91		98.88		98.28		98.18	
OR-4-14-3000	% Due Date to BCN within 4 Business Days		97.98		97.46		99.15		98.81		98.86	
OR-5 - Percent Flow-Through												
OR-5-01-3000	% Flow Through - Total (ASRs + LSRs)		64.77		75.12		80.94		79.7		83.08	
OR-5-03-3112	% Flow Through Achieved		89.31		93.94		95.68		95.65		96.01	
Special Services - Electronically Submitted												
OR-1 - Order Confirmation Timeliness (ASRs + LSRs)												
OR-1-04-3210	% On Time LSRC/ASRC No Facility Check DS0		NA		NA		NA		NA		NA	
OR-1-04-3211	% On Time LSRC/ASRC No Facility Check DS1		90		89.02		88.89		88.89		90	

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Metric Number	Metric Name	August		September		October		November		December		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
OR-1-04-3213	% On Time LSRC/ASRC No Facility Check DS3		100		100		100		100		100	1,5
OR-1-04-3214	% On Time LSRC/ASRC No Facility Check (Non DS0, DS1, & DS3)		100		NA		0		NA		NA	1,3
OR-1-06-3210	% On Time LSRC/ASRC Facility Check DS0		NA		NA		NA		NA		NA	
OR-1-06-3211	% On Time LSRC/ASRC Facility Check DS1		78.95		93.84		95.8		94.68		98.92	
OR-1-06-3213	% On Time LSRC/ASRC Facility Check DS3		62.5		100		95.83		100		100	1,2,5
OR-1-06-3214	% On Time LSRC/ASRC Facility Check (Non DS0, DS1 & DS3)		100		NA		100		NA		NA	1,3
OR-2 - Reject Timeliness (ASRs + LSRs)												
OR-2-04-3200	% On Time LSR/ASR Reject No Facility Check		100		58.33		72.73		100		50	1,5
OR-2-06-3200	% On Time LSR/ASR Reject Facility Check		93.24		89.83		100		92.31		100	
Special Services - FAX/MAIL Submitted												
OR-1 - Order Confirmation Timeliness												
OR-1-07-3210	Average ASRC Time No Facility Check DS0		NA		NA		NA		NA		NA	
OR-1-07-3211	Average ASRC Time No Facility Check DS1		NA		NA		NA		NA		NA	
OR-1-07-3213	Average ASRC Time No Facility Check DS3		NA		NA		NA		NA		NA	
OR-1-08-3210	% On Time ASRC No Facility Check DS0		NA		NA		NA		NA		NA	
OR-1-08-3211	% On Time ASRC No Facility Check DS1		NA		NA		NA		NA		NA	
OR-1-08-3213	% On Time ASRC No Facility Check DS3		NA		NA		NA		NA		NA	
OR-1-08-3214	% On Time ASRC No Facility Check (Non DS0, DS1 & DS3)		NA		NA		NA		NA		NA	
OR-1-10-3210	% On Time ASRC Facility Check DS0		NA		NA		NA		NA		NA	
OR-1-10-3211	% On Time ASRC Facility Check DS1		NA		NA		NA		NA		NA	
OR-1-10-3213	% On Time ASRC Facility Check DS3		NA		NA		NA		NA		NA	
OR-1-10-3214	% On Time ASRC Facility Check (Non DS0, DS1 & DS3)		NA		NA		NA		NA		NA	
OR-2 - Reject Timeliness												
OR-2-08-3200	% On Time ASR Reject No Facility Check		NA		NA		NA		NA		NA	
OR-2-10-3200	% On Time ASR Reject Facility Check		NA		NA		NA		NA		NA	
UNE (Provisioning) - POTS/Special Services												
POTS - Provisioning												
PR-2 - Average Completed Interval												
PR-2-01-3111	Av. Completed Interval - Total No Dispatch - Hot Cut Loop		4.97		4.86		5.21		4.92		5.08	
PR-2-01-3122	Av. Completed Interval - Total No Dispatch - Other (UNE Switch & INP)	1.36	NA	1.06	NA	0.96	NA	0.96	6.67	1.17	4	4,5

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Metric Number	Metric Name	August		September		October		November		December		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
PR-2-01-3140	Av. Completed Interval - Total No Dispatch - Platform	1.36	1.38	1.06	1.71	0.96	1.82	0.96	1.56	1.17	1.4	
PR-2-03-3112	Av. Completed Interval - Dispatch (1-5 Lines) - Loop	5.17	4.83	4.28	5.05	4.02	4.99	3.65	5.32	4.11	4.38	
PR-2-03-3140	Av. Completed Interval - Dispatch (1-5 Lines) - Platform	5.17	3.09	4.28	3.75	4.02	3.51	3.65	3.07	4.11	3.47	
PR-2-04-3112	Av. Completed Interval - Dispatch (6-9 Lines) - Loop	8.31	6.62	7.58	6.08	8.44	6.4	6.15	7.42	7.81	6	3,5
PR-2-04-3140	Av. Completed Interval - Dispatch (6-9 Lines) - Platform	8.31	3	7.58	3.25	8.44	5.25	6.15	9	7.81	2	1,2,3,4,5
PR-2-05-3112	Av. Completed Interval - Dispatch (>= 10 Lines) - Loop	11.47	8.67	8.11	9.86	7.31	9.6	7.51	12.14	8.75	NA	1,2,3,4
PR-2-05-3140	Av. Completed Interval - Dispatch (>= 10 Lines) - Platform	11.47	6	8.11	NA	7.31	4.33	7.51	6.5	8.75	NA	1,3,4
PR-4 - Missed Appointments												
PR-4-02-3100	Average Delay Days - Total	3.22	11.42	3.43	2.13	3.22	2.94	3.17	1.76	4.27	2.05	
PR-4-03-3100	% Missed Appt. - Customer	1.75	3.15	1.84	2.33	1.76	1.28	2.04	0.82	2.44	2.28	
PR-4-04-3113	% Missed Appt. - Verizon - Dispatch - Loop New	8.92	1.07	8.54	2.14	8.28	3.09	9.61	1.37	11.27	1.39	
PR-4-04-3140	% Missed Appt. - Verizon - Dispatch - Platform	8.92	1.83	8.54	1.78	8.28	1.33	9.61	2.91	11.27	8.87	
PR-4-04-3520	% Missed Appt. - Verizon - Dispatch - Hot Cut Loop	8.92	0	8.54	1.69	8.28	0	9.61	0	11.27	0	
PR-4-05-3111	% Missed Appt. - Verizon - No Dispatch - Hot Cut Loop	1.09	0.31	0.83	0	0.6	0	0.86	0	0.8	0	
PR-4-05-3121	% Missed Appt. - Verizon - No Dispatch - Other	1.09	NA	0.83	NA	0.6	NA	0.86	0	0.8	0	4,5
PR-4-05-3140	% Missed Appt. - Verizon - No Dispatch - Platform	1.09	0.11	0.83	0.07	0.6	0.02	0.86	0.03	0.8	0.12	
PR-4-07-3540	% On Time Performance - LNP Only		92.31		98.17		96.96		97.44		96.44	
PR-5 - Facility Missed Orders												
PR-5-01-3112	% Missed Appointment - Verizon - Facilities - Loop	2.66	1.07	2.73	2.14	2.49	2.4	2.84	1.03	3.03	0.46	
PR-5-01-3140	% Missed Appointment - Verizon - Facilities - Platform	2.66	1.83	2.73	1.78	2.49	1	2.84	0.24	3.03	2.82	
PR-6 - Installation Quality												
PR-6-01-3112	% Installation Troubles reported within 30 Days - Loop	4.2	3.17	4.23	2.88	4.15	3.22	4.21	3.77	4.27	2.52	
PR-6-01-3140	% Installation Troubles reported within 30 Days - Platform	4.2	0.7	4.23	0.83	4.15	1.02	4.21	0.93	4.27	0.96	
PR-6-02-3112	% Installation Troubles reported within 7 Days - Loop	2.64	1.75	2.69	1.48	2.59	2.22	2.67	2.4	2.68	1.49	
PR-6-02-3140	% Installation Troubles reported within 7 Days - Platform	2.64	0.37	2.69	0.47	2.59	0.41	2.67	0.47	2.68	0.38	
PR-6-02-3520	% Installation Troubles reported within 7 Days - Hot Cut Loop		0.56		0.59		0.47		0.38		0.54	

MARYLAND PERFORMANCE METRIC DATA

Metric Number	Metric Name	August		September		October		November		December		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
PR-6-03-3112	% Inst. Troubles reported within 30 Days - FOK/TOK/CPE - Loop	3.86	3.23	3.97	2.77	3.86	4.1	3.92	3.6	3.95	3.55	
PR-6-03-3121	% Inst. Troubles reported within 30 Days - FOK/TOK/CPE - Other	3.86	0.81	3.97	0.8	3.86	0.95	3.92	1.07	3.95	1.05	
PR-8 - Open Orders in a Hold Status												
PR-8-01-3100	Open Orders in a Hold Status > 30 Days	0.04	0	0.04	0	0.03	0	0.05	0	0.04	0	
PR-8-02-3100	Open Orders in a Hold Status > 90 Days	0.02	0	0.02	0	0.02	0	0.02	0	0.01	0	
Hot Cuts												
PR-9 - Hot Cut Loops												
PR-9-01-3520	% On Time Performance - Hot Cut Loop		98.98		98.72		97.72		98.89		96.52	
PR-9-08-3520	Average Duration of Service Interruption		12.34		14.53		9.98		15.87		10.36	1,3,4,5
POTS & Complex Aggregate												
PR-2 - Average Completed Interval												
2-Wire Digital Services												
PR-2 - Average Completed Interval												
PR-2-01-3341	Av. Interval Completed - Total No Dispatch	2.39	0	4.07	2	2.31	NA	4.09	6	2.51	5.5	1,2,4,5
PR-2-02-3341	Av. Interval Completed - Total Dispatch	7.7	5.57	8.54	6.23	7.4	6.12	7.17	6.08	6.14	5.88	
PR-4 - Missed Appointments												
PR-4-02-3341	Average Delay Days - Total	7.92	1.2	18	2.75	3.46	1.91	9.72	3.44	6.13	3.8	1,2,5
PR-4-03-3341	% Missed Appointment - Customer	9.81	5.48	9.8	3.23	10.2	6.76	8.24	4.84	8.2	5.56	
PR-4-04-3341	% Missed Appointment - Verizon - Dispatch	11.91	1.49	12.68	3.57	8.97	8.96	8.91	12.5	13.35	6	
PR-4-05-3341	% Missed Appointment - Verizon - No Dispatch	4.17	0	5.83	0	2.02	0	3.48	0	3.02	0	1,2,3,4,5
PR-5 - Facility Missed Orders												
PR-5-01-3341	% Missed Appointment - Verizon Facilities	1.6	5.56	1.25	3.39	0.68	6.85	1.1	10	1.47	3.85	
PR-6 - Installation Quality												
PR-6-01-3341	% Install. Troubles Reported within 30 Days	4.73	2.7	3.67	4.84	4.31	8.97	5.25	9.84	3.91	5.66	
PR-6-03-3341	% Install. Troubles Reported within 30 Days - FOK/TOK/CPE	4.17	2.7	3.91	11.29	4.7	2.56	4	4.92	6.41	3.77	
PR-8 - Open Orders in a Hold Status												
PR-8-01-3341	Open Orders in a Hold Status > 30 Days	0.21	0	0.28	0	0.48	0	0.76	0	1.05	0	
PR-8-02-3341	Open Orders in a Hold Status > 90 Days	0	0	0	0	0	0	0	0	0	0	
2-Wire xDSL Loops												
PR-2 - Average Completed Interval												
PR-2-01-3342	Av. Interval Completed - Total No Dispatch		4.67		3.33		5		5		4.78	1,2,3,4
PR-2-02-3342	Av. Interval Completed - Total Dispatch		5.57		5.68		5.76		5.67		5.65	

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Metric Number	Metric Name	August		September		October		November		December		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
PR-4 - Missed Appointments												
PR-4-02-3342	Average Delay Days - Total (retail DS0 specials)	4.53	2.56	10.53	2.5	6.06	2.64	5.42	2.7	9.35	2.5	5
PR-4-03-3342	% Missed Appointment - Customer	0.72	5.5	0.8	2.99	0.66	4.38	2.84	7.63	1.21	11.32	
PR-4-04-3342	% Missed Appointment - Verizon - Dispatch		0.53		1.24		1.63		3.72		2.51	
PR-4-14-3342	% Completed On Time		99.68		99.37		98.4		99.58		99.49	
PR-5 - Facility Missed Orders												
PR-5-01-3342	% Missed Appointment - Verizon Facilities	1.46	1.81	2.79	1.83	3.26	2.83	3.47	2.05	4.03	2.48	
PR-6 - Installation Quality												
PR-6-01-3342	% Install. Troubles Reported within 30 Days	6.7	2.25	6.81	0.89	7.2	2.19	1.49	1.2	6.96	1.42	
PR-6-03-3342	% Install. Troubles Reported within 30 Days - FOK/TOK/CPE	3.86	4.25	3.97	8.93	3.86	7.19	3.92	3.21	3.95	6.6	
PR-8 - Open Orders in a Hold Status												
PR-8-01-3342	Open Orders in a Hold Status > 30 Days	0.89	0	0.2	0	0.27	0	1.09	0	0.79	0	
PR-8-02-3342	Open Orders in a Hold Status > 90 Days	0.22	0	0.1	0	0.13	0	0.27	0	0.13	0	
2-Wire xDSL Line Sharing												
PR-2 - Average Completed Interval												
PR-2-01-3343	Av. Interval Completed - Total No Dispatch	3.03	2.8	3.06	2.9	3.06	2.79	3.07	2.71	3.13	2.74	
PR-2-02-3343	Av. Interval Completed - Total Dispatch	2.99	2.85	3.07	3	3.06	3.02	3.13	3	3.29	2.93	
PR-4 - Missed Appointments												
PR-4-02-3343	Average Delay Days - Total	1.35	NA	1.22	NA	1.33	1	2.04	2	1.78	1.33	3,4,5
PR-4-03-3343	% Missed Appointment - Customer	0.72	2.97	0.8	1.18	0.66	0.84	2.84	1.92	1.21	1.65	
PR-4-04-3343	% Missed Appointment - Verizon - Dispatch	1.15	0	1.61	0	1.95	0	5.08	0	8.65	3.23	
PR-4-05-3343	% Missed Appointment - Verizon - No Dispatch	2.33	0	3.22	0	2.54	0.23	2.62	0.19	2.4	0.3	
PR-5 - Facility Missed Orders												
PR-5-01-3343	% Missed Appointment - Verizon Facilities	1.46	0	2.79	0	3.26	0	3.47	0	4.03	3.03	
PR-6 - Installation Quality												
PR-6-01-3343	% Install. Troubles Reported within 30 Days	0.55	0.42	0.57	0.3	0.83	1.26	0.76	1.39	0.65	1.65	
PR-6-03-3343	% Install. Troubles Reported within 30 Days - FOK/TOK/CPE	3.34	7.2	3.6	10.36	4.91	8.6	4.47	5.92	3.95	5.77	
PR-8 - Open Orders in a Hold Status												
PR-8-01-3343	Open Orders in a Hold Status > 30 Days	0	0	0	0	0	0	0	0	0	0	
PR-8-02-3343	Open Orders in a Hold Status > 90 Days	0	0	0	0	0	0	0	0	0	0	
Special Services - Provisioning												
PR-2 - Average Completed Interval												
PR-2-01-3200	Av. Interval Completed - Total No Dispatch	6.92	10	7.56	21	4.58	NA	5.75	3.5	7.26	NA	1,2,4
PR-2-02-3200	Av. Interval Completed - Total Dispatch	9.13	14.88	8.6	12.7	8.15	14.89	8.84	13.67	9.43	13.86	

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Metric Number	Metric Name	August		September		October		November		December		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
PR-2-06-3200	Av. Interval Completed - DS0											
PR-2-07-3200	Av. Interval Completed - DS1											
PR-2-08-3200	Av. Interval Completed - DS3											
PR-2-09-3511	Av. Interval Completed - Total - EEL - Backbone		NA		NA		NA		NA		24	5
PR-2-09-3512	Av. Interval Completed - Total - EEL - Loop		NA		NA		NA		19		NA	4
PR-4 - Missed Appointments												
PR-4-01-3210	% Missed Appointment - Verizon - DS0	14.94	0	11.83	0	9.1	0	11.46	0	13.23	0	1,2,3,4,5
PR-4-01-3211	% Missed Appointment - Verizon - DS1	7.75	3.89	10.82	1.08	13.37	0.01	7.61	0	9.52	0.04	
PR-4-01-3213	% Missed Appointment - Verizon - DS3	0	NA	0	NA	0	NA	0	NA	0	NA	
PR-4-01-3215	% Missed Appointment - Verizon -Special Other	8.33	NA	4.08	NA	3.85	NA	3.23	NA	8.33	NA	
PR-4-01-3510	% Missed Appointment - Verizon - Total - EEL	7.75	NA	10.82	NA	13.37	NA	7.61	50	9.52	100	4,5
PR-4-01-3530	% Missed Appointment - Verizon - Total- IOF	0	10	0	0	0	0	0	4.35	0	0	
PR-4-02-3200	Average Delay Days - Total	4.38	6.14	9.69	2	3.33	3.5	5.6	NA	8.77	1.67	1,2,3,5
PR-4-02-3510	Average Delay Days - Total - EEL	3.05	NA	4.96	NA	0	NA	5	1	5.25	8	4,5
PR-4-02-3530	Average Delay Days - Total - IOF	NA	4.5	NA	NA	NA	NA	NA	1	NA	NA	1,4
PR-4-03-3200	% Missed Appointment - Customer	16.41	7.14	11.78	1.85	13.62	2.7	12.03	6.31	12.65	9.3	
PR-4-03-3510	% Missed Appointment - Customer - EEL	19.01	NA	18.18	NA	14.44	NA	21.2	0	17.62	0	4,5
PR-4-08-3200	% Missed Appt. - Customer - Due to Late Order Conf.		2.38		0.93		0.68		0		1.15	
PR-5 - Facility Missed Orders												
PR-5-01-3200	% Missed Appointment - Verizon - Facilities	1.57	2.48	1.22	0	1.09	0	3.37	0.91	1.62	3.45	
PR-6 - Installation Quality												
PR-6-01-3200	% Installation Troubles reported within 30 Days	1.41	4.59	0.54	8.33	2.5	4.58	1.58	5.65	2.28	4.3	
PR-6-03-3200	% Inst. Troubles reported w/ in 30 Days - FOK/TOK/CPE	1.22	3.21	0.87	9.09	3.15	2.61	2.74	4.03	1.69	6.45	
PR-8 - Open Orders in a Hold Status												
PR-8-01-3200	Open Orders in a Hold Status > 30 Days	0.73	0	0.23	1.06	0.3	0	1.05	0	0.78	0	
PR-8-02-3200	Open Orders in a Hold Status > 90 Days	0.24	0	0.15	0	0.2	0	0.31	0	0.19	0	
UNE (Maintenance) - POTS/Special Services												
Maintenance - POTS Loop												
MR-2 - Trouble Report Rate												
MR-2-02-3550	Network Trouble Report Rate - Loop	1.13	0.51	1.01	0.42	1.19	0.55	0.99	0.42	0.92	0.38	
MR-2-03-3550	Network Trouble Report Rate - Central Office	0.12	0.08	0.09	0.08	0.09	0.07	0.07	0.05	0.08	0.03	
MR-2-05-3550	% CPE/TOK/FOK Trouble Report Rate	1.02	0.76	0.93	0.57	1.02	0.67	0.81	0.59	0.79	0.53	
MR-3 - Missed Repair Appointments												
MR-3-01-3550	% Missed Repair Appointment - Loop	19.95	7.55	20.32	4.23	23.7	8.7	22.36	7.41	23.42	4.7	
MR-3-02-3550	% Missed Repair Appointment - Central Office	13.03	5.88	17.34	8.45	12.84	6.56	16.82	9.09	17.5	11.54	

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Metric Number	Metric Name	August		September		October		November		December		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
MR-3-03-3550	% CPE/TOK/FOK - Missed Appointment	9.74	3.8	10.24	4.18	11.08	5.85	10.23	2.4	9.93	4.87	
MR-3-04-3550	% Missed Repair Appointment - No Double Dispatch	14.41	4.73	14.73	2.43	18.41	4.67	15.96	4.51	16.35	1.73	
MR-3-05-3550	% Missed Repair Appointment - Double Dispatch	49.11	31.91	49.9	27.5	52.06	37.29	52.73	23.26	49.76	38.71	
MR-4 - Trouble Duration Intervals												
MR-4-01-3550	Mean Time To Repair - Total	24.66	17.43	24	16.82	30.12	17.61	29.38	19.36	29.52	16.64	
MR-4-02-3550	Mean Time To Repair - Loop Trouble	26.14	17.84	24.95	17.31	31.5	18.13	30.33	19.56	30.7	17.11	
MR-4-03-3550	Mean Time To Repair - Central Office Trouble	10.92	14.86	13.38	14.33	12.37	13.67	15.38	14.35	15.5	8.42	
MR-4-04-3550	% Cleared (all troubles) within 24 Hours	62.4	80.49	62.78	83.33	54.27	80.04	50.46	78.73	53.33	82.03	
MR-4-07-3550	% Out of Service > 12 Hours	67.65	64.21	67.57	64.89	71.11	62.69	75.18	66.34	73.73	58.62	
MR-4-08-3550	% Out of Service > 24 Hours	34.71	18.85	33.09	15.67	39.87	14.77	45.31	16.83	45.5	14.18	
MR-4-09-3550	Mean Time To Repair - No Double Dispatch	22.91	16.64	22.11	16.77	28.68	16.99	26.57	17.87	26.05	15.5	
MR-4-10-3550	Mean Time To Repair - Double Dispatch	41.35	29.22	39.51	20.29	46.45	25.5	45.2	29.37	45.66	29.89	
MR-5 - Repeat Trouble Reports												
MR-5-01-3550	% Repeat Reports within 30 Days	15	17.07	16.39	15.73	15.98	18.62	16.69	14.68	14.95	20.29	
Maintenance - POTS *Platform*												
MR-2 - Trouble Report Rate												
MR-2-02-3140	Network Trouble Report Rate - Platform	1.13	0.61	1.01	0.6	1.19	0.76	0.99	0.64	0.92	0.62	
MR-2-03-3140	Network Trouble Report Rate - Central Office	0.12	0.09	0.09	0.07	0.09	0.16	0.07	0.08	0.08	0.04	
MR-2-04-3140	% Subsequent Reports	4.57	2.96	4.26	2.38	4.22	2.62	4.09	3.19	4.11	2.42	
MR-2-05-3140	% CPE/TOK/FOK Trouble Report Rate	1.02	0.87	0.93	0.68	1.02	0.9	0.81	0.82	0.79	0.72	
MR-3 - Missed Repair Appointments												
MR-3-01-3144	% Missed Repair Appointment - Platform Bus.	27.21	30.65	26.66	24.83	29.5	21.05	28.62	26.63	29.21	28.74	
MR-3-01-3145	% Missed Repair Appointment - Platform Res.	19.02	14.29	19.52	10.81	22.93	10.64	21.64	13.03	22.74	13.27	
MR-3-02-3144	% Missed Repair Appointment - Central Office Bus.	19.36	31.58	26.5	35	18.47	13.95	20.16	16.67	19.51	23.81	
MR-3-02-3145	% Missed Repair Appointment - Central Office Res.	11.21	20	14.84	14.29	10.93	11.63	15.79	8	16.9	15.39	1,2
MR-3-03-3140	% CPE/TOK/FOK - Missed Appointment - Platform	9.74	13.88	10.24	11.6	11.08	8.48	10.23	7.53	9.93	11.97	
MR-3-04-3140	% Missed Repair Appointment - No Double Dispatch	14.41	22.75	14.73	17.65	18.41	13	15.96	13.42	16.35	13.6	
MR-4 - Trouble Duration Intervals												
MR-4-01-3140	Mean Time To Repair - Total	24.66	15.67	24	15.52	30.12	18.25	29.38	22.72	29.52	22.77	
MR-4-04-3140	% Cleared (all troubles) within 24 Hours	62.4	79.19	62.78	84.15	54.27	75.78	50.46	64.95	53.33	65.33	
MR-4-06-3140	% Out of Service > 4 Hours	81.38	66.91	82.51	67.9	83.71	67.83	88.2	82.41	85.57	80.83	
MR-4-07-3140	% Out of Service > 12 Hours	67.65	51.08	67.57	54.32	71.11	55.65	75.18	68.33	73.73	71.24	
MR-4-08-3144	% Out of Service > 24 Hours - Bus.	12.55	12.12	11.6	7.77	13.02	7.74	15.51	15	16.03	7.91	
MR-4-08-3145	% Out of Service > 24 Hours - Res.	37.79	42.5	36.05	32.2	43.95	37.85	49.04	43.78	49.05	46.96	
MR-5 - Repeat Trouble Reports												
MR-5-01-3140	% Repeat Reports within 30 Days	15	19.8	16.39	14.23	15.98	12.01	16.69	14.23	14.95	12	

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		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
2-Wire Digital Services - Maintenance												
MR-2 - Trouble Report Rate												
MR-2-02-3341	Network Trouble Report Rate - Loop	0.46	0.9	0.31	0.8	0.4	1.14	0.37	0.78	0.37	0.45	
MR-2-03-3341	Network Trouble Report Rate - Central Office	0.19	0.07	0.14	0.04	0.19	0	0.19	0.04	0.2	0.15	
MR-2-04-3341	% Subsequent Reports	11.76	0	8.9	0	11.17	0	9.24	0	11.54	5.88	
MR-3 - Missed Repair Appointments												
MR-3-01-3341	% Missed Repair Appointment - Loop	61.87	12	55.43	18.18	52.54	19.36	60	23.81	61.11	16.67	
MR-3-02-3341	% Missed Repair Appointment - Central Office	62.5	50	51.22	0	45.61	NA	50.88	0	43.75	0	1,2,4,5
MR-4 - Trouble Duration Intervals												
MR-4-01-3341	Mean Time To Repair - Total	24.68	28.08	24.34	26.91	24.93	30.8	27.99	21.26	24.37	14.87	
MR-4-02-3341	Mean Time To Repair - Loop Trouble	26.48	28.41	26.96	28.07	27.19	30.8	32.98	22.19	24.45	16.44	
MR-4-03-3341	Mean Time To Repair - Central Office Trouble	20.22	23.93	18.45	1.57	20.25	NA	18.35	1.73	24.23	10.16	1,2,4,5
MR-4-07-3341	% Out of Service > 12 Hours	61.27	68.42	72.92	78.95	57.5	73.08	67.27	70	57.9	53.85	
MR-4-08-3341	% Out of Service > 24 Hours	35.21	47.37	32.29	52.63	32.5	38.46	31.82	40	29.47	15.39	
MR-4-09-3341	Mean Time To Repair - No Double Dispatch	16.05	27.73	17.26	23.35	16.66	33.21	15.39	16.85	11.22	12.12	
MR-5 - Repeat Trouble Reports												
MR-5-01-3341	% Repeat Reports within 30 Days	17.44	25.93	18.05	30.43	14.86	19.36	18.56	9.09	23.91	25	
2-Wire xDSL Loops - Maintenance												
MR-2 - Trouble Report Rate												
MR-2-02-3342	Network Trouble Report Rate - Loop	0.19	0.43	0.19	0.35	0.23	0.33	0.18	0.27	0.14	0.24	
MR-2-03-3342	Network Trouble Report Rate - Central Office	0.05	0.06	0.05	0.05	0.05	0.04	0.05	0.03	0.06	0.01	
MR-3 - Missed Repair Appointments												
MR-3-01-3342	% Missed Repair Appointment - Loop	41.92	4.35	30.91	5.88	23.86	4.62	38.99	7.55	45.39	6.67	
MR-3-02-3342	% Missed Repair Appointment - Central Office	17.65	0	6.76	0	11.29	11.11	19.05	0	23.38	0	4,5
MR-4 - Trouble Duration Intervals												
MR-4-02-3342	Mean Time To Repair - Loop Trouble	55.19	18.31	64.09	21.74	76.09	20.39	46.53	23.6	45.26	26.08	
MR-4-03-3342	Mean Time To Repair - Central Office Trouble	19.04	3.1	24.62	8.9	26.72	17.98	22.47	5.84	24.43	8.41	4,5
MR-4-07-3342	% Out of Service > 12 Hours	79.03	53.75	79.59	63.33	84.36	69.09	84.04	68.52	77.11	65.85	
MR-4-08-3342	% Out of Service > 24 Hours	56.99	18.75	61.73	26.67	71.56	20	55.85	27.78	51.81	31.71	
MR-5 - Repeat Trouble Reports												
MR-5-01-3342	% Repeat Reports within 30 Days	36.17	21.36	38.49	19.48	35.52	18.92	33.78	9.84	43	18.75	
2-Wire xDSL Line Sharing - Maintenance												
MR-2 - Trouble Report Rate												
MR-2-02-3343	Network Trouble Report Rate - Loop	0.19	0.1	0.19	0.18	0.23	0.12	0.18	0.21	0.14	0.19	
MR-2-03-3343	Network Trouble Report Rate - Central Office	0.05	0.1	0.05	0.14	0.05	0.16	0.05	0.14	0.06	0.19	

MARYLAND PERFORMANCE METRIC DATA

Metric Number	Metric Name	August		September		October		November		December		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
MR-3 - Missed Repair Appointments												
MR-3-01-3343	% Missed Repair Appointment - Loop	41.92	66.67	30.91	40	23.86	33.33	38.99	25	45.39	60	1,2,3
MR-3-02-3343	% Missed Repair Appointment - Central Office	17.65	0	6.76	0	11.29	10	19.05	0	23.38	12.5	1,2,4,5
MR-4 - Trouble Duration Intervals												
MR-4-02-3343	Mean Time To Repair - Loop Trouble	55.19	62.22	64.09	75.04	76.09	63.64	46.53	35.8	45.26	32.4	1,2,3
MR-4-03-3343	Mean Time To Repair - Central Office Trouble	19.04	16.02	24.62	12.69	26.72	18.75	22.47	13.62	24.43	30.64	1,2,4,5
MR-4-04-3343	% Cleared (all troubles) within 24 Hours	36.6	20	32.64	37.5	24.32	53.85	41.44	72.22	46.38	55.56	1,2
MR-4-07-3343	% Out of Service > 12 Hours	79.03	80	79.59	85.71	84.36	58.33	84.04	75	77.11	55.56	1,2
MR-4-08-3343	% Out of Service > 24 Hours	56.99	80	61.73	71.43	71.56	41.67	55.85	31.25	51.81	44.44	1,2
MR-5 - Repeat Trouble Reports												
MR-5-01-3343	% Repeat Reports within 30 Days	36.17	80	38.49	87.5	35.52	30.77	33.78	33.33	43	61.11	1,2
Special Services - Maintenance												
MR-2 - Trouble Report Rate												
MR-2-01-3200	Network Trouble Report Rate	0.65	2.5	0.55	1.44	0.76	1.73	0.49	2.13	0.5	1.29	
MR-2-05-3200	% CPE/TOK/FOK Trouble Report Rate	0.81	2.14	0.63	2.25	0.73	2.19	0.48	1.42	0.51	1.51	
MR-4 - Trouble Duration Intervals												
MR-4-01-3200	Mean Time To Repair - Total	5.43	5.07	5.55	3.81	5.52	6.49	5.41	5.72	5.7	4.07	
MR-4-04-3200	% Cleared (all troubles) within 24 Hours	99.57	100	98.32	100	99.26	97.78	99.79	100	98.95	100	
MR-4-06-3200	% Out of Service > 4 Hours	52.94	36.84	47.39	31.43	53.99	52.5	51.61	52.17	52.97	36.36	
MR-4-08-3200	% Out of Service > 24 Hours	0.43	0	1.69	0	0.74	2.5	0.21	0	1.06	0	
MR-5 - Repeat Trouble Reports												
MR-5-01-3200	% Repeat Reports within 30 Days	15.49	11.11	12.96	13.51	13.36	15.56	15.6	24.56	17.47	17.14	
Trunks (Aggregate) - POTS/Special Services												
ORDERING												
OR 1 - Order Confirmation Timeliness												
OR-1-11-5020	Av. FOC Time (<= 192 Forecasted Trunks)		3.31		2.82		3		2.13		2.77	
OR-1-11-5030	Av. FOC Time (> 192 and Unforecasted Trunks)		4.39		4.16		5.99		5.36		3.83	
OR-1-12-5020	% On Time FOC (<= 192 Forecasted Trunks)		100		100		100		100		100	4
OR-1-12-5030	% On Time FOC (> 192 and Unforecasted Trunks)		91.67		97.65		88.46		87.5		94.95	
OR-1-13-5020	% On Time Design Layout Record (DLR)		100		100		98.99		97.06		100	1
OR-1-19-5020	% On Time Resp. - Request for Inbound Augment Trunks (<= 192 Forecasted)		NA		NA		NA		NA		NA	
OR-1-19-5030	% On Time Resp. - Request for Inbound Augment Trunks (> 192 Forecasted)		NA		NA		NA		NA		NA	

MARYLAND PERFORMANCE METRIC DATA

Metric Number	Metric Name	August		September		October		November		December		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
OR-2 - Reject Timeliness												
OR-2-11-5000	Average Trunk ASR Reject Time (<= 192 Forecasted Trunks)		3.25		1.5		1.59		2.69		4	
OR-2-12-5000	% On Time Trunk ASR Reject (<= 192 Forecasted Trunks)		100		100		100		100		77.78	1,2
PROVISIONING												
PR-1-09-5020	Av. Interval Offered - Total (<= 192 Forecasted Trunks)	10	13	11.19	NA	11.18	NA	12.07	NA	11.4	NA	1
PR-1-09-5030	Av. Interval Offered - Total (> 192 & Unforecasted Trunks)	10.24	12.09	11.96	9.14	11.21	9.52	12.73	9.48	13.67	21.69	
PR-2 - Average Interval Completed												
PR-2-09-5020	Av. Interval Completed - Total (<= 192 Forecasted Trunks)	11.14	NA	10.83	NA	9.22	NA	12	NA	22.5	NA	
PR-2-09-5030	Av. Interval Completed - Total (> 192 Forecasted Trunks)	9.78	12.38	18.78	12.2	11.32	12.13	13.41	8.86	15.6	25.42	1,2
PR-4 - Missed Appointment												
PR-4-01-5000	% Missed Appointment - Verizon - Total	0	0	0	0	0	0.3	1.83	0.03	0	0	
PR-4-02-5000	Average Delay Days - Total	NA	NA	NA	NA	NA	10.38	3.6	5	NA	NA	4
PR-4-03-5000	% Missed Appointment - Customer	75.01	24.41	37.7	42.03	37.43	32.51	52.01	50.36	8.08	40.11	
PR-5 - Facility Missed Orders												
PR-5-01-5000	% Missed Appointment - Verizon - Facilities	0	0	0	0	0	0.1	0.37	0	0	0	
PR-5-02-5000	% Orders Held for Facilities > 15 Days	0	0	0	0	0	0	0	0	0	0	
PR-5-03-5000	% Orders Held for Facilities > 60 Days	0	0	0	0	0	0	0	0	0	0	
PR-6 - Installation Quality												
PR-6-01-5000	% Installation Troubles reported within 30 Days	0.02	0	0.04	0	0.02	0	0	0	0.02	0	
PR-6-03-5000	% Inst. Troubles reported within 30 Days - FOK/TOK/CPE	0.02	0.03	0	0	0.02	0.09	0.03	0.03	0	0	
PR-8 - Open Orders in a Hold Status												
PR-8-01-5000	Open Orders in a Hold Status > 30 Days	0	0	0	0	0	1.21	0	0	4.55	0	
PR-8-02-5000	Open Orders in a Hold Status > 90 Days	0	0	0	0	0	0	0	0	0	0	
MAINTENANCE												
MR-2 - Trouble Report Rate												
MR-2-01-5000	Network Trouble Report Rate	0.01	0.01	0.01	0.01	0.02	0	0	0	0	0.01	
MR-4 - Trouble Duration Intervals												
MR-4-01-5000	Mean Time To Repair - Total	1.54	2.55	12.52	7.16	9.59	1.56	1.19	0.82	1.92	1.3	4
MR-4-04-5000	% Cleared (all troubles) within 24 Hours	100	100	87.5	91.18	88.89	100	100	100	100	100	4
MR-4-05-5000	% Out of Service > 2 Hours	17.39	58.33	62.5	26.47	40.74	36.36	20	0	28.57	15.38	4

MARYLAND PERFORMANCE METRIC DATA

Metric Number	Metric Name	August		September		October		November		December		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
MR-4-06-5000	% Out of Service > 4 Hours	8.7	25	37.5	17.65	18.52	9.09	20	0	14.29	3.85	4
MR-4-07-5000	% Out of Service > 12 Hours	0	0	25	14.71	11.11	0	0	0	0	0	4
MR-4-08-5000	% Out of Service > 24 Hours	0	0	12.5	8.82	11.11	0	0	0	0	0	4
MR-5 - Repeat Trouble Report Rates												
MR-5-01-5000	% Repeat Reports within 30 Days	8.7	16.67	18.75	0	0	9.09	0	0	0	0	4
NETWORK PERFORMANCE												
NP-1 - Percent Final Trunk Group Blockage												
NP-1-01-5000	% Final Trunk Groups Exceeding Blocking Standard	0	0	1.09	1.45	1.95	4.35	0	0	0.85	1.47	
NP-1-02-5000	% FTG Exceeding Blocking Std. -(No Exceptions)	0	3.39	1.09	4.35	1.95	4.35	0	0	0.85	2.94	
NP-2 - Collocation Performance - New												
NP-2-01-6701	% On Time Response to Request for Physical Collocation		100		100		100		100		NA	1,2,3,4
NP-2-02-6701	% On Time Response to Request for Virtual Collocation		NA		NA		100		NA		NA	3
NP-2-03-6701	Average Interval - Physical Collocation		66.2		NA		51		67.5		63	
NP-2-04-6701	Average Interval - Virtual Collocation		NA		NA		NA		NA		NA	
NP-2-05-6701	% On Time - Physical Collocation		100		NA		100		100		100	1,3,4,5
NP-2-06-6701	% On Time - Virtual Collocation		NA		NA		NA		NA		NA	
NP-2-07-6701	Average Delay Days - Physical Collocation		NA		NA		NA		NA		NA	
NP-2-08-6701	Average Delay Days - Virtual Collocation		NA		NA		NA		NA		NA	
NP-2 - Collocation Performance - Augment												
NP-2-01-6702	% On Time Response to Request for Physical Collocation		100		100		100		100		100	1,2
NP-2-02-6702	% On Time Response to Request for Virtual Collocation		NA		100		NA		NA		NA	2
NP-2-03-6702	Average Interval - Physical Collocation		39.83		53.19		46.4		32.38		45.8	
NP-2-04-6702	Average Interval - Virtual Collocation		NA		NA		NA		NA		42	
NP-2-05-6702	% On Time - Physical Collocation		100		100		100		100		100	3,4,5
NP-2-06-6702	% On Time - Virtual Collocation		NA		NA		NA		NA		100	5
NP-2-07-6702	Average Delay Days - Physical Collocation		NA		NA		NA		NA		NA	
NP-2-08-6702	Average Delay Days - Virtual Collocation		NA		NA		NA		NA		NA	

Abbreviations: NA = No Activity.
blank cell = No data provided.
VZ = Verizon retail analog. If no data was provided, the metric may have a benchmark.

Notes:
1 = Sample Size under 10 for August.
2 = Sample Size under 10 for September.
3 = Sample Size under 10 for October.
4 = Sample Size under 10 for Novemebr.
5 = Sample Size under 10 for December.

Appendix C

Washington, D.C. Performance Metrics

All data included here are taken from the Washington, D.C. Carrier-to-Carrier Reports. This table is provided as a reference tool for the convenience of the reader. No conclusions are to be drawn from the raw data contained in this table. Our analysis is based on the totality of the circumstances, such that we may use non-metric evidence, and may rely more heavily on some metrics more than others, in making our determination. The inclusion of these particular metrics in this table does not necessarily mean that we relied on all of these metrics nor that other metrics may not also be important in our analysis. Some metrics that we have relied on in the past and may rely on for a future application were not included here because there was no data provided for them (usually either because there was no activity, or because the metrics are still under development). Metrics with no retail analog provided are usually compared with a benchmark. Note that for some metrics during the period provided, there may be changes in the metric definition, or changes in the retail analog applied, making it difficult to compare the data over time.

PERFORMANCE METRICS CATAGORIES

Metric Number	Metric Name
Preorder and OSS Availability:	
OR-1-02	% On Time LSRC – Flow Through
OR-1-04	% On Time LSRC No Facility Check
OR-1-06	% On Time LSRC/ASRC Facility Check
OR-1-07	Average ASRC Time No Facility Check
OR-1-08	% On Time ASRC No Facility Check
OR-1-10	% On Time ASRC Facility Check
OR-1-11	Av. FOC Time
OR-1-12	% On Time FOC
OR-1-13	% On Time Design Layout Record (DLR)
OR-1-19	% On Time Resp. - Request for Inbound Augment Trunks
PO-1-01	Customer Service Record
PO-1-02	Due Date Availability
PO-1-03	Address Validation
PO-1-04	Product & Service Availability
PO-1-05	Telephone Number Availability & Reservation
PO-1-06	Average Response Time - Mechanized Loop Qualification - DSL
PO-1-07	Rejected Query
PO-1-08	% Timeouts
PO-1-09	Parsed CSR
PO-2-01	OSS Interf. Avail. – Total
PO-2-02	OSS Interf. Avail. – Prime Time
PO-2-03	OSS Interf. Avail. – Non-Prime
PO-4-01	% Notices Sent on Time
PO-4-02	Change Mgmt. Notice - Delay 1-7 Days
PO-4-03	Change Mgmt. Notice - Delay 8+ Days
OR-6-04	% Accuracy - Directory Listing
PO-8-01	% On Time - Manual Loop Qualification
PO-8-02	% On Time - Engineering Record Request
MR-1-01	Create Trouble
OR-5-03	% Flow Through Achieved
OR-6-01	% Accuracy - Orders
OR-6-02	% Accuracy – Opportunities
OR-6-03	% Accuracy – LSRC
OR-7-01	% Order Confirmation/Rejects sent within 3 Business Days

Metric Number	Metric Name
Change Management, Billing, OS/DA, Interconnection and Collocation:	
BI-1-02	% DUF in 4 Business Days
BI-2-01	Timeliness of Carrier Bill
BI-3-01	% Billing Adjustments - Dollars Adjusted
BI-3-02	% Billing Adjustments - Number of Adjustments
BI-3-04	% CLEC Billing Claims Acknowledged Within Two Business Days
BI-3-05	% CLEC Billing Claims Resolved Within 28 Calendar Days After Acknowledgement
NP-1-01	% Final Trunk Groups Exceeding Blocking Standard
NP-1-02	% FTG Exceeding Blocking Std. –(No Exceptions)
NP-2-01	% On Time Response to Request for Physical Collocation
NP-2-02	% On Time Response to Request for Virtual Collocation
NP-2-03	Average Interval – Physical Collocation
NP-2-04	Average Interval – Virtual Collocation
NP-2-05	% On Time – Physical Collocation
NP-2-06	% On Time – Virtual Collocation
NP-2-07	Average Delay Days – Physical Collocation
NP-2-08	Average Delay Days – Virtual Collocation
Ordering:	
OR-2-02	% On Time LSR Reject – Flow Through
OR-2-04	% On Time LSR Reject < 6 Lines - Electronic - No Flow-Through
OR-2-06	% On Time LSR Reject >= 6 Lines - Electronic - No Flow-Through
OR-2-08	% On Time LSR Reject < 6 Lines - Fax
OR-2-10	% On Time ASR Reject Facility Check
OR-2-11	Average Trunk ASR Reject Time (<= 192 Forecasted Trunks)
OR-2-12	% On Time Trunk ASR Reject (<= 192 Forecasted Trunks)
OR-3-01	% Rejects
OR-4-02	Completion Notice (BCN) – % On Time
OR-4-05	Work Completion Notice (PCN) – % On Time
OR-4-12	% Due Date to PCN within 2 Business Days
OR-4-14	% Due Date to BCN within 4 Business Days
OR-4-17	% Billing Completion Notifier sent within two (2) Business Days
OR-5-01	% Flow Through - Total
PR-6-01	% Installation Troubles reported within 30 Days
PR-6-02	% Installation Troubles reported within 7 Days
PR-6-03	% Inst. Troubles reported w/ in 30 Days - FOK/TOK/CPE

PERFORMANCE METRICS CATAGORIES

Metric Number	Metric Name
Provisioning:	
PR-1-09	Av. Interval Offered – Total
PR-2-01	Average Interval Completed – Total No Dispatch
PR-2-02	Average Interval Completed – Total Dispatch
PR-2-03	Average Interval Completed – Dispatch (1-5 Lines)
PR-2-04	Average Interval Completed - Dispatch (6-9 Lines)
PR-2-05	Average Interval Completed - Dispatch (>= 10 Lines)
PR-2-06	Average Interval Completed – DS0
PR-2-07	Average Interval Completed – DS1
PR-2-08	Average Interval Completed – DS3
PR-2-09	Av. Interval Completed – Total
PR-2-18	Average Interval Completed – Disconnects
PR-4-01	% Missed Appointment – Verizon
PR-4-02	Average Delay Days – Total
PR-4-03	% Missed Appointment – Customer
PR-4-04	% Missed Appointment – Verizon – Dispatch
PR-4-05	% Missed Appointment – Verizon – No Dispatch
PR-4-07	% On Time Performance – LNP Only
PR-4-08	% Missed Appt. – Customer – Late Order Conf.
PR-4-14	% Completed On Time [With Serial Number]
PR-4-15	% Completed On Time -DD-2 Test Total
PR-5-01	% Missed Appointment – Verizon – Facilities
PR-5-02	% Orders Held for Facilities > 15 Days
PR-5-03	% Orders Held for Facilities > 60 Days

Metric Number	Metric Name
PR-8-01	Open Orders in a Hold Status > 30 Days
PR-8-02	Open Orders in a Hold Status > 90 Days
PR-9-01	% On Time Performance – Hot Cut
PR-9-08	Average Duration of Service Interruption
Maintenance and Repair:	
MR-2-01	Network Trouble Report Rate
MR-2-02	Network Trouble Report Rate
MR-2-03	Network Trouble Report Rate – Central Office
MR-2-04	% Subsequent Reports
MR-2-05	% CPE/TOK/FOK Trouble Report Rate
MR-3-01	% Missed Repair Appointment – Loop
MR-3-02	% Missed Repair Appointment – Central Office
MR-3-03	% CPE/TOK/FOK - Missed Appointment
MR-3-04	% Missed Repair Appointment - No Double Dispatch
MR-3-05	% Missed Repair Appointment - Double Dispatch
MR-4-01	Mean Time To Repair
MR-4-02	Mean Time To Repair – Loop Trouble
MR-4-03	Mean Time To Repair – Central Office Trouble
MR-4-04	% Cleared (all troubles) within 24 Hours
MR-4-05	% Out of Service > 2 Hours
MR-4-06	% Out of Service > 4 Hours
MR-4-07	% Out of Service > 12 Hours
MR-4-08	% Out of Service > 24 Hours
MR-4-09	Mean Time To Repair - No Double Dispatch
MR-4-10	Mean Time To Repair - Double Dispatch
MR-5-01	% Repeat Reports within 30 Days

WASHINGTON, D.C. PERFORMANCE METRIC DATA

Metric Number	Metric Name	August		September		October		November		December		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
OSS & BILLING (Pre-Ordering) - POTS/Special Services												
PRE-ORDERING												
PO-1 - Response Time OSS Pre-Ordering Interface												
PO-1-01-6020	Customer Service Record - EDI	0.89	2.74	0.32	2.99	0.22	2.85	0.25	2.7	0.21	3.08	2
PO-1-01-6030	Customer Service Record - CORBA	0.89	0.94	0.32	0.89	0.22	0.9	0.25	1.13	0.21	1.23	
PO-1-01-6050	Customer Service Record -Web GUI	0.89	2.79	0.32	2.79	0.22	6.56	0.25	3.41	0.21	2.77	
PO-1-02-6020	Due Date Availability - EDI	1.15	NA	1.3	NA	1.02	NA	1.09	4.9	1.05	4.83	5
PO-1-02-6030	Due Date Availability - CORBA	1.15	NA	1.3	NA	1.02	NA	1.09	NA	1.05	NA	
PO-1-02-6050	Due Date Availability - Web GUI	1.15	3.81	1.3	4.54	1.02	3.77	1.09	3.69	1.05	3.81	
PO-1-03-6020	Address Validation - EDI	4.58	6.68	4.83	6.71	4.04	6.43	4.05	6.3	4.02	6.35	
PO-1-03-6030	Address Validation - CORBA	4.58	9.12	4.83	7.94	4.04	8.88	4.05	9.29	4.02	7.89	
PO-1-03-6050	Address Validation - Web GUI	4.58	7.97	4.83	8.52	4.04	7.45	4.05	6.97	4.02	7.21	
PO-1-04-6020	Product & Service Availability - EDI	10.02	NA	10.93	NA	9.12	NA	9.07	NA	9.07	NA	
PO-1-04-6030	Product & Service Availability - CORBA	10.02	NA	10.93	NA	9.12	NA	9.07	NA	9.07	NA	
PO-1-04-6050	Product & Service Availability - Web GUI	10.02	12.91	10.93	13.81	9.12	13.02	9.07	12.99	9.07	12.21	5
PO-1-05-6020	Telephone Number Availability & Reservation - EDI	5.64	NA	5.92	NA	4.94	NA	4.97	8.96	4.96	8.42	
PO-1-05-6030	Telephone Number Availability & Reservation - CORBA	5.64	NA	5.92	NA	4.94	NA	4.97	NA	4.96	NA	
PO-1-05-6050	Telephone Number Availability & Reservation - Web GUI	5.64	8.22	5.92	8.29	4.94	7.99	4.97	8.06	4.96	7.58	
PO-1-06-6020	Average Response Time - Mechanized Loop Qualification - DSL - EDI	14.25	5.11	16.02	5.36	14.49	6.04	13.9	5.75	13.89	5.17	
PO-1-06-6030	Average Response Time - Mechanized Loop Qualification - DSL - CORBA	14.25	5.3	16.02	5.66	14.49	5.65	13.9	5.35	13.89	4.34	2
PO-1-06-6050	Average Response Time - Mechanized Loop Qualification - DSL - Web GUI	14.25	5.26	16.02	5.13	14.49	4.49	13.9	5.41	13.89	4.55	
PO-1-07-6020	Rejected Query - EDI	0.85	2.9	0.17	3.04	0.17	3.31	0.18	3.29	0.2	3.02	
PO-1-07-6030	Rejected Query - CORBA	0.85	0.81	0.17	0.76	0.17	0.91	0.18	0.87	0.2	0.97	
PO-1-07-6050	Rejected Query - Web GUI	0.85	2.94	0.17	2.94	0.17	3.14	0.18	3.1	0.2	2.92	
PO-1-08-6020	% Timeouts - EDI		0.36		0.02		0.1		0.31		0.14	
PO-1-08-6030	% Timeouts - CORBA		0.13		0		0		0		0	
PO-1-08-6050	% Timeouts - Web GUI		0.19		1.19		1.12		0.4		0.45	
PO-1-09-6020	Parsed CSR - EDI	0.89	1.94	0.32	1.95	0.22	2	0.25	1.97	0.21	2.04	
PO-1-09-6030	Parsed CSR - CORBA	0.89	0.38	0.32	0.41	0.22	0.5	0.25	0.39	0.21	0.52	
PO-2 - OSS Interface Availability												
PO-2-01-6020	OSS Interf. Avail. - Total - EDI		99.91									

WASHINGTON, D.C. PERFORMANCE METRIC DATA

Metric Number	Metric Name	August		September		October		November		December		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
PO-2-01-6030	OSS Interf. Avail. - Total - CORBA		99.97									
PO-2-01-6060	OSS Interf. Avail. - Total - Electronic Bonding		100									
PO-2-02-6020	OSS Interf. Avail. - Prime Time - EDI		99.89		99.98		99.99		99.9		99.98	2,3,4,5
PO-2-02-6030	OSS Interf. Avail. - Prime Time - CORBA		99.96		100		100		99.96		100	4
PO-2-02-6050	OSS Interf. Avail. - Prime Time - Maint. Web GUI / Pre-ordering/Ordering Web GUI		99.71									
PO-2-02-6060	OSS Interf. Avail. - Prime Time - Maintenance - Electronic Bonding		100		100		99.82		100		100	3
PO-2-03-6020	OSS Interf. Avail.- Non-Prime - EDI		99.96		99.98		99.98		100		99.86	2,3,5
PO-2-03-6030	OSS Interf. Avail. - Non-Prime - CORBA		100		99.97		99.98		99.98		100	2,3,4
PO-2-03-6050	OSS Interf. Avail. - Non-Prime - Maint. Web GUI / Pre-ordering/Ordering Web GUI		100									
PO-2-03-6060	OSS Interf. Avail. - Non-Prime - Maintenance - Electronic Bonding		100		100		100		100		100	
PO-2-03-6080	OSS Interf. Avail. - Non-Prime - Maint Web GUI/Pre Order/Ordering WEB GUI				99.72		99.61		98.96		100	2,3,4
PO-8 - Manual Loop Qualification												
PO-8-01-2000	% on Time - Manual Loop Qualification		NA		NA		NA		100		0	4,5
PO-8-02-2000	% on Time - Engineering Record Request		NA		NA		NA		NA		NA	
Change Notification												
PO-4 - Timeliness of Change Management Notice												
PO-4-01-6611	% Notices Sent on Time - Emergency Maint.		100									
PO-4-01-6621	% Notices Sent on Time - Regulatory		100									
PO-4-01-6631	% Notices Sent on Time - Industry Standard		100									
PO-4-01-6641	% Notices Sent on Time - Verizon Orig.		100									
PO-4-01-6651	% Notices Sent on Time - TC Orig.		100									
PO-4-01-6660	% Notices Sent on Time - Industry Standard, Verizon Orig. & CLEC Orig.				100		NA		100		100	2,4
PO-4-01-6671	% Notices Sent on Time - Emergency Maint. & Regulatory				100		100		100		100	2,4,5
PO-4-02-6611	Change Mgmt. Notice - Delay 1-7 Days - Emergency Maint.		NA									
PO-4-02-6621	Change Mgmt. Notice - Delay 1-7 Days - Regulatory		NA									
PO-4-02-6631	Change Mgmt. Notice - Delay 1-7 Days - Ind. Std.		NA									
PO-4-02-6641	Change Mgmt. Notice - Delay 1-7 Days - Verizon Orig.		NA									
PO-4-02-6651	Change Mgmt. Notice - Delay 1-7 Days - TC Orig.		NA									

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		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
PO-4-02-6660	Change Mgmt. Notice - Delay 1-7 Days - Ind. Std., Verizon Orig, & CLEC Orig.				NA		NA		NA		NA	
PO-4-02-6671	Change Mgmt. Notice - Delay 1-7 Days - Emergency Maint. & Regulatory				NA		NA		NA		NA	
PO-4-03-6611	Change Mgmt. Notice - Delay 8+ Days - Emergency Maint.		NA									
PO-4-03-6621	Change Mgmt. Notice - Delay 8+ Days - Regulatory		NA									
PO-4-03-6631	Change Mgmt. Notice - Delay 8+ Days - Ind. Std.		NA									
PO-4-03-6641	Change Mgmt. Notice - Delay 8+ Days - Verizon Orig.		NA									
PO-4-03-6651	Change Mgmt. Notice - Delay 8+ Days - TC Orig.		NA									
PO-4-03-6660	Change Mgmt. Notice - Delay 8+ Days - Ind. Std., Verizon Orig. & CLEC Orig.				NA		NA		NA		NA	
PO-4-03-6671	Change Mgmt. Notice - Delay 8+ Days - Emergency Maint. & Regulatory				NA		NA		NA		NA	
Change Confirmation												
PO-4 - Timeliness of Change Management Notice												
PO-4-01-6622	% Notices Sent on Time - Regulatory		NA		100		NA		NA		NA	
PO-4-01-6632	% Notices Sent on Time - Ind. Std.		33.33									
PO-4-01-6642	% Notices Sent on Time - Verizon Orig.		NA									
PO-4-01-6652	% Notices Sent on Time - TC Orig.		NA									
PO-4-01-6662	% Notices Sent on Time - Ind. Std., Verizon Orig.& CLEC Orig.				100		100		NA		NA	2,3
PO-4-02-6622	Change Mgmt. Notice - Delay 1-7 Days - Regulatory		NA		NA		NA		NA		NA	
PO-4-02-6632	Change Mgmt. Notice - Delay 1-7 Days - Ind. Std.		NA									
PO-4-02-6642	Change Mgmt. Notice - Delay 1-7 Days - Verizon Orig.		NA									
PO-4-02-6652	Change Mgmt. Notice - Delay 1-7 Days - TC Orig.		NA									
PO-4-02-6662	Change Mgmt. Notice - Delay 1-7 Days - Ind. Std., Verizon Orig. & CLEC Orig.				NA		NA		NA		NA	
PO-4-03-6622	Change Mgmt. Notice - Delay 8+ Days - Regulatory		NA		NA		NA		NA		NA	
PO-4-03-6632	Change Mgmt. Notice - Delay 8+ Days - Ind. Std.		NA									
PO-4-03-6642	Change Mgmt. Notice - Delay 8+ Days - Verizon Orig.		NA									
PO-4-03-6652	Change Mgmt. Notice - Delay 8+ Days - TC Orig.		NA									
PO-4-03-6662	Change Mgmt. Notice - Delay 8+ Days - Ind. Std., Verizon Orig. & CLEC Orig.				NA		NA		NA		NA	

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Metric Number	Metric Name	August		September		October		November		December		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
TROUBLE REPORTING (OSS)												
MR-1 - Response Time OSS Maintenance Interface												
MR-1-01-2000	Create Trouble	8.68	3.86	8.96	3.93	9.65	4	4.97	2.47	4.54	2.39	
BILLING												
BI-1 - Timeliness of Daily Usage Feed												
BI-1-02-2030	% DUF in 4 Business Days		98.03		98.58		99.85		99.82		98.87	
BI-2 - Timeliness of Carrier Bill												
BI-2-01-2030	Timeliness of Carrier Bill		100		100		100		100		100	
BI-3 - Billing Accuracy & Claims Processing												
BI-3-01-2030	% Billing Adjustments - Dollars Adjusted	15.1	0.98									
BI-3-02-2030	% Billing Adjustments - Number of Adjustments	5.21	0.73									
BI-3-04-2030	% CLEC Billing Claims Acknowledged within two (2) Business Days				97.4		86.49		100		94.12	
BI-3-05-2030	% CLEC Billing Claims Resolved within 28 Calendar Days After Acknowledgement				100		100		100		90.91	2
ORDERING												
OR-6 - Order Accuracy												
OR-6-04-1030	% Accuracy - Directory Listing		UD		UD		90.05		98.1		99.6	
RESALE												
RESALE Ordering												
OR-7 - Order Completeness												
OR-7-01-2000	% Order Confirmation/Rejects sent within 3 Business Days		99.79		99.83		99.82		99.92		99.8	
POTS & Pre-qualified Complex - Electronically Submitted												
OR-1 - Order Confirmation Timeliness												
OR-1-02-2320	% On Time LSRC - Flow Through		99.72		99.91		99.95		99.8		99.8	
OR-1-04-2100	% On Time LSRC/ASRC - No Facility Check		98.38		96.12		97.73		98.8		96.55	
OR-1-06-2320	% On Time LSRC/ASRC - Facility Check		100		100		100		90.91		100	
OR-2 - Reject Timeliness												
OR-2-02-2320	% On Time LSR Reject - Flow Through		100		99.35		99.62		99.21		100	
OR-2-04-2320	% On Time LSR/ASR Reject - No Facility Check		98.99		97.48		96.64		99.22		98.37	
OR-2-06-2320	% On Time LSR/ASR Reject - Facility Check		100		100		100		100		100	4
2 Wire Digital Services												
OR-1 - Order Confirmation Timeliness - Requiring Loop Qualificatio												
OR-1-04-2341	% On Time LSRC/ASRC No Facility Check		NA		100		100		NA		100	2,3,5
OR-1 - Order Confirmation Timeliness												

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Metric Number	Metric Name	August		September		October		November		December		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
OR-1-04-2341	% On Time LSRC/ASRC No Facility Check		NA		100		100		NA		100	2,3,5
OR-1 - Order Confirmation Timeliness - Requiring Loop Qualificatio												
OR-1-06-2341	% On Time LSRC/ASRC Facility Check		NA		100		NA		100		NA	2,4
OR-1 - Order Confirmation Timeliness												
OR-1-06-2341	% On Time LSRC/ASRC Facility Check		NA		100		NA		100		NA	2,4
OR-2 - Reject Timeliness - Requiring Loop Qualification												
OR-2-04-2341	% On Time LSR/ASR Reject - No Facility Check		NA		100		100		NA		100	2,3,5
OR-2-06-2341	% On Time LSR/ASR Reject - Facility Check		100		NA		NA		NA		NA	
POTS / Special Services - Aggregate												
OR-3 - Percent Rejects												
OR-3-01-2000	% Rejects		9.97		9.97		13.86		14.32		12.8	
OR-4 - Timeliness of Completion Notification												
OR-4-02-2000	Completion Notice (BCN) - % On Time		98.82									
OR-4-05-2000	Work Completion Notice (PCN) - % On Time		98.52									
OR-4-12-2000	% Due Date to PCN within 2 Business Days		98.78									
OR-5 - Percent Flow-Through												
OR-5-01-2000	% Flow Through - Total		82.62		84.78		85.03		88.64		89.77	
OR-5-03-2000	% Flow Through Achieved		98.13		98.91		97.66		97.58		98.01	
OR-6 - Order Accuracy												
OR-6-01-2000	% Service Order Accuracy		93.71		96.13		93.81		94.81		95.37	
OR-6-02-2000	% Accuracy - Opportunities		99.34									
OR-6-03-2000	% Accuracy - LSRC		0		0		0		0		0	
Special Services - Electronically Submitted												
OR-1 - Order Confirmation Timeliness												
OR-1-04-2210	% On Time LSRC/ASRC - No Facility Check DS0		NA		NA		NA		NA		NA	
OR-1-04-2211	% On Time LSRC/ASRC - No Facility Check DS1		NA		NA		NA		NA		NA	
OR-1-04-2213	% On Time LSRC/ASRC - No Facility Check DS3		NA		NA		NA		NA		NA	
OR-1-04-2214	% On Time LSRC/ASRC - No Facility Check (Non DS0, DS1, & DS3)		0		NA		NA		NA		100	5
OR-1-06-2210	% On Time LSRC/ASRC - Facility Check DS0		NA		NA		NA		NA		NA	
OR-1-06-2211	% On Time LSRC/ASRC - Facility Check DS1		NA		NA		NA		NA		NA	
OR-1-06-2213	% On Time LSRC/ASRC - Facility Check DS3		NA		NA		NA		NA		NA	
OR-1-06-2214	% On Time LSRC/ASRC - Facility Check (Non DS0, DS1, & DS3)		100		100		100		100		NA	2,3,4
OR-2 - Reject Timeliness												
OR-2-04-2200	% On Time LSR/ASR Reject - No Facility Check		100		100		100		100		100	2,3,4,5

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Metric Number	Metric Name	August		September		October		November		December		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
OR-2-06-2200	% On Time LSR/ASR Reject - Facility Check		NA		100		100		NA		NA	2,3
Resale (Provisioning) - POTS/Special Services												
POTS - Provisioning - Total												
PR-2 - Average Completed Interval												
PR-2-04-2100	Average Interval Completed - Dispatch (6-9 Lines)	8.78	4									
PR-2-05-2100	Average Interval Completed - Dispatch (>= 10 Lines)	9.22	NA									
PR-4 - Missed Appointments												
PR-4-02-2100	Average Delay Days - Total	4.1	3.13	3.7	1.75	5.17	2.43	3.23	5.65	3.92	2.57	3
PR-4-03-2100	% Missed Appointment - Customer	2.59	2.38		3.24		1.92		2.45		3.15	
PR-4-04-2100	% Missed Appointment - Verizon - Dispatch	11.2	4.73	10.78	4.49	10.87	4.02	11.16	9.19	14	11.82	
PR-4-05-2100	% Missed Appointment - Verizon - No Dispatch	1.36	0.35	0.83	0.2	0.73	0	1.08	0	1.08	0.35	
PR-4-08-2100	% Missed Appt. - Customer - Late Order Conf.		0.12									
PR-5 - Facility Missed Orders												
PR-5-01-2100	% Missed Appointment - Verizon - Facilities	0.69	1.09	0.82	0.82	0.88	0.57	0.66	1.62	0.6	0.91	
PR-6 - Installation Quality												
PR-6-01-2100	% Installation Troubles reported within 30 Days	5.38	8.23	5.05	6.8	4.84	7.25	5	6.43	4.78	7.18	
PR-6-02-2100	% Installation Troubles reported within 7 Days	3.74	5.77									
PR-6-03-2100	% Inst. Troubles reported w/ in 30 Days - FOK/TOK/CPE	5	10.07		8.44		9.87		10.19		8.24	
PR-8 - Open Orders in a Hold Status												
PR-8-01-2100	Open Orders in a Hold Status > 30 Days	0.06	0	0.07	0	0.08	0	0.08	0	0.06	0.13	
PR-8-02-2100	Open Orders in a Hold Status > 90 Days	0.02	0	0.02	0	0.03	0	0.02	0	0.01	0	
POTS - Business												
PR-2 - Average Completed Interval												
PR-2-01-2110	Average Interval Completed - Total No Dispatch	1.65	1.15									
PR-2-03-2110	Average Interval Completed - Dispatch (1-5 Lines)	4.67	3									
POTS - Residence												
PR-2 - Average Completed Interval												
PR-2-01-2120	Average Interval Completed - Total No Dispatch	1.15	1.49									
PR-2-03-2120	Average Interval Completed - Dispatch (1-5 Lines)	3.57	3.05									
POTS & Complex Aggregate												
PR-2 - Average Completed Interval												
PR-2-18-2103	Average Interval Completed - Disconnects	3.27	0.78									
2-Wire Digital Services												
PR-2 - Average Completed Interval												
PR-2-01-2341	Average Interval Completed - Total No Dispatch	3.28	NA									

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Metric Number	Metric Name	August		September		October		November		December		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
PR-2-02-2341	Average Interval Completed - Total Dispatch	7.84	NA									
PR-4 - Missed Appointments												
PR-4-02-2341	Average Delay Days - Total	8	NA	10.49	NA	2.06	1	6.56	NA	11.2	NA	3
PR-4-03-2341	% Missed Appointment - Customer	5.35	NA		0		0		NA		0	2,3,5
PR-4-04-2341	% Missed Appointment - Verizon - Dispatch	8.23	NA	14.55	0	12.77	50	7.1	NA	10.22	0	2,3,5
PR-4-05-2341	% Missed Appointment - Verizon - No Dispatch	3.98	NA	4.49	NA	4.72	0	1.28	NA	0.76	0	3,5
PR-4-08-2341	% Missed Appt. - Customer - Late Order Conf.		NA		0		0		NA		0	2,3,5
PR-5 - Facility Missed Orders												
PR-5-01-2341	% Missed Appointment - Verizon - Facilities	1.5	NA	1.05	0	0	0	1.73	NA	0.44	0	2,3,5
PR-6 - Installation Quality												
PR-6-01-2341	% Install. Troubles Reported within 30 Days	2.66	NA	1.08	0	1.91	NA	7.45	NA	4.9	0	2,5
PR-6-03-2341	% Install. Troubles Reported w/in 30 Days - FOK/TOK/CPE	2.66	NA		0		NA		NA		0	2,5
PR-8 - Open Orders in a Hold Status												
PR-8-01-2341	Open Orders in a Hold Status > 30 Days	0.56	NA	0.13	0	0.58	0	0.98	NA	0.28	0	2,3,5
PR-8-02-2341	Open Orders in a Hold Status > 90 Days	0	NA	0	0	0	0	0	NA	0	0	2,3,5
Special Services - Provisioning												
PR-2 - Average Completed Interval												
PR-2-01-2200	Average Interval Completed - Total No Dispatch	7.87	0.8									
PR-2-02-2200	Average Interval Completed - Total Dispatch	9.05	3									
PR-2-06-2200	Average Interval Completed - DS0											
PR-2-07-2200	Average Interval Completed - DS1											
PR-2-08-2200	Average Interval Completed - DS3											
PR-2-18-2200	Average Interval Completed - Disconnects	6.26	2.33									
PR-4 - Missed Appointments												
PR-4-01-2210	% Missed Appointment - Verizon - DS0	10.62	11.11	10.98	0	10.96	0	12.63	0	8.66	NA	2,3,4
PR-4-01-2211	% Missed Appointment - Verizon - DS1	7.33	NA	2.76	50	10.24	NA	4.95	NA	7.59	NA	2
PR-4-01-2213	% Missed Appointment - Verizon - DS3	0	NA	0	NA	0	NA	0	NA	0	NA	
PR-4-01-2214	% Missed Appointment - Verizon - Special Other	17.39	0	5.41	NA	6.67	0	0	NA	9.09	NA	3
PR-4-02-2200	Average Delay Days - Total	6.47	3	15.05	5	12.52	NA	6.55	NA	9.67	NA	2
PR-4-03-2200	% Missed Appointment - Customer	23.96	31.25		25		28.57		40		NA	2,3,4
PR-4-08-2200	% Missed Appt. - Customer - Due to Late Order Conf.		0		25		0		0		NA	2,3,4
PR-5 - Facility Missed Orders												
PR-5-01-2200	% Missed Appointment - Verizon - Facilities	2.03	0	1.11	0	1.85	0	1.23	0	1	NA	2,3,4
PR-6 - Installation Quality												
PR-6-01-2200	% Installation Troubles reported within 30 Days	1.14	0	1.63	0	4.03	0	2.21	0	0.99	NA	

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		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
PR-6-03-2200	% Inst. Troubles reported w/ in 30 Days - FOK/TOK/CPE	2.65	3.23		0		10		0		NA	
PR-8 - Open Orders in a Hold Status												
PR-8-01-2200	Open Orders in a Hold Status > 30 Days	3.77	0	1.42	0	1.11	0	1.92	0	1.14	NA	2,3,4
PR-8-02-2200	Open Orders in a Hold Status > 90 Days	0.38	0	0.14	0	0.92	0	1.37	0	0.68	NA	2,3,4
Resale (Maintenance) - POTS/Special Services												
MR-2 - Trouble Report Rate												
MR-2-02-2100	Network Trouble Report Rate - Loop	1.1	0.24	0.98	0.21	1.09	0.21	0.9	0.19	0.82	0.19	
MR-2-03-2100	Network Trouble Report Rate - Central Office	0.13	0.02	0.14	0.02	0.13	0.02	0.11	0.01	0.12	0.01	
MR-2-04-2100	% Subsequent Reports	4.94	4.46		4.55		10.83		11.11		1.97	
MR-2-05-2100	% CPE/TOK/FOK Trouble Report Rate	1.13	0.29		0.23		0.28		0.23		0.19	
MR-3 - Missed Repair Appointments												
MR-3-01-2110	% Missed Repair Appointment - Loop Bus.	23.19	23.33	27.55	25.71	23.83	26.32	26.94	27.78	27.77	21.05	
MR-3-01-2120	% Missed Repair Appointment - Loop Res.	16.72	11.33	17.7	0.83	16.87	4.93	16.56	11.2	21	6.67	
MR-3-02-2110	% Missed Repair Appointment - Central Office Bus.	16.67	66.67	16.16	16.67	12.99	25	18.9	25	19.38	0	2,3,4,5
MR-3-02-2120	% Missed Repair Appointment - Central Office Res.	9.44	30	12.48	0	7.09	12.5	10.86	40	12.03	37.5	2,3,4,5
MR-3-03-2100	% CPE/TOK/FOK - Missed Appointment	11.15	10.45		9.36		6.57		7.51		6.34	
MR-3-04-2100	% Missed Repair Appointment - No Double Dispatch	11	8.75									
MR-3-05-2100	% Missed Repair Appointment - Double Dispatch	45.12	38.1									
MR-4 - Trouble Duration Intervals												
MR-4-01-2100	Mean Time To Repair - Total	21.82	23.04	25.33	16.88	23.06	17.26	26.01	22.01	28.66	20.87	
MR-4-02-2110	Mean Time To Repair - Loop Trouble- Bus.	16.69	16.13	19.11	13.1	16.38	17.19	22.44	21.46	25.43	10.96	
MR-4-02-2120	Mean Time To Repair - Loop Trouble - Res.	23.98	25.12	28.17	17.36	25.64	17.69	27.72	22.04	31.07	22.11	
MR-4-03-2110	Mean Time To Repair - Central Office Trouble- Bus.	9.31	9.45	9.87	22.04	11.05	3.33	14.48	26.23	15.82	9.43	2,3,4,5
MR-4-03-2120	Mean Time To Repair - Central Office Trouble - Res.	13.43	16.63	15.62	23.08	13.36	16.72	17.25	19.89	18.09	28.68	2,3,4,5
MR-4-04-2100	% Cleared (all troubles) within 24 Hours	70.27	82.38	62.42	78.57	66.89	81.5	61.53	71.05	62.31	71.14	
MR-4-06-2100	% Out of Service > 4 Hours	81.69	86.96	84.73	81.88	77.85	73.1	84.88	83.85	85.56	83.2	
MR-4-07-2100	% Out of Service > 12 Hours	65.97	77.64	72.16	68.12	65.85	60	69.43	69.23	70.7	73.6	
MR-5 - Repeat Trouble Reports												
MR-5-01-2100	% Repeat Reports within 30 Days	20.25	25.91	24.6	24.4	23.94	27.17	23.84	22.37	20.83	20.13	
2-Wire Digital Services												
MR-2 - Trouble Report Rate												
MR-2-02-2341	Network Trouble Report Rate - Loop	0.22	0.14	0.24	0.07	0.28	0.42	0.24	0.77	0.21	0.21	
MR-2-03-2341	Network Trouble Report Rate - Central Office	0.27	0.21	0.25	0	0.23	0	0.16	0	0.29	0	
MR-2-04-2341	% Subsequent Reports	10.81	28.57		NA		NA		NA		NA	
MR-2-05-2341	% CPE/TOK/FOK Trouble Report Rate	0.89	1.11		1.1		1.82		0.7		0.98	

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Metric Number	Metric Name	August		September		October		November		December		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
MR-3 - Missed Repair Appointments												
MR-3-01-2341	% Missed Repair Appointment - Loop	50.85	50	42.19	0	42.86	83.33	46.88	72.73	41.82	66.67	2,3,5
MR-3-02-2341	% Missed Repair Appointment - Central Office	41.1	33.33	37.68	NA	31.25	NA	39.53	NA	37.18	NA	
MR-3-03-2341	% CPE/TOK/FOK - Missed Appointment	25.62	18.75		37.5		46.15		40		64.29	
MR-3-04-2341	% Missed Repair Appointment - No Double Dispatch	25.68	40									
MR-3-05-2341	% Missed Repair Appointment - Double Dispatch	69.23	NA									
MR-4 - Trouble Duration Intervals												
MR-4-01-2341	Mean Time To Repair - Total	25.74	8.08	17.35	3.42	22.66	25.06	24.09	37.78	29.7	39.18	2,3,5
MR-4-02-2341	Mean Time To Repair - Loop Trouble	39.37	6.04	21.52	3.42	29.26	25.06	28.72	37.78	36.05	39.18	2,3,5
MR-4-03-2341	Mean Time To Repair - Central Office Trouble	14.72	9.43	13.48	NA	14.72	NA	17.22	NA	25.23	NA	
MR-4-04-2341	% Cleared (all troubles) within 24 Hours	79.55	100	75.94	100	72.34	50	70.09	54.55	67.67	33.33	2,3,5
MR-4-07-2341	% Out of Service > 12 Hours	41.51	33.33	49.52	0	48.65	75	56.58	72.73	53.04	100	2,3,5
MR-4-08-2341	% Out of Service > 24 Hours	21.7	0	27.62	0	32.43	50	34.21	45.46	32.17	66.67	2,3,5
MR-5 - Repeat Trouble Reports												
MR-5-01-2341	% Repeat Reports within 30 Days	21.21	0	15.79	0	19.86	16.67	11.22	36.36	16.54	33.33	2,3,5
Special Services - Maintenance												
MR-2 - Trouble Report Rate												
MR-2-01-2200	Network Trouble Report Rate	0.36	0.44	0.43	0.44	0.47	0	0.29	0.92	0.31	0.92	
MR-2-05-2200	% CPE/TOK/FOK Trouble Report Rate	0.6	1.1		0.66		0.69		0.92		0.92	
MR-4 - Trouble Duration Intervals												
MR-4-01-2200	Mean Time To Repair - Total	5.14	5.93									
MR-4-01-2216	Mean Time To Repair - Total - Non DS0 & DS0			4.63	4.91	4.97	NA	6	3.5	5.98	3.9	2,4,5
MR-4-01-2217	Mean Time To Repair - Total - DS1 & DS3			3.5	NA	3.22	NA	5.01	NA	3.4	1.17	5
MR-4-04-2200	% Cleared (all troubles) within 24 Hours	98.11	100									
MR-4-04-2216	% Cleared (all troubles) within 24 Hours - Non DS0 & DS0			100	100	98.28	NA	99.26	100	99.36	100	2,4,5
MR-4-04-2217	% Cleared (all troubles) within 24 Hours - DS1 & DS3			100	NA	100	NA	96.49	NA	100	100	5
MR-4-06-2200	% Out of Service > 4 Hours	46.42	50									
MR-4-06-2216	% Out of Service > 4 Hours - Non DS0 & DS0			45.07	100	48.28	NA	57.35	50	55.41	66.67	2,4,5
MR-4-06-2217	% Out of Service > 4 Hours - DS1 & DS3			31.78	NA	26.36	NA	35.09	NA	32.61	0	5
MR-4-08-2200	% Out of Service > 24 Hours	1.89	0									
MR-4-08-2216	% Out of Service > 24 Hours - Non DS0 & DS0			0	0	1.72	NA	0.74	0	0.64	0	2,4,5
MR-4-08-2217	% Out of Service > 24 Hours - DS1 & DS3			0	NA	0	NA	3.51	NA	0	0	5
MR-5 - Repeat Trouble Reports												
MR-5-01-2200	% Repeat Reports within 30 Days	12.08	50	13.75	0	17.54	NA	13.47	0	13.3	0	2,4,5
UNBUNDLED NETWORK ELEMENTS (UNEs)												

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Metric Number	Metric Name	August		September		October		November		December		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
UNE (Ordering) - POTS/Special Services												
Platform												
OR-1 - Order Confirmation Timeliness												
OR-1-02-3143	% On Time LSRC - Flow Through		97.44		97.63		98.42		98.39		96.78	
OR-1-04-3143	% On Time LSRC/ASRC - No Facility Check		97		96.12		91.14		96.24		88.89	
OR-1-06-3143	% On Time LSRC/ASRC - Facility Check		100		100		96.15		100		96.55	
OR-2 - Reject Timeliness												
OR-2-02-3143	% On Time LSR Reject - Flow Through		96.1		96.14		94.67		97.56		93.76	
OR-2-04-3143	% On Time LSR/ASR Reject - No Facility Check		100		100		96.68		99.05		97.7	
OR-2-06-3143	% On Time LSR/ASR Reject - Facility Check		100		100		100		100		100	4,5
OR-6 - Order Accuracy												
OR-6-01-3143	% Service Order Accuracy		91.64		93.93		95.02		95.99		94.35	
OR-6-02-3143	% Accuracy - Opportunities		99.31									
OR-6-03-3143	% Accuracy - LSRC		0		0		0.15		0.15		0	
OR-7 - Order Completeness												
OR-7-01-3143	% Order Confirmation/Rejects sent within 3 Business Days		99.92		99.96		99.87		99.89		99.91	
Loop/Pre-qualified Complex/LNP												
OR-1 - Order Confirmation Timeliness												
OR-1-02-3331	% On Time LSRC - Flow Through		99.36		99.28		99.43		97.89		99.4	
OR-1-04-3331	% On Time LSRC/ASRC - No Facility Check		96.54		98.34		98.64		97.94		94.03	
OR-1-06-3331	% On Time LSRC/ASRC - Facility Check		97.52		97.27		98.18		91.89		97.03	
OR-2 - Reject Timeliness												
OR-2-02-3331	% On Time LSR Reject - Flow Through		98.15		100		100		100		99.5	
OR-2-04-3331	% On Time LSR/ASR Reject - No Facility Check		98.05		99.82		99.71		99.28		97.83	
OR-2-06-3331	% On Time LSR/ASR Reject - Facility Check		98.78		100		98.8		100		96.97	
OR-6 - Order Accuracy												
OR-6-01-3331	% Service Order Accuracy		95.88		98.65		98.73		99.59		97.86	
OR-6-02-3331	% Accuracy - Opportunities		99.59									
OR-6-03-3331	% Accuracy - LSRC		0		0.1		0		0.13		0	
OR-7 - Order Completeness												
OR-7-01-3331	% Order Confirmation/Rejects sent within 3 Business Days		99.89		99.52		99.46		99.81		99.82	
2 Wire Digital Services												
OR-1 - Order Confirmation Timeliness (Requiring Loop Qual)												
OR-1-04-3341	% On Time LSRC/ASRC - No Facility Check		100		100		100		100		NA	2,3,4

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Metric Number	Metric Name	August		September		October		November		December		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
OR-1-06-3341	% On Time LSRC/ASRC - Facility Check		NA		NA		NA		NA		NA	
OR-2 - Reject Timeliness (Requiring Loop Qual)												
OR-2-04-3341	% On Time LSR/ASR Reject - No Facility Check		NA		NA		NA		NA		NA	
OR-2-06-3341	% On Time LSR/ASR Reject - Facility Check		NA		NA		NA		NA		NA	
2 Wire xDSL Loops												
OR-1 - Order Confirmation Timeliness (Requiring Loop Qual)												
OR-1-04-3342	% On Time LSRC/ASRC - No Facility Check		100		95.45		100		96.43		100	
OR-1-06-3342	% On Time LSRC/ASRC - Facility Check		NA		NA		NA		NA		NA	
OR-2 - Reject Timeliness (Requiring Loop Qual)												
OR-2-04-3342	% On Time LSR/ASR Reject - No Facility Check		100		100		100		100		100	3,4,5
OR-2-06-3342	% On Time LSR/ASR Reject - Facility Check		NA		NA		NA		NA		NA	
2 Wire xDSL Line Sharing & Line Splitting												
OR-1 - Order Confirmation Timeliness - Requiring Loop Qualificatio												
OR-1-04-3340	% On Time LSRC/ASRC - No Facility Check				100		100		100		100	
OR-1-06-3340	% On Time LSRC/ASRC - Facility Check				NA		NA		NA		NA	
OR-2 - Reject Timeliness - Requiring Loop Qualification												
OR-2-04-3340	% On Time LSR/ASR Reject - No Facility Check				NA		100		NA		100	3,5
OR-2-06-3340	% On Time LSR/ASR Reject - Facility Check				NA		NA		NA		NA	
2 Wire xDSL Line Sharing												
OR-1 - Order Confirmation Timeliness (Requiring Loop Qual)												
OR-1-04-3343	% On Time LSRC/ASRC- No Facility Check		100									
OR-1-06-3343	% On Time LSRC/ASRC - Facility Check		NA									
OR-2 - Reject Timeliness (Requiring Loop Qual)												
OR-2-04-3343	% On Time LSR/ASR Reject- No Facility Check		NA									
OR-2-06-3343	% On Time LSR/ASR Reject Facility Check		NA									
POTS / Special Services - Aggregate												
OR-3 - Percent Rejects												
OR-3-01-3000	% Rejects (ASRs + LSRs)		20.69		23.1		25.7		22.67		24.56	
OR-4 - Timeliness of Completion Notification												
OR-4-02-3000	Completion Notice (BCN) - % On Time		98.46									
OR-4-05-3000	Work Completion Notice (PCN) - % On Time		98.5									
OR-4-12-3000	% Due Date to PCN within 2 Business Days		98.19									
OR-4-14-3000	% Due Date to BCN within 4 Business Days		98.24									
OR-4-17-3000	% Provisioning Completion Notifiers sent within two (2) business days				96.53		99.49		95.02		99.65	
OR-5 - Percent Flow-Through												

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Metric Number	Metric Name	August		September		October		November		December		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
OR-5-01-3000	% Flow Through - Total		78.86		76.5		76.31		79.02		78.33	
OR-5-03-3000	% Flow Through Achieved				95		95.46		95.88		95.08	
OR-5-03-3112	% Flow Through Achieved		93.61									
Special Services - Electronically Submitted												
OR-1 - Order Confirmation Timeliness (ASRs + LSRs)												
OR-1-04-3210	% On Time LSRC/ASRC - No Facility Check DS0		NA		NA		NA		NA		NA	
OR-1-04-3211	% On Time LSRC/ASRC No Facility Check DS1		100									
OR-1-04-3213	% On Time LSRC/ASRC No Facility Check DS3		66.67									
OR-1-04-3214	% On Time LSRC/ASRC No Facility Check (Non DS0, DS1, & DS3)		NA									
OR-1-06-3210	% On Time LSRC/ASRC - Facility Check DS0		NA		NA		NA		NA		NA	
OR-1-06-3211	% On Time LSRC/ASRC - Facility Check DS1		69.23		95.45		97.96		91.11		96.77	
OR-1-06-3213	% On Time LSRC/ASRC - Facility Check DS3		NA		66.67		87.5		NA		100	2,3,5
OR-1-06-3214	% On Time LSRC/ASRC - Facility Check (Non DS0, DS1 & DS3)		NA		NA		NA		NA		NA	
OR-2 - Reject Timeliness (ASRs + LSRs)												
OR-2-04-3200	% On Time LSR/ASR Reject - No Facility Check		100		83.33		87.5		66.67		100	3,4,5
OR-2-06-3200	% On Time LSR/ASR Reject - Facility Check		90.48		96.15		100		100		100	5
Special Services - FAX/MAIL Submitted												
OR-1 - Order Confirmation Timeliness												
OR-1-07-3210	Average ASRC Time No Facility Check DS0		NA									
OR-1-07-3211	Average ASRC Time No Facility Check DS1		NA									
OR-1-07-3213	Average ASRC Time No Facility Check DS3		NA									
OR-1-08-3210	% On Time LSRC - No Facility Check DS0		NA		NA		NA		NA		NA	
OR-1-08-3211	% On Time ASRC No Facility Check DS1		NA									
OR-1-08-3213	% On Time ASRC No Facility Check DS3		NA									
OR-1-08-3214	% On Time ASRC No Facility Check (Non DS0, DS1 & DS3)		NA									
OR-1-10-3210	% On Time ASRC - Facility Check DS0		NA		NA		NA		NA		NA	
OR-1-10-3211	% On Time ASRC - Facility Check DS1		NA		NA		NA		NA		NA	
OR-1-10-3213	% On Time ASRC - Facility Check DS3		NA		NA		NA		NA		NA	
OR-1-10-3214	% On Time ASRC - Facility Check (Non DS0, DS1 & DS3)		NA		NA		NA		NA		NA	
OR-2 - Reject Timeliness												
OR-2-08-3200	% On Time ASR Reject - No Facility Check		NA		NA		NA		NA		NA	
OR-2-10-3200	% On Time ASR Reject - Facility Check		NA		NA		NA		NA		NA	

WASHINGTON, D.C. PERFORMANCE METRIC DATA

Metric Number	Metric Name	August		September		October		November		December		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
UNE (Provisioning) - POTS/Special Services												
POTS - Provisioning												
PR-2 - Average Completed Interval												
PR-2-01-3111	Av. Completed Interval - Total No Dispatch - Hot Cut Loop		6.67									
PR-2-01-3122	Av. Completed Interval - Total No Dispatch - Other (UNE Switch & INP)	1.65	NA									
PR-2-01-3140	Av. Completed Interval - Total No Dispatch - Platform	1.65	1.26									
PR-2-03-3112	Av. Completed Interval - Dispatch (1-5 Lines) - Loop	4.67	4.6									
PR-2-03-3140	Av. Completed Interval - Dispatch (1-5 Lines) - Platform	4.67	1.9									
PR-2-04-3112	Av. Completed Interval - Dispatch (6-9 Lines) - Loop	8.78	6									
PR-2-04-3140	Av. Completed Interval - Dispatch (6-9 Lines) - Platform	8.78	NA									
PR-2-05-3112	Av. Completed Interval - Dispatch (>= 10 Lines) - Loop	9.22	NA									
PR-2-05-3140	Av. Completed Interval - Dispatch (>= 10 Lines) - Platform	9.22	3									
PR-4 - Missed Appointments												
PR-4-02-3100	Average Delay Days - Total	4.1	1.67	3.7	2.92	5.17	1	3.23	1.31	3.92	1.72	3
PR-4-03-3100	% Missed Appt. - Customer	2.59	1.68		1.21		1.78		1.96		2.63	
PR-4-04-3113	% Missed Appt. - Verizon - Dispatch - Loop New	11.2	0	10.78	5.88	10.87	0	11.16	0	14	0	
PR-4-04-3140	% Missed Appt. - Verizon - Dispatch - Platform	11.2	2.33	10.78	11.86	10.87	4.41	11.16	13.79	14	25.49	
PR-4-04-3520	% Missed Appt. - Verizon - Dispatch - Hot Cut Loop	11.2	0									
PR-4-05-3111	% Missed Appt. - Verizon - No Dispatch - Hot Cut Loop	1.36	0									
PR-4-05-3121	% Missed Appt. - Verizon - No Dispatch - Other	1.36	NA									
PR-4-05-3140	% Missed Appt. - Verizon - No Dispatch - Platform	1.36	0.3	0.83	0.11	0.73	0.04	1.08	0	1.08	0.19	
PR-4-07-3540	% On Time Performance - LNP Only		91.46		99.54		99.05		98.19		98.81	
PR-5 - Facility Missed Orders												
PR-5-01-3112	% Missed Appointment - Verizon - Facilities - Loop	0.69	0	0.82	2.94	0.88	0	0.66	0	0.6	0	
PR-5-01-3140	% Missed Appointment - Verizon - Facilities - Platform	0.69	0	0.82	0	0.88	0	0.66	0.86	0.6	1.96	
PR-6 - Installation Quality												
PR-6-01-3112	% Installation Troubles reported within 30 Days - Loop	5.38	2.85	5.05	3.13	4.84	1.05	5	1.32	4.78	1.71	
PR-6-01-3121	% Installation Troubles reported within 30 Days - Platform	5.38	1.06	5.05	1.34	4.84	1.38	5	1.28	4.78	1.65	
PR-6-02-3112	% Installation Troubles reported within 7 Days - Loop	3.74	1.55									
PR-6-02-3121	% Installation Troubles reported within 7 Days - Platform	3.74	0.38									

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Metric Number	Metric Name	August		September		October		November		December		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
PR-6-02-3520	% Installation Troubles reported within 7 Days - Hot Cut Loop		2.03		0		0.66		0.77		0.8	
PR-6-03-3112	% Inst. Troubles reported within 30 Days - FOK/TOK/CPE - Loop	5	3.37		2.61		1.92		1.1		2.35	
PR-6-03-3121	% Inst. Troubles reported within 30 Days - FOK/TOK/CPE - Platform	5	0.55		1.06		1.52		1.54		1.25	
PR-8 - Open Orders in a Hold Status												
PR-8-01-3100	Open Orders in a Hold Status > 30 Days	0.06	0	0.07	0	0.08	0	0.08	0	0.06	0	
PR-8-02-3100	Open Orders in a Hold Status > 90 Days	0.02	0	0.02	0	0.03	0	0.02	0	0.01	0	
PR-9 - Hot Cut Loops												
PR-9-01-3520	% On Time Performance - Hot Cut Loop		96.55		92.31		100		97.73		100	
PR-9-08-3520	Average Duration of Service Interruption		20.71		NA		69.88		4.57		14.44	3,4,5
Hot Cuts												
PR-9 - Hot Cut Loops												
PR-9-01-3520	% On Time Performance - Hot Cut Loop		96.55		92.31		100		97.73		100	
PR-9-08-3520	Average Duration of Service Interruption		20.71		NA		69.88		4.57		14.44	3,4,5
POTS & Complex Aggregate												
2-Wire Digital Services												
PR-2 - Average Completed Interval												
PR-2-01-3341	Av. Interval Completed - Total No Dispatch	3.28	NA									
PR-2-02-3341	Av. Interval Completed - Total Dispatch	7.84	6									
PR-4 - Missed Appointments												
PR-4-02-3341	Average Delay Days - Total	8	NA	10.49	NA	2.06	NA	6.56	NA	11.2	NA	
PR-4-03-3341	% Missed Appointment - Customer	5.35	33.33		0		14.29		0		0	2,3,4,5
PR-4-04-3341	% Missed Appointment - Verizon - Dispatch	8.23	0	14.55	0	12.77	0	7.1	0	10.22	0	2,3,4,5
PR-4-05-3341	% Missed Appointment - Verizon - No Dispatch	3.98	NA	4.49	NA	4.72	NA	1.28	0	0.76	NA	4
PR-5 - Facility Missed Orders												
PR-5-01-3341	% Missed Appointment - Verizon Facilities	1.5	0	1.05	0	0	0	1.73	0	0.44	0	2,3,4,5
PR-6 - Installation Quality												
PR-6-01-3341	% Install. Troubles Reported within 30 Days	2.66	0	8.31	12.5	9.72	0	9.57	0	8.25	0	2,3,4,5
PR-6-03-3341	% Install. Troubles Reported within 30 Days - FOK/TOK/CPE	2.66	16.67		12.5		14.29		0		14.29	2,3,4,5
PR-8 - Open Orders in a Hold Status												
PR-8-01-3341	Open Orders in a Hold Status > 30 Days	0.56	0	0.13	0	0.58	0	0.98	0	0.28	0	2,3,4,5
PR-8-02-3341	Open Orders in a Hold Status > 90 Days	0	0	0	0	0	0	0	0	0	0	2,3,4,5
2-Wire xDSL Loops												

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Metric Number	Metric Name	August		September		October		November		December		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
PR-2 - Average Completed Interval												
PR-2-01-3342	Av. Interval Completed - Total No Dispatch		0									
PR-2-02-3342	Av. Interval Completed - Total Dispatch		5.78									
PR-4 - Missed Appointments												
PR-4-02-3342	Average Delay Days - Total (retail DS0 specials)	6.72	3	16.59	3	16.64	1.83	7	3	5.95	1	2,3,4,5
PR-4-03-3342	% Missed Appointment - Customer	1.08	7.69		7.35		8.2		3.66		14.89	
PR-4-04-3342	% Missed Appointment - Verizon - Dispatch		1.21		1.52		1.69		3.66		7.45	
PR-4-14-3342	% Completed On Time		98.85		97.62		98.29		97.5		95.65	
PR-5 - Facility Missed Orders												
PR-5-01-3342	% Missed Appointment - Verizon Facilities	0	0.6	1.49	0.75	4.03	3.28	0	0	2.48	0	
PR-6 - Installation Quality												
PR-6-01-3342	% Install. Troubles Reported within 30 Days	9.27	1.18	8.31	1.47	9.72	1.64	9.57	1.22	8.25	1.02	
PR-6-03-3342	% Install. Troubles Reported within 30 Days - FOK/TOK/CPE	5	2.94		0.74		9.84		7.32		6.12	
PR-8 - Open Orders in a Hold Status												
PR-8-01-3342	Open Orders in a Hold Status > 30 Days	4.13	0	2.65	0	1.66	0	1.92	0	2.16	0	
PR-8-02-3342	Open Orders in a Hold Status > 90 Days	0.29	0	0	0	1.33	0	2.11	0	1.3	0	
2-Wire xDSL Line Sharing												
PR-2 - Average Completed Interval												
PR-2-01-3343	Av. Interval Completed - Total No Dispatch	3.04	2.83									
PR-2-02-3343	Av. Interval Completed - Total Dispatch	3.02	3									
PR-4 - Missed Appointments												
PR-4-02-3343	Average Delay Days - Total	1.02	NA	1.25	1	1.29	NA	2.41	2	1.46	3	2,4,5
PR-4-03-3343	% Missed Appointment - Customer	1.08	2.52		1.15		1.82		2.42		8.05	
PR-4-04-3343	% Missed Appointment - Verizon - Dispatch	4.33	0	4.55	0	5.08	0	8.16	0	6.9	0	5
PR-4-05-3343	% Missed Appointment - Verizon - No Dispatch	4.5	0	5.25	0.61	3.68	0	3.07	0.42	1.74	0	
PR-5 - Facility Missed Orders												
PR-5-01-3343	% Missed Appointment - Verizon Facilities	0	0	1.49	9.09	4.03	0	0	9.09	2.48	10	
PR-6 - Installation Quality												
PR-6-01-3343	% Install. Troubles Reported within 30 Days	0.56	1.68	0.34	1.72	0.78	0.91	1.04	1.61	0.44	1.34	
PR-6-03-3343	% Install. Troubles Reported within 30 Days - FOK/TOK/CPE	2.84	7.56		8.05		5.91		4.03		8.05	
PR-8 - Open Orders in a Hold Status												
PR-8-01-3343	Open Orders in a Hold Status > 30 Days	0	0	0	0	0	0	0	0	0	0	
PR-8-02-3343	Open Orders in a Hold Status > 90 Days	0	0	0	0	0	0	0	0	0	0	
2-Wire xDSL Line Splitting												

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Metric Number	Metric Name	August		September		October		November		December		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
PR-4 - Missed Appointments												
PR-4-03-3345	% Missed Appointment - Customer				NA		NA		NA		NA	
PR-4-04-3345	% Missed Appointment - Verizon - Dispatch			4.55	NA	5.08	NA	8.16	NA	6.9	NA	
PR-4-05-3345	% Missed Appointment - Verizon - No Dispatch			5.25	NA	3.68	NA	3.07	NA	1.74	NA	
PR-5 - Facility Missed Orders												
PR-5-01-3345	% Missed Appointment - Verizon Facilities			1.49	NA	4.03	NA	0	NA	2.48	NA	
PR-5-02-3345	% Orders Held for Facilities > 15 Days			0	NA	0	NA	0	NA	0	NA	
PR-6 - Installation Quality												
PR-6-01-3345	% Install. Troubles Reported within 30 Days			0.34	NA	0.78	NA	1.04	NA	0.44	NA	
PR-6-03-3345	% Install. Troubles Reported within 30 Days - FOK/TOK/CPE				NA		NA		NA		NA	
PR-8 - Open Orders in a Hold Status												
Special Services - Provisioning												
PR-2 - Average Completed Interval												
PR-2-01-3200	Av. Interval Completed - Total No Dispatch	7.87	NA									
PR-2-02-3200	Av. Interval Completed - Total Dispatch	9.05	9.75									
PR-2-06-3200	Av. Interval Completed - DS0											
PR-2-07-3200	Av. Interval Completed - DS1											
PR-2-08-3200	Av. Interval Completed - DS3											
PR-2-09-3511	Av. Interval Completed - Total - EEL - Backbone		NA									
PR-2-09-3512	Av. Interval Completed - Total - EEL - Loop		NA									
PR-4 - Missed Appointments												
PR-4-01-3210	% Missed Appointment - Verizon - DS0	10.62	NA	10.98	NA	10.96	NA	12.63	NA	8.66	NA	
PR-4-01-3211	% Missed Appointment - Verizon - DS1	7.33	6.45	2.88	5.41	10.37	0	5.05	0.05	7.69	0.07	
PR-4-01-3213	% Missed Appointment - Verizon - DS3	0	NA	0	NA	0	NA	0	NA	0	NA	
PR-4-01-3215	% Missed Appointment - Verizon -Special Other	17.39	NA	5.41	NA	6.67	NA	0	NA	9.09	NA	
PR-4-01-3510	% Missed Appointment - Verizon - Total - EEL	7.33	NA	2.88	NA	10.37	75	5.05	0	7.69	NA	3,4
PR-4-01-3530	% Missed Appointment - Verizon - Total- IOF	0	NA	0	0	0	0	0	0	0	0	2,3,4,5
PR-4-02-3200	Average Delay Days - Total	6.47	1	15.05	1.5	12.52	NA	6.55	29	9.67	4	2,4,5
PR-4-02-3510	Average Delay Days - Total - EEL	1.82	NA	13	NA	4.65	3	4.4	NA	4.36	NA	3
PR-4-02-3530	Average Delay Days - Total - IOF	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
PR-4-03-3200	% Missed Appointment - Customer	23.96	0		2.38		0		4.35		15.15	
PR-4-03-3510	% Missed Appointment - Customer - EEL	25.33	NA		NA		0		0		NA	3,4
PR-4-03-3530	% Missed Appointment - Customer - IOF				0		0		0		0	2,3,4,5
PR-4-08-3200	% Missed Appt. - Customer - Late Order Conf.		0		0		0		0		3.03	
PR-5 - Facility Missed Orders												

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Metric Number	Metric Name	August		September		October		November		December		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
PR-5-01-3200	% Missed Appointment - Verizon - Facilities	2.03	0	1.11	2.33	1.85	0	1.23	3.7	1	0	
PR-6 - Installation Quality												
PR-6-01-3200	% Installation Troubles reported within 30 Days	1.14	5.13	1.63	4.76	4.03	6.67	2.21	5.13	0.99	0	
PR-6-03-3200	% Inst. Troubles reported w/ in 30 Days - FOK/TOK/CPE	2.65	2.56		14.29		13.33		7.69		5.71	
PR-8 - Open Orders in a Hold Status												
PR-8-01-3200	Open Orders in a Hold Status > 30 Days	3.77	0	1.42	0	1.11	2.5	1.92	0	1.14	0	
PR-8-02-3200	Open Orders in a Hold Status > 90 Days	0.38	0	0.14	0	0.92	0	1.37	0	0.68	0	
UNE (Maintenance) - POTS/Special Services												
Maintenance - POTS Loop												
MR-2 - Trouble Report Rate												
MR-2-02-3550	Network Trouble Report Rate - Loop	1.1	0.28	0.98	0.23	1.09	0.21	0.9	0.35	0.82	0.29	
MR-2-03-3550	Network Trouble Report Rate - Central Office	0.13	0.08	0.14	0.08	0.13	0.05	0.11	0.06	0.12	0.03	
MR-2-05-3550	% CPE/TOK/FOK Trouble Report Rate	1.13	0.63		0.5		0.41		0.45		0.45	
MR-3 - Missed Repair Appointments												
MR-3-01-3550	% Missed Repair Appointment - Loop	17.7	5	19.05	9.09	17.9	12.9	17.98	7.55	21.86	6.67	
MR-3-02-3550	% Missed Repair Appointment - Central Office	11.23	8.33	13.46	0	8.6	25	13.21	16.67	13.52	0	2,3,4,5
MR-3-03-3550	% CPE/TOK/FOK - Missed Appointment	11.15	4.44		5.48		3.23		2.94		4.29	
MR-3-04-3550	% Missed Repair Appointment - No Double Dispatch	11	4									
MR-3-05-3550	% Missed Repair Appointment - Double Dispatch	45.12	100									
MR-4 - Trouble Duration Intervals												
MR-4-01-3550	Mean Time To Repair - Total	21.82	14.3	25.33	22.33	23.06	18.02	26.01	14.83	28.66	15.13	
MR-4-02-3550	Mean Time To Repair - Loop Trouble	22.96	14.25	26.9	25.63	24.27	19.29	27.12	15.17	30.3	15.38	
MR-4-03-3550	Mean Time To Repair - Central Office Trouble	12.36	14.45	14.09	5.88	12.77	12.71	16.44	9.91	17.63	2.42	2,3,4,5
MR-4-04-3550	% Cleared (all troubles) within 24 Hours	70.27	90.38	62.42	81.82	66.89	64.1	61.53	77.42	62.31	79.59	
MR-4-07-3550	% Out of Service > 12 Hours	65.97	40.43	72.16	58.82	65.85	57.14	69.43	47.73	70.7	47.37	
MR-4-08-3550	% Out of Service > 24 Hours	26.11	8.51	34.55	14.71	30.39	35.71	31.93	20.45	32.94	15.79	
MR-4-09-3550	Mean Time To Repair - No Double Dispatch	19.91	12.87									
MR-4-10-3550	Mean Time To Repair - Double Dispatch	34.3	97.13									
MR-5 - Repeat Trouble Reports												
MR-5-01-3550	% Repeat Reports within 30 Days	20.25	23.08	24.6	13.64	23.94	7.69	23.84	6.45	20.83	10.2	
Maintenance - POTS Platform												
MR-2 - Trouble Report Rate												
MR-2-02-3140	Network Trouble Report Rate - Platform	1.1	1.31	0.98	1.07	1.09	1.15	0.9	0.98	0.82	1.18	
MR-2-03-3140	Network Trouble Report Rate - Central Office	0.13	0.07	0.14	0.08	0.13	0.21	0.11	0.09	0.12	0.08	
MR-2-04-3140	% Subsequent Reports	4.94	1.56		9.64		3.88		5.51		3.37	

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Metric Number	Metric Name	August		September		October		November		December		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
MR-2-05-3140	% CPE/TOK/FOK Trouble Report Rate	1.13	0.92		0.7		1.42		1.15		1.1	
MR-3 - Missed Repair Appointments												
MR-3-01-3144	% Missed Repair Appointment - Platform Bus.	23.19	25.45	27.55	17.39	23.83	18.42	26.94	21.21	27.77	27.94	
MR-3-01-3145	% Missed Repair Appointment - Platform Res.	16.72	0	17.7	8.33	16.87	14.93	16.56	9.09	21	10.75	
MR-3-02-3144	% Missed Repair Appointment - Central Office Bus.	16.67	0	16.16	0	12.99	0	18.9	25	19.38	50	2,3,4,5
MR-3-02-3145	% Missed Repair Appointment - Central Office Res.	9.44	0	12.48	25	7.09	0	10.86	16.67	12.03	14.29	2,4,5
MR-3-03-3140	% CPE/TOK/FOK - Missed Appointment - Platform	11.15	14.29		10.87		5.39		7.75		6	
MR-3-04-3140	% Missed Repair Appointment - No Double Dispatch	11	18.52									
MR-4 - Trouble Duration Intervals												
MR-4-01-3140	Mean Time To Repair - Total	21.82	16.38	25.33	16.78	23.06	21.35	26.01	22.02	28.66	24.23	
MR-4-04-3140	% Cleared (all troubles) within 24 Hours	70.27	84.13	62.42	84	66.89	75.81	61.53	67.5	62.31	73.26	
MR-4-06-3140	% Out of Service > 4 Hours	81.69	76.92	84.73	85.45	77.85	75.27	84.88	87.63	85.56	76.69	
MR-4-07-3140	% Out of Service > 12 Hours	65.97	46.15	72.16	63.64	65.85	61.29	69.43	70.1	70.7	68.42	
MR-4-08-3144	% Out of Service > 24 Hours - Bus.	18.42	14.29	20.94	9.09	18.79	6.67	26.05	32.14	21.84	25.46	
MR-4-08-3145	% Out of Service > 24 Hours - Res.	27.16	25	36.77	22.73	32.5	25.4	32.85	27.54	35.04	25.64	
MR-5 - Repeat Trouble Reports												
MR-5-01-3140	% Repeat Reports within 30 Days	20.25	11.11	24.6	24	23.94	17.74	23.84	20.83	20.83	17.44	
2-Wire Digital Services - Maintenance												
MR-2 - Trouble Report Rate												
MR-2-02-3341	Network Trouble Report Rate - Loop	0.22	0.29	0.95	0.87	1.05	0.29	0.87	0.86	0.79	0	
MR-2-03-3341	Network Trouble Report Rate - Central Office	0.27	1.15	0.14	0.58	0.13	0	0.11	0.86	0.13	0.57	
MR-2-04-3341	% Subsequent Reports	10.81	0		0		0		0		0	2,3,4,5
MR-3 - Missed Repair Appointments												
MR-3-01-3341	% Missed Repair Appointment - Loop	50.85	0	19.33	33.33	18.22	100	18.36	0	22.12	NA	2,3,4
MR-3-02-3341	% Missed Repair Appointment - Central Office	41.1	0	15.52	0	10.53	NA	15.09	33.33	16.11	0	2,4,5
MR-4 - Trouble Duration Intervals												
MR-4-01-3341	Mean Time To Repair - Total	25.74	2.94	25.16	11.86	23.05	18.68	25.97	18.66	28.69	2.43	2,3,4,5
MR-4-02-3341	Mean Time To Repair - Loop Trouble	39.37	4.47	26.84	10.79	24.33	18.68	27.14	10.41	30.37	NA	2,3,4
MR-4-03-3341	Mean Time To Repair - Central Office Trouble	14.72	2.56	14.03	13.45	12.94	NA	16.5	26.92	18.46	2.43	2,4,5
MR-4-07-3341	% Out of Service > 12 Hours	41.51	0	71.55	25	65.37	100	69.13	66.67	70.05	0	2,3,4,5
MR-4-08-3341	% Out of Service > 24 Hours	21.7	0	34.37	25	30.45	0	31.98	50	32.91	0	2,3,4,5
MR-4-09-3341	Mean Time To Repair - No Double Dispatch	10.01	2.94									
MR-5 - Repeat Trouble Reports												
MR-5-01-3341	% Repeat Reports within 30 Days	21.21	0	24.41	40	23.86	0	23.59	16.67	20.71	0	2,3,4,5
2-Wire xDSL Loops - Maintenance												
MR-2 - Trouble Report Rate												

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Metric Number	Metric Name	August		September		October		November		December		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
MR-2-02-3342	Network Trouble Report Rate - Loop	0.08	0.39	0.95	0.44	1.05	0.33	0.87	0.15	0.79	0.23	
MR-2-03-3342	Network Trouble Report Rate - Central Office	0.11	0.11	0.14	0.2	0.13	0.19	0.11	0.1	0.13	0.12	
MR-3 - Missed Repair Appointments												
MR-3-01-3342	% Missed Repair Appointment - Loop	33.33	3.45	19.33	12.9	18.22	3.85	18.36	7.69	22.12	22.22	
MR-3-02-3342	% Missed Repair Appointment - Central Office	10.26	0	15.52	0	10.53	0	15.09	0	16.11	0	4,5
MR-4 - Trouble Duration Intervals												
MR-4-02-3342	Mean Time To Repair - Loop Trouble	34.93	20.43	26.84	23.12	24.33	17.35	27.14	20.5	30.37	18.55	
MR-4-03-3342	Mean Time To Repair - Central Office Trouble	19.03	7.26	14.03	9.24	12.94	5.	16.5	9.65	18.46	13.26	4,5
MR-4-07-3342	% Out of Service > 12 Hours	51.92	57.69	71.55	64.1	65.37	38.89	69.13	47.37	70.05	61.91	
MR-4-08-3342	% Out of Service > 24 Hours	34.62	19.23	34.37	33.33	30.45	11.11	31.98	10.53	32.91	28.57	
MR-5 - Repeat Trouble Reports												
MR-5-01-3342	% Repeat Reports within 30 Days	35.09	22.22	24.41	9.09	23.86	15	23.59	0	20.71	3.85	
2-Wire xDSL Line Sharing - Maintenance												
MR-2 - Trouble Report Rate												
MR-2-02-3343	Network Trouble Report Rate - Loop	0.08	0	0.09	0.14	0.09	0.12	0.12	0.1	0.08	0.09	
MR-2-03-3343	Network Trouble Report Rate - Central Office	0.11	0.36	0.07	0.58	0.09	0.12	0.07	0.1	0.06	0.18	
MR-3 - Missed Repair Appointments												
MR-3-01-3343	% Missed Repair Appointment - Loop	33.33	NA	65.38	0	52	0	68.75	0	52.17	50	2,3,4,5
MR-3-02-3343	% Missed Repair Appointment - Central Office	10.26	0	20.83	0	14.29	0	20	20	38.1	33.33	2,3,4,5
MR-4 - Trouble Duration Intervals												
MR-4-02-3343	Mean Time To Repair - Loop Trouble	34.93	NA	94.47	25.48	91.5	27.63	51.42	26.5	43.36	25.61	2,3,4,5
MR-4-03-3343	Mean Time To Repair - Central Office Trouble	19.03	3.98	19.66	7.22	34.76	15.07	27.31	42.13	27.06	15.44	2,3,4,5
MR-4-04-3343	% Cleared (all troubles) within 24 Hours	59.65	100	46	75	41.67	50	58.21	50	52.27	60	2,3,4,5
MR-4-07-3343	% Out of Service > 12 Hours	51.92	0	66.67	28.57	75.51	75	71.43	80	76.32	80	2,3,4,5
MR-4-08-3343	% Out of Service > 24 Hours	34.62	0	47.62	28.57	53.06	50	37.5	40	42.11	40	2,3,4,5
MR-5 - Repeat Trouble Reports												
MR-5-01-3343	% Repeat Reports within 30 Days	35.09	0	54	37.5	45	25	43.28	16.67	40.91	60	2,3,4,5
2-Wire xDSL Line Splitting - Maintenance												
MR-2 - Trouble Report Rate												
MR-2-02-3345	Network Trouble Report Rate - Loop			0.09	NA	0.09	NA	0.12	NA	0.08	NA	
MR-2-03-3345	Network Trouble Report Rate - Central Office			0.07	NA	0.09	NA	0.07	NA	0.06	NA	
MR-2-04-3345	% Subsequent Reports				NA		NA		NA		NA	
MR-2-05-3345	% CPE/TOK/FOK Trouble Report Rate				NA		NA		NA		NA	
MR-3 - Missed Repair Appointments												
MR-3-01-3345	% Missed Repair Appointment - Loop			65.38	NA	52	NA	68.75	NA	52.17	NA	
MR-3-02-3345	% Missed Repair Appointment - Central Office			20.83	NA	14.29	NA	20	NA	38.1	NA	

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Metric Number	Metric Name	August		September		October		November		December		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
MR-3-03-3345	%CPE/TOK/FOK - Missed Appointment				NA		NA		NA		NA	
MR-4 - Trouble Duration Intervals												
MR-4-02-3345	Mean Time To Repair - Loop Trouble			94.47	NA	91.5	NA	51.42	NA	43.36	NA	
MR-4-03-3345	Mean Time To Repair - Central Office Trouble			19.66	NA	34.76	NA	27.31	NA	27.06	NA	
MR-4-04-3345	% Cleared (all troubles) within 24 Hours			46	NA	41.67	NA	58.21	NA	52.27	NA	
MR-4-07-3345	% Out of Service > 12 Hours			66.67	NA	75.51	NA	71.43	NA	76.32	NA	
MR-4-08-3345	% Out of Service > 24 Hours			47.62	NA	53.06	NA	37.5	NA	42.11	NA	
MR-5 - Repeat Trouble Reports												
MR-5-01-3345	% Repeat Reports within 30 Days			54	NA	45	NA	43.28	NA	40.91	NA	
Special Services - Maintenance												
MR-2 - Trouble Report Rate												
MR-2-01-3200	Network Trouble Report Rate	0.36	2.69	0.43	1.88	0.47	2.65	0.29	1.88	0.31	0.98	
MR-2-05-3200	% CPE/TOK/FOK Trouble Report Rate	0.6	1.71		2.9		3.71		3.08		2.45	
MR-4 - Trouble Duration Intervals												
MR-4-01-3200	Mean Time To Repair - Total	5.14	6.17									
MR-4-04-3200	% Cleared (all troubles) within 24 Hours	98.11	100									
MR-4-04-3216	% Cleared (all troubles) within 24 Hours - Non DS0 & DS0			100	NA	98.28	NA	99.26	NA	99.36	NA	
MR-4-04-3217	% Cleared (all troubles) within 24 Hours - DS1 & DS3			100	90.91	100	100	96.49	100	100	100	5
MR-4-06-3200	% Out of Service > 4 Hours	46.42	36.36									
MR-4-06-3216	% Out of Service > 4 Hours - Non DS0 & DS0			45.07	NA	48.28	NA	57.35	NA	55.41	NA	
MR-4-06-3217	% Out of Service > 4 Hours - DS1 & DS3			31.78	20	26.36	36.36	35.09	55.56	32.61	40	5
MR-4-08-3200	% Out of Service > 24 Hours	1.89	0									
MR-4-08-3216	% Out of Service > 24 Hours - Non DS0 & DS0			0	NA	1.72	NA	0.74	NA	0.64	NA	
MR-4-08-3217	% Out of Service > 24 Hours - DS1 & DS3			0	10	0	0	3.51	0	0	0	5
MR-5 - Repeat Trouble Reports												
MR-5-01-3200	% Repeat Reports within 30 Days	12.08	27.27	13.75	45.45	17.54	33.33	13.47	9.09	13.3	16.67	5
Trunks (Aggregate) - POTS/Special Services												
ORDERING												
OR 1 - Order Confirmation Timeliness												
OR-1-11-5020	Av. FOC Time (<= 192 Forecasted Trunks)		NA									
OR-1-11-5030	Av. FOC Time (> 192 and Unforecasted Trunks)		7.02									
OR-1-12-5020	% On Time FOC (<= 192 Forecasted Trunks)		NA		100		100		100		100	2,3,4
OR-1-12-5030	% On Time FOC (> 192 and Unforecasted Trunks)		71.21		98.28		63.75		82.61		100	
OR-1-13-5020	% On Time Design Layout Record (DLR)		100		100		100		100		100	3,4

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Metric Number	Metric Name	August		September		October		November		December		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
OR-1-19-5020	% On Time Resp. - Request for Inbound Augment Trunks (<= 192 Forecasted)		100		100		100		NA		NA	2,3
OR-1-19-5030	% On Time Resp. - Request for Inbound Augment Trunks (> 192 Forecasted)		NA		NA		NA		NA		NA	
OR-2 - Reject Timeliness												
OR-2-11-5000	Average Trunk ASR Reject Time (<= 192 Forecasted Trunks)		3.75									
OR-2-12-5000	% On Time Trunk ASR Reject (<= 192 Forecasted Trunks)		87.5		100		100		100		100	2,3,4,5
PROVISIONING												
PR-1 - Average Interval Offered												
PR-1-09-5020	Av. Interval Offered - Total (<= 192 Forecasted Trunks)	13.5	NA	8.5	NA	9.5	NA	14	NA	15.5	NA	
PR-1-09-5030	Av. Interval Offered - Total (> 192 & Unforecasted Trunks)	17	8.57	11.14	13.72	15.16	14.93	10.65	13.18	13.7	12.63	
PR-2 - Average Interval Completed												
PR-2-09-5020	Av. Interval Completed - Total (<= 192 Forecasted Trunks)	14	NA									
PR-2-09-5030	Av. Interval Completed - Total (> 192 Forecasted Trunks)	16.5	NA									
PR-4 - Missed Appointment												
PR-4-01-5000	% Missed Appointment - Verizon - Total	0	0									
PR-4-02-5000	Average Delay Days - Total	NA	NA		NA		NA		NA		NA	
PR-4-03-5000	% Missed Appointment - Customer	54.92	56.32		23.52		25		88.47		42.15	
PR-4-07-3540	% On Time Performance - LNP Only		91.46		99.54		99.05		98.19		98.81	
PR-4-15-5000	% On Time Provisioning - Trunks				100		100		100		100	
PR-5 - Facility Missed Orders												
PR-5-01-5000	% Missed Appointment - Verizon - Facilities	0	0	0	0	0	0	0	0	0.54	0	
PR-5-02-5000	% Orders Held for Facilities > 15 Days	0	0	0	0	0	0	0	0	0	0	
PR-5-03-5000	% Orders Held for Facilities > 60 Days	0	0	0	0	0	0	0	0	0	0	
PR-6 - Installation Quality												
PR-6-01-5000	% Installation Troubles reported within 30 Days	0.08	0	0	0.03	0	0.03	0	0	0	0	
PR-6-03-5000	% Inst. Troubles reported within 30 Days - FOK/TOK/CPE	0	0		0		0		0		0	

WASHINGTON, D.C. PERFORMANCE METRIC DATA

Metric Number	Metric Name	August		September		October		November		December		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
PR-8 - Open Orders in a Hold Status												
PR-8-01-5000	Open Orders in a Hold Status > 30 Days	0	0	0	0	0	0	0	0	0	0	
PR-8-02-5000	Open Orders in a Hold Status > 90 Days	0	0	0	0	0	0	0	0	0	0	
MAINTENANCE												
MR-2 - Trouble Report Rate												
MR-2-01-5000	Network Trouble Report Rate	0.02	0	0.01	0.02	0.01	0.01	0.01	0.01	0.01	0	
MR-4 - Trouble Duration Intervals												
MR-4-01-5000	Mean Time To Repair - Total	0.96	0.46	1.75	0.99	6.37	1.87	1.53	0.88	1	0.48	3,4,5
MR-4-04-5000	% Cleared (all troubles) within 24 Hours	100	100	100	100	100	100	100	100	100	100	3,4,5
MR-4-05-5000	% Out of Service > 2 Hours	22.22	0	28.57	7.14	100	50	25	20	25	0	3,4,5
MR-4-06-5000	% Out of Service > 4 Hours	0	0	14.29	0	20	0	0	0	0	0	3,4,5
MR-4-07-5000	% Out of Service > 12 Hours	0	0	0	0	20	0	0	0	0	0	3,4,5
MR-4-08-5000	% Out of Service > 24 Hours	0	0	0	0	0	0	0	0	0	0	3,4,5
MR-5 - Repeat Trouble Report Rates												
MR-5-01-5000	% Repeat Reports within 30 Days	0	0	0	7.14	20	0	25	0	25	0	3,4,5
NETWORK PERFORMANCE												
NP-1 - Percent Final Trunk Group Blockage												
NP-1-01-5000	% Final Trunk Groups Exceeding Blocking Standard	0	2.56	0	0	0	2.5	1.28	2.56	0	2.63	
NP-1-02-5000	% FTG Exceeding Blocking Std. -(No Exceptions)	0	5.13	0	2.44	0	5	1.28	5.13	0	5.26	
NP-2 - Collocation Performance - New												
NP-2-01-6701	% On Time Response to Request for Physical Collocation		NA		NA		NA		NA		NA	
NP-2-02-6701	% On Time Response to Request for Virtual Collocation		NA		NA		NA		NA		NA	
NP-2-03-6701	Average Interval - Physical Collocation		NA		63		NA		NA		NA	
NP-2-04-6701	Average Interval - Virtual Collocation		NA		NA		NA		NA		NA	
NP-2-05-6701	% On Time - Physical Collocation		NA		100		NA		NA		NA	2
NP-2-06-6701	% On Time - Virtual Collocation		NA		NA		NA		NA		NA	
NP-2-07-6701	Average Delay Days - Physical Collocation		NA		NA		NA		NA		NA	
NP-2-08-6701	Average Delay Days - Virtual Collocation		NA		NA		NA		NA		NA	
NP-2 - Collocation Performance - Augment												
NP-2-01-6702	% On Time Response to Request for Physical Collocation		100		100		100		100		100	2,3,4,5
NP-2-02-6702	% On Time Response to Request for Virtual Collocation		NA		NA		NA		NA		NA	

WASHINGTON, D.C. PERFORMANCE METRIC DATA

Metric Number	Metric Name	August		September		October		November		December		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
NP-2-03-6702	Average Interval - Physical Collocation		60.33		66		71		42.29		40.25	
NP-2-04-6702	Average Interval - Virtual Collocation		NA		NA		NA		NA		NA	
NP-2-05-6702	% On Time - Physical Collocation		100		100		100		100		100	2,3,4,5
NP-2-06-6702	% On Time - Virtual Collocation		NA		NA		NA		NA		NA	
NP-2-07-6702	Average Delay Days - Physical Collocation		NA		NA		NA		NA		NA	
NP-2-08-6702	Average Delay Days - Virtual Collocation		NA		NA		NA		NA		NA	

Abbreviations: NA = No Activity.
UD = Under Development.
blank cell = No data provided.
VZ = Verizon retail analog. If no data was provided, the metric may have a benchmark.

Notes:
1 = Sample Size under 10 for August.
2 = Sample Size under 10 for September.
3 = Sample Size under 10 for October.
4 = Sample Size under 10 for November.
5 = Sample Size under 10 for December.

Appendix D

West Virginia Performance Metrics

All data included here are taken from the West Virginia Carrier-to-Carrier Reports. This table is provided as a reference tool for the convenience of the reader. No conclusions are to be drawn from the raw data contained in this table. Our analysis is based on the totality of the circumstances, such that we may use non-metric evidence, and may rely more heavily on some metrics more than others, in making our determination. The inclusion of these particular metrics in this table does not necessarily mean that we relied on all of these metrics nor that other metrics may not also be important in our analysis. Some metrics that we have relied on in the past and may rely on for a future application were not included here because there was no data provided for them (usually either because there was no activity, or because the metrics are still under development). Metrics with no retail analog provided are usually compared with a benchmark. Note that for some metrics during the period provided, there may be changes in the metric definition, or changes in the retail analog applied, making it difficult to compare the data over time.

PERFORMANCE METRICS CATAGORIES

Metric Number	Metric Name
Preorder and OSS Availability:	
OR-1-02	% On Time LSRC – Flow Through
OR-1-04	% On Time LSRC No Facility Check
OR-1-06	% On Time LSRC/ASRC Facility Check
OR-1-08	% On Time ASRC No Facility Check
OR-1-10	% On Time ASRC Facility Check
OR-1-12	% On Time FOC
OR-1-13	% On Time Design Layout Record (DLR)
OR-1-19	% On Time Resp. - Request for Inbound Augment Trunks
PO-1-01	Customer Service Record
PO-1-02	Due Date Availability
PO-1-03	Address Validation
PO-1-04	Product & Service Availability
PO-1-05	Telephone Number Availability & Reservation
PO-1-06	Average Response Time - Mechanized Loop Qualification - DSL
PO-1-07	Rejected Query
PO-1-08	% Timeouts
PO-1-09	Parsed CSR
PO-2-02	OSS Interf. Avail. – Prime Time
PO-2-03	OSS Interf. Avail. – Non-Prime
PO-4-01	% Notices Sent on Time
PO-4-02	Change Mgmt. Notice - Delay 1-7 Days
PO-4-03	Change Mgmt. Notice - Delay 8+ Days
PO-8-01	% On Time - Manual Loop Qualification
PO-8-02	% On Time - Engineering Record Request
MR-1-01	Create Trouble

Metric Number	Metric Name
Change Management, Billing, OS/DA, Interconnection and Collocation:	
BI-1-02	% DUF in 4 Business Days
BI-2-01	Timeliness of Carrier Bill
BI-3-04	% CLEC Billing Claims Acknowledged Within Two Business Days
BI-3-05	% CLEC Billing Claims Resolved Within 28 Calendar Days After Acknowledgement
NP-1-01	% Final Trunk Groups Exceeding Blocking Standard
NP-1-02	% FTG Exceeding Blocking Std. –(No Exceptions)
NP-2-01	% On Time Response to Request for Physical Collocation
NP-2-02	% On Time Response to Request for Virtual Collocation
NP-2-03	Average Interval – Physical Collocation
NP-2-04	Average Interval – Virtual Collocation
NP-2-05	% On Time – Physical Collocation
NP-2-06	% On Time – Virtual Collocation
NP-2-07	Average Delay Days – Physical Collocation
NP-2-08	Average Delay Days – Virtual Collocation

Ordering:	
OR-2-02	% On Time LSR Reject – Flow Through
OR-2-04	% On Time LSR Reject < 6 Lines - Electronic - No Flow-Through
OR-2-06	% On Time LSR Reject >= 6 Lines - Electronic - No Flow-Through
OR-2-08	% On Time LSR Reject < 6 Lines - Fax
OR-2-10	% On Time ASR Reject Facility Check
OR-2-12	% On Time Trunk ASR Reject (<= 192 Forecasted Trunks)
OR-3-01	% Rejects

FILE

CONTINUED