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

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| In the Matter of | ) | |
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| 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 | ) | CC Docket No. 02 - 61 |
| Solutions), Verizon Global Networks Inc., | ) | |
| and Verizon Select Services Inc., for | ) | |
| Authorization to Provide In-Region, | ) | |
| InterLATA Services In Maine | ) | |
| | ) | |

# MEMORANDUM OPINION AND ORDER

**Adopted: June 18, 2002** **Released: June 19, 2002**

By the Commission:

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## I. INTRODUCTION

1. On March 21, 2002, 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. (Verizon) filed this 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 State of Maine. 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 Maine to competition.

2. This application demonstrates that even in very rural states, competition in the market for local telecommunications can develop under the appropriate market and regulatory circumstances. According to Verizon, competing carriers in Maine serve approximately 50,600 lines using all three entry paths available under the Act (resale, unbundled network elements, and competitor-owned facilities).[2] Across the state, competitors serve approximately 38,800 lines through resale and approximately 11,800 lines using unbundled network elements or their own facilities.[3]

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[1] We refer to the Communications Act of 1934, as amended by the Telecommunications Act of 1996 and other statutes, as the Communications Act, or the Act. *See* 47 U.S.C. §§ 151 *et seq*. We refer to the Telecommunications Act of 1996 as the 1996 Act. *See* Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996).

[2] *See* Verizon Application App. A, Vol. 3 Tab F, Declaration of John A. Torre (Verizon Torre Decl.) Attach. 1 at para. 3.

[3] *See* Verizon Torre Decl. Attach 1 at para. 6. In its evaluation, the Department of Justice cites Verizon's estimate that using all modes of entry, for business and residential customers combined, competitors serve approximately 50,600 lines in Maine, or approximately 6.7% of all lines in Verizon's service area in the state. *See* Department of Justice Evaluation at 4.

3. We wish to recognize the effort and dedication of the Maine Public Utilities Commission (Maine Commission). In smaller, more rural states, the section 271 process taxes the resources of the state commissions, even more heavily than in other states. Yet, by diligently and actively conducting proceedings beginning in 1997 to set TELRIC prices, to implement performance measures, to develop a Performance Assurance Plan (PAP), and to evaluate Verizon's compliance with section 271 of the Act, the Maine Commission laid the necessary foundation for our review and approval. We are confident that the Maine Commission's efforts, culminating in the grant of this application, will reward Maine consumers by making increased competition in all markets for telecommunications services possible in the state.

## 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. Congress provided for Commission review of BOC applications to provide such service in consultation with the affected state and the Attorney General.[4]

5. We rely heavily in our examination of this application on the work completed by the Maine Commission. Beginning in August 1997, the Maine Commission conducted a series of pricing proceedings to set the rates for unbundled network elements.[5] In addition, nearly two years ago, the Maine Commission began its examination of Verizon's proposed performance measures for use in Maine, as well as the establishment of a PAP.[6] In March 2002, the Maine Commission adopted the New York Commission's performance guidelines with minor modifications,[7] as well as a Maine PAP.[8] Any changes required by the New York Commission

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[4] 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); *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, paras. 17-20 (1999) (*Bell Atlantic New York Order*), *aff'd*, *AT&T Corp. v. FCC*, 220 F.3d 607 (D.C. Cir. 2000).

[5] *See* Verizon Application App. A, Vol. 3, Joint Declaration of Edward B. Dinan, Patrick A Garzillo, and Michael J. Anglin (Verizon Dinan/Garzillo/Anglin Decl.) at paras. 13-32. The history of unbundled network elements (UNE) pricing in Maine is set forth in more detail *infra* part III.A.1.

[6] *See* Maine Commission Comments at 2, 91-95.

[7] *See* Maine Commission Comments at 91-92;Verizon Application App. B, Tab 4, State of New York Public Service Commission Order Modifying Existing and Establishing Additional Inter-Carrier Service Quality Guidelines (Oct. 29, 2001) (New York Commission October Order).

[8] *See* Verizon Application App. B, Tab 25, Letter from Maine Public Utilities Commission to Edward B. Dinan, President & CEO, Verizon New England, Inc., *Inquiry Regarding the Entry of Verizon-Maine into the InterLATA* (continued….)

will be filed with the Maine Commission within ten days for review and inclusion in the Maine guidelines upon the Maine Commission's approval.[9]

6. On October 18, 2001, Verizon formally asked the Maine Commission to consider whether Verizon is complying with the requirements of section 271.[10] The Maine Commission opened a docket to consider Verizon's request, and conducted an evaluation of Verizon's compliance with section 271. The Maine Commission accepted comments, declarations, exhibits, and briefs from all interested parties, and also conducted two days of evidentiary hearings.[11] On completion of its proceeding, the Maine Commission sent a letter to Verizon expressing its conclusion that "Verizon meets the statutory requirements of Section 271 relating to opening the local exchange and exchange access markets in Maine to competition."[12] The Maine Commission's recommendation, however, was conditioned on Verizon taking several actions.[13] Verizon replied that it "will comply with the Commission's conditions."[14] In this

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*Telephone Market Pursuant to Section 271 of the Telecommunications Act of 1996*, Docket No. 2000-849 (Mar. 1, 2002) (Maine Commission Mar. 1 Letter).

9 *See* Verizon Application App. I, Tab 19, Verizon Maine's Performance Assurance Plan (filed Mar. 13, 2002) (Verizon Maine PAP); *see also* Letter from Richard T. Ellis, Director, Federal Affairs, Verizon, to William Caton, Acting Secretary, Federal Communications Commission, CC Docket No. 02-61 (filed Apr. 4, 2002) (submitting a revised version of the Maine PAP, including a new Appendix D, that was filed with the Maine Commission on March 29, 2002) (Verizon Apr. 4 *Ex Parte* Letter).

10 *See* Maine Commission Comments at 2. On October 18, 2000, the Maine Commission opened its initial inquiry into the entry of Verizon into the interLATA telephone market in Maine. However, in November 2000, Verizon informed the Maine Commission that it did not wish to proceed with its section 271 application at that time. Accordingly, the Maine Commission suspended its investigation until Verizon re-filed its application on October 18, 2001. *See* Maine Commission Comments at 1-2.

11 *See id.* at 2-3.

12 Maine Commission Mar. 1 Letter at 1.

13 *See id.* at 1-5. The conditions imposed by the Maine Commission are as follows: Verizon must file a wholesale tariff for Maine no later than October 1, 2002, Verizon must provision new EELs in accordance with applicable law beginning on April 1, 2002, Verizon must make certain changes to its dark fiber offering, Verizon must file redacted copies of all customer-specific contracts with the Maine Commission, Verizon must participate in the Maine Commission's Rapid Response Process, Verizon must provide the Maine Commission with a quarterly report identifying any modifications ordered by a Commission in any former Bell Atlantic state that substantially alter Verizon's obligations with respect to certain section 271checklist items, and Verizon must make certain changes to the Maine PAP. Verizon states that it will comply with all the conditions imposed by the Maine Commission. *See* Verizon Application App. B, Tab 26, Letter from Edward B. Dinan, President, Verizon New England, Inc. to Thomas L. Welch, Chairman, Public Utilities Commission, *Inquiry Regarding the Entry of Verizon-Maine into the InterLATA Telephone Market Pursuant to Section 271 of the Telecommunications Act of 1996*, Docket No. 2000-849 (Mar. 4, 2002) (Verizon Mar. 4 letter). In fact, Verizon filed a revised Maine PAP on March 29, 2002. *See* Maine Commission Comments at 88. Verizon also began offering new loop/transport combinations on April 1, 2002. *See* Verizon Application App. A, Vol. 1, Joint Declaration of Paul A. Lacouture and Virginia P. Ruesterholz (Verizon Lacouture/Ruesterholz Decl.) at para. 257. Verizon filed a dark fiber tariff on May 1, 2002 as well. *See* Letter from Richard T. Ellis, Director, Federal Affairs, Verizon, to Marlene H. Dortch, Secretary, Federal Communications Commission, CC Docket No. 02-61 (filed May 2, 2002) (Verizon May 2 *Ex*
(continued….)

proceeding, the Maine Commission filed a more detailed recommendation, in which it "finds that Verizon [has] met the requirements of the Section 271 Checklist and recommends that the [Commission] grant Verizon's application for entry into the interLATA market."[15]

7. The Department of Justice filed its recommendation on April 25, 2002, concluding that "Verizon has generally succeeded in opening its local markets in Maine to competition."[16] Accordingly, the Department of Justice recommends approval of Verizon's application for section 271 authority in Maine, stating that:

> Although there is significantly less competition to serve residential customers and to serve business customers via the UNE-platform, the Department does not believe there are any material obstacles to competition in Maine created by Verizon. Verizon has submitted evidence to show that its Maine OSS [operations support systems] are the same as those that the Commission found satisfactory in Massachusetts. Moreover, there have been few complaints regarding Verizon's Maine OSS in this proceeding.[17]

## III. CHECKLIST COMPLIANCE

8. 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. Rather, we rely on the legal and analytical precedent established in prior section 271 orders, and we attach comprehensive appendices containing performance data and the statutory framework for evaluating section 271 applications.[18] Our conclusions in this Order are based on performance

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*Parte* Letter). On May 30, 2002, however, the Maine Commission suspended the effective date of Verizon's dark fiber tariff for a period of three months to determine whether certain provisions of the tariff comply with conditions included in the Maine Commission Mar. 1 Letter. *See* Letter from Trina M. Bragdon, Staff Attorney, Maine Public Utilities Commission, to Marlene H. Dortch, Secretary, Federal Communications Commission, CC Docket No. 02-61 (filed June 10, 2002). The Maine Commission and Verizon have discussed possible revisions to the language of the tariff. *Id.*

[14] *See* Verizon Mar. 4 letter.

[15] Maine Commission Comments at 115.

[16] Department of Justice Evaluation at 2. Section 271(d)(2)(A) requires us to give "substantial weight" to the Department of Justice's evaluation. 47 U.S.C. § 271(d)(2)(A).

[17] Department of Justice Evaluation at 5-6.

[18] Appendices B (Maine Performance Data), C (Massachusetts Performance Data), and D (Statutory Requirements); *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*, Memorandum Opinion and Order, 17 FCC Rcd 3300, Apps. B, C, and D (2002) (*Verizon Rhode Island Order*); *Joint Application by SBC Communications Inc., Southwestern Bell Telephone Company, and Southwestern Bell* (continued….)

data as reported in carrier-to-carrier reports reflecting service in the most recent months before filing (November 2001 through March 2002).[19]

9. We focus in this Order on the issues in controversy in the record. Accordingly, we begin by addressing checklist item two (UNEs). Next, we address checklist item four (unbundled local loops). The remaining checklist items are discussed briefly. We find, based on our review of the evidence in the record, that Verizon satisfies all the checklist requirements.[20]

## A. Checklist Item 2 – Unbundled Network Elements

### 1. Pricing of Network Elements

#### a. Background

10. On August 4, 1997, the Maine Commission initiated an investigation into Verizon's total element long run incremental cost (TELRIC) of providing unbundled network elements and interconnection.[21] The investigation was initiated to evaluate cost studies

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*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 Arkansas and Missouri*, Memorandum Opinion and Order, 16 FCC Rcd 20719, Apps. B, C, and D (2001) (*SWBT Arkansas/Missouri Order*); *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*, Memorandum Opinion and Order, 16 FCC Rcd 17419, 17508-545, Apps. B and C (2001) (*Verizon Pennsylvania Order*).

[19] We examine data through March 2002 because it describes performance that occurred before comments were due in this proceeding on April 10, 2002. *See 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 Telecommunications Act of 1996 To Provide In-Region, InterLATA Services in Texas*, Memorandum Opinion and Order, 15 FCC Rcd 18354, 18372, para. 39 (2000) (SWBT *Texas Order*).

[20] We note that the United States Court of Appeals for the District of Columbia Circuit recently issued an opinion remanding 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) 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 Docket No. 98-147 and Fourth Report and Order in CC Docket No. 96-98, 14 FCC Rcd 20912 (1999). *USTA v. FCC*, 2002 WL 1040574 (D.C. Cir. issued May 24, 2002). The Commission is currently reviewing its unbundled network elements rules, *Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, 16 FCC Rcd 2278 (2001), and recently extended the reply comment date to allow parties to incorporate their review and analysis of the D.C. Circuit's recent decision. *Wireline Competition Bureau Extends Reply Comment Deadline for Wireline Broadband and Triennial Review Proceedings*, Public Notice, DA 02-1284 (May 29, 2002).

[21] Maine PUC, *Investigation of Total Element Long-Run Incremental Cost (TELRIC) Studies and Pricing of Unbundled Network Elements*, Order at 1 and Attach. A at 1, Docket No. 97-505 (rel. Feb. 12, 2002) (*Maine TELRIC Order*); Verizon Dinan/Garzillo/Anglin Decl. at para. 15.

submitted by Verizon in the state proceeding considering Verizon's compliance with section 271 of the Act.[22] After the submission of pre-filed testimony, two technical conferences and several days of hearings, the Maine Commission issued a procedural order on February 12, 1998, suspending its investigation pending release of this Commission's universal service model platform (USF platform).[23] The Maine Commission hoped that this Commission's decision adopting the USF platform would provide additional guidance on cost model issues.[24] The USF platform was adopted in October 1998,[25] and the model inputs were released in November 1999.[26]

11. The Maine Commission did not renew its investigation until July 2000, when it convened a technical conference to discuss the impact of subsequent legal developments and whether the existing record could be relied upon in light of these developments.[27] Verizon and AT&T, among others, attended the technical conference and recommended that the Maine Commission proceed based on the existing record.[28] Accordingly, the Maine Commission established UNE prices based on the existing record, updated where necessary, and supplemented with testimony on UNE costs that were not covered in the earlier phase of the investigation.[29]

12. Over the course of the investigation, the parties submitted testimony and exhibits evaluating Verizon's cost studies and Verizon responded to more than 500 interrogatories and information requests.[30] In addition, the Maine Commission conducted six days of technical conferences and hearings.[31] On February 12, 2002, the Maine Commission adopted an order establishing rates for UNEs and interconnection that applied the Commission's TELRIC

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22 Verizon Dinan/Garzillo/Anglin Decl. at paras. 14-15.

23 *Maine TELRIC Order* at Attach. A; Verizon Dinan/Garzillo/Anglin Decl. at para. 19.

24 *Maine TELRIC Order* at Attach. A.

25 *Id.*; *see also Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Fifth Report and Order, 13 FCC Rcd 21323 (1998) (subsequent history omitted).

26 *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Tenth Report and Order, 14 FCC Rcd 20156 (1999) (*Universal Service Tenth Report and Order*) (subsequent history omitted). During this time period, the investigation remained suspended and Verizon offered UNEs to competitive LECs at rates established in an arbitration between Verizon and AT&T. Verizon Dinan/Garzillo/Anglin Decl. at para. 19.

27 *Maine TELRIC Order* at Attach. A.

28 *Id.*

29 *Id.*

30 Verizon Application at 45. In October 2000, AT&T withdrew its Hatfield model and supporting evidence from the proceeding. Verizon Dinan/Garzillo/Anglin Decl. at 5, para. 22.

31 Verizon Application at 45.

standard.[32] In adopting these rates, the Maine Commission acknowledged a degree of uncertainty surrounding the proper application of the TELRIC standard, but concluded that there was "value to having in place prices that are within a zone of reasonableness, even if the exact placement within that zone is not currently knowable . . . ."[33] For this reason, the Maine Commission established prices based upon the existing record and expressed a commitment to revisit Verizon's Maine UNE rates based on more recent data and after resolution of the legal issues surrounding TELRIC.[34] On February 12, 2002, these rates became effective for carriers with which Verizon had entered into interconnection agreements.[35]

13. On March 8, 2002, the Maine Commission issued a second order that revised the switching rates adopted in its original order, adopted additional composite interconnection rates for Verizon,[36] and made several non-substantive corrections to the original order.[37] In the separate proceeding considering Verizon's compliance with section 271, AT&T had questioned the calculation of switching rates,[38] which prompted the Maine Commission to review, *sua sponte*, the Verizon inputs used to determine these costs.[39] Upon further review of Verizon's switching costs and Automated Reporting Management Information Systems (ARMIS) data, the Maine Commission concluded that it had "incorrectly assumed" that an input represented all

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[32] *Id.* at 46; *Maine TELRIC Order* at 6. With regard to some composite interconnection rates, on February 12, 2002, the Maine Commission issued a procedural order to permit comments on these interconnection rates as they had not been submitted previously by Verizon in this proceeding. *Maine TELRIC Order* at 1 n.1. *See* Maine PUC, *Investigation of Total Element Long-Run Incremental Cost (TELRIC) Studies and Pricing of Unbundled Network Elements*, Procedural Order at 1, Docket No. 97-505 (rel. Feb. 12, 2002) (*TELRIC Procedural Order*). In its procedural order, the Maine Commission noted that the composite interconnection rates at issue reflected the correct rates set by the Commission or used the appropriate methodology, but nevertheless wanted to give parties an opportunity to comment on the rates and the underlying assumptions made by Verizon in calculating these rates. *TELRIC Procedural Order* at 1.

[33] *Maine TELRIC Order* at 6 (discussing the difficulties in interpreting and applying the TELRIC standard, and concluding that seeking to find the "exact, economically correct price for each UNE in Maine would be futile exercise . . . ").

[34] *Id.* at 7. We note that the legal uncertainty surrounding TELRIC has now been settled by the Supreme Court. *See Verizon Communications, Inc. v. FCC,* 122 S.Ct 1646 (2002).

[35] Verizon Dinan/Garzillo/Anglin Decl. at 6, para. 29.

[36] *See supra* n.32.

[37] Maine PUC, *Investigation of Total Element Long-Run Incremental Cost (TELRIC) Studies and Pricing of Unbundled Network Elements*, Order at 1, Docket No. 97-505 (rel. Mar. 8, 2002) (*Maine TELRIC Order II*); *see also* Verizon Application at 47 n.46; Verizon Dinan/Garzillo/Anglin Decl. at para. 30.

[38] *Maine TELRIC Order II* at 1-2. Specifically, the comments filed by AT&T claimed that the switching rates established by the Maine Commission were 28 percent higher than those recently adopted in New York and that Maine's rates contributed to a price squeeze that precluded competition. *Id.*

[39] *Id.*

minutes of use reported in 1996.[40] The Maine Commission ordered Verizon to recalculate its switching rates using the ARMIS data from 1996, resulting in an overall reduction in switching rates.[41]

14. On March 14, 2002, Verizon filed a letter with the Maine Commission detailing a number of non-substantive clerical errors in the calculation of certain rates set forth in the *Maine TELRIC Order II*.[42] The Maine Commission issued a supplemental order on March 20, 2002, correcting the errors identified by Verizon, and it received no further notice of errors.[43] No party filed for reconsideration of the Maine Commission's TELRIC orders and no party is seeking judicial review at this time.

### b. Pricing Legal Standard

15. Checklist item two 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.[44] 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."[45] Section 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.[46] Pursuant to this statutory mandate, the Commission has determined that prices for UNEs must be based on the TELRIC of providing those elements.[47]

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[40] *Id.*

[41] *Id.* at 2-3. In addition, the Maine Commission reconsidered its earlier decision to adopt a zero rate for night and weekend switching and adopted a switching rate applicable to all 24 hours of every day. *Id.* at 3. *See also* Verizon Application at 47 n.46.

[42] Verizon Application at 46 n.44; Letter from Donald W. Boecke, General Counsel – Maine, Verizon, to Dennis Keschle, Administrative Director, Maine PUC, Docket No. 97-505 (Mar. 14, 2002).

[43] Maine PUC, *Investigation of Total Element Long-Run Incremental Cost (TELRIC) Studies and Pricing of Unbundled Network Elements*, Supplemental Order, Docket No. 97-505 (rel. Mar. 20, 2002) (*Maine Supp. TELRIC Order*).

[44] 47 U.S.C. § 271(c)(2)(B)(ii).

[45] *Id*. § 251(c)(3).

[46] *Id*. § 252(d)(1).

[47] *In the Matter of Implementation of the Local Competition Provisions in the Telecommunications Act of 1996*, CC Docket 96-98, First Report and Order, 11 FCC Rcd 15499, 15844-46, paras. 674-79 (1996) (*Local Competition Order*) (subsequent history omitted); 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* (continued….)

16. Although the U.S. Court of Appeals for the Eighth Circuit stayed the Commission's pricing rules in 1996 and vacated them in 1997,[48] the U.S. 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.[49] On remand, the Eighth Circuit concluded that specific Commission pricing rules were contrary to Congressional intent,[50] but stayed the issuance of its mandate pending review by the Supreme Court.[51] On May 13, 2002, the Supreme Court 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."[52] Accordingly, the Commission's rules have been in effect throughout the pendency of this application.

17. The Commission has previously held that it will not conduct a *de novo* review of a state's pricing determinations.[53] We will not reject an application "because isolated factual findings by a commission might be different from what we might have found if we were arbitrating the matter. . . ."[54] 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."[55]

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*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 (1999). *USTA v. FCC*, 2002 WL 1040574 (D.C. Cir. May 24, 2002).

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

49 *AT&T 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. The Court determined that section 251(d) 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 pricing provisions implemented under the Commission's rulemaking authority, according to the Court, 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*.

50 *Iowa Utils. Bd. v. FCC*, 219 F.3d 744 (8th Cir. 2000), *cert. granted sub nom. Verizon Communications, Inc. v. FCC*, 531 U.S. 1124 (2001).

51 *Iowa Utils. Bd. v. FCC*, No. 96-3321 (8th Cir. Sept. 25, 2000).

52 *Verizon Communications, Inc. v. FCC,* 122 S. Ct. 1646, 1679 (2002).

53 *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.").

54 *Bell Atlantic New York Order*, 15 FCC Rcd at 4084, para. 244, *aff'd, AT&T Corp v. FCC*, 220 F.3d at 615-16.

55 *Verizon Pennsylvania Order*, 16 FCC Rcd at 17453, para. 55.

18. To establish rates that comport with TELRIC principles, the Maine Commission employed different methodologies for different rates.[56] For some recurring charges, the Maine Commission adopted Verizon's cost model but rejected the inputs used by Verizon and recalculated the rates using corrected inputs.[57] For example, the Maine Commission rejected Verizon's proposed depreciation rates, adopted this Commission's prescribed depreciation lives, and recalculated recurring rates accordingly.[58] The Maine Commission also rejected Verizon's proposed capital costs and structure, and recalculated recurring rates using a weighted average cost of capital of 9.79 percent.[59] In establishing switching and port charges, the Maine Commission rejected the Verizon model and adopted the Commission's USF model.[60] For all other recurring charges, the Maine Commission compared the rate proposed by Verizon with the UNE rates found in other Verizon jurisdictions (i.e., Vermont, Rhode Island, and Massachusetts) and adopted the lower of Verizon's proposed rate or the rate equaling the average of the comparable rates in these jurisdictions.[61] The Maine Commission reasoned that, while this may appear to be "rough justice," the resulting rates "have the virtue of falling (by definition) well within the range found reasonable elsewhere (and confirmed as generally reasonable by the [Commission] in its Section 271 reviews) . . . ."[62]

19. For non-recurring charges, the Maine Commission accepted Verizon's cost model, but it identified numerous errors in the assumptions contained in the model.[63] To account

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[56] Verizon Dinan/Garzillo/Anglin Decl. at para. 26.

[57] Verizon Application at 46; Verizon Dinan/Garzillo/Anglin Decl. at para. 26; *Maine TELRIC Order* at 7.

[58] *See Maine TELRIC Order* at 10-11 (concluding that Verizon's proposed depreciation lives were speculative and unsupported). Specifically, the Maine Commission recalculated the rates for 2-wire analog loops, xDSL loops, transport, switching, and ports using the revised depreciation lives. *Id.* at 11. The Commission's prescribed depreciation lives are found in Part 32 of our rules. 47 C.F.R. Part 32. The Commission also adopted these lives for purposes of the Synthesis Model. *See Universal Service Tenth Report and Order*, 14 FCC Rcd at 20344, paras. 425-26.

[59] *See Maine TELRIC Order* at 11-21 (considering parties' proposals concerning the appropriate cost of capital and recalculating the rates for 2-wire analog loops, xDSL loops, transport, switching, and ports using the revised weighted cost of capital). *See also* Verizon Application at 47-48; Verizon Dinan/Garzillo/Anglin Decl. at para. 47 (noting that a 9.79 percent weighted average cost of capital is lower than the 10.5 percent weighted average cost of capital in New York and lower than the 11.25 percent cost of capital used by this Commission); *Verizon Pennsylvania Order*, 16 FCC Rcd at 17454, para. 57 (finding a cost of capital of 9.83 percent consistent with the TELRIC methodology).

[60] Verizon Dinan/Garzillo/Anglin Decl. at para. 26; *Maine TELRIC Order* at 60.

[61] Verizon Dinan/Garzillo/Anglin Decl. at para. 26; *Maine TELRIC Order* at 7.

[62] *Maine TELRIC Order* at 7.

[63] Verizon Application at 49-50. The Maine Commission used Verizon's cost study as the basis for calculating recurring costs and decided to use the Verizon cost study as the basis for calculating non-recurring costs for consistency purposes. *Maine TELRIC Order* at 74. The errors identified by the Maine Commission include inconsistent assumptions (assumptions that differed from those used to calculate recurring charges), unreliable and (continued….)

for these errors, including errors in the work time estimates, it ordered Verizon to discount all of its non-recurring charges by 65 percent.[64] The Maine Commission found that this discount would reasonably estimate the value of the methodological errors contained in the cost model.[65] The discount percentage it adopted is based, in part, on the approach used in New York.[66] In considering similar work time estimates proposed by Verizon, the New York Public Service Commission decided to adopt only "minimum" times provided in surveys by Verizon workers.[67] When the rates were adjusted to reflect this revised assumption, the result was a 57 percent reduction in the non-recurring charges.[68] The Maine Commission found, however, that the Verizon cost model contained errors in addition to the work time estimates, and thus adopted a slightly larger percentage discount to account for all of the methodological errors.[69]

20. In determining the appropriate UNE rates, the Maine Commission demonstrated a commitment to basic TELRIC principles, and we applaud the Commission's efforts to establish TELRIC-compliant rates based on the information available to it. Indeed, the *Maine TELRIC Order* contains an extensive discussion concerning the proper application of the TELRIC standard and the challenges presented by its application.[70] The record demonstrates that the Maine Commission carefully examined the cost studies submitted by Verizon and concluded, in many instances, that such studies did not yield TELRIC-compliant rates. For these rates, as discussed above, the Maine Commission recalculated the rates using modified inputs or assumptions, or, alternatively, adopted a different cost model that complied with the TELRIC standard, as it did for switching rates. In other instances, the Maine Commission looked to other state jurisdictions to establish rates within a range that a reasonable application of TELRIC principles would produce.

21. We find that Verizon's Maine UNE rates satisfy the requirements of checklist item two. Commenters in this proceeding challenge two aspects of Verizon's Maine UNE pricing. AT&T and WorldCom raise questions and concerns about the rate Verizon charges in Maine to provision daily usage files (DUF).[71] In addition, AT&T claims that Verizon's Maine

(Continued from previous page)
inaccurate work time estimates, impermissible disconnection fees, and low flow-through rates. *Maine TELRIC Order* at 73-77; *see also* Verizon Application at 50.

64 *Maine TELRIC Order* at 77; Verizon Application at 50.

65 *Maine TELRIC Order* at 6-7, 77.

66 Verizon Dinan/Garzillo/Anglin Decl. at para. 50; *Maine TELRIC Order* at 75-76.

67 Verizon Dinan/Garzillo/Anglin Decl. at para. 50; *Maine TELRIC Order* at 75-76.

68 *Maine TELRIC Order* at 76.

69 Verizon Dinan/Garzillo/Anglin Decl. at para. 50; *Maine TELRIC Order* at 77.

70 *See Maine TELRIC Order* at 2-7.

71 *See* AT&T Comments at 14-17; Letter from Lori Wright, Associate Counsel, WorldCom, Inc. to William Caton, Acting Secretary, Federal Communications Commission, CC Docket No. 02-61 at 1-2 (filed Apr. 10, 2002) (continued….)

switching rates include inflated minutes-of-use charges due to an erroneous allocation of costs between the fixed and per minute-of-use rate elements.[72] We address these issues below, finding that the Maine Commission followed basic TELRIC principles and that the record does not support a finding that the Maine Commission committed any clear error. With respect to other rates, the Maine Commission expressed uncertainty regarding the proper application of TELRIC and in some instances did not conduct a TELRIC analysis.[73] Therefore, in order to assure that Verizon's Maine recurring charges are TELRIC-compliant, we conduct a benchmark analysis, as set forth below, and conclude that the recurring charges fall within a range of rates that a reasonable application of TELRIC principles would produce.[74]

### c. Recurring Charges

#### (i) DUF Rate

22. In its application, Verizon states that the DUF rate in Maine is zero and will remain zero until the Maine Commission establishes a DUF rate.[75] The Maine Commission did not adopt a DUF rate during the course of its investigation into UNE rates.[76] AT&T contends, however, that Verizon is charging a DUF rate of $0.004214 per record pursuant to the terms of Verizon's Model Agreement and existing interconnection agreements with competitive LECs.[77] AT&T states that the DUF rate charged by Verizon is inflated and fails to comply with TELRIC

(Continued from previous page)
(WorldCom Comments). In its comments, the Maine Commission determined that Verizon's Maine UNE rates satisfied the requirements of checklist item two. Maine Commission Comments at 28.

[72] AT&T Comments at 7-14.

[73] *See supra* paras. 12, 18.

[74] The benchmark analysis applies only to recurring charges. We note, however, that no party challenges the Maine Commission's conclusion that Verizon's non-recurring UNE rates are within a range that a reasonable application of TELRIC principles would produce. This Commission has found that the states have flexibility to set prices within a range of TELRIC-based rates. *SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6266, para. 60; *Bell Atlantic New York Order*, 15 FCC Rcd 4085, para. 245. A review of the record and of Verizon's Maine nonrecurring charges suggests that these rates are within the range of nonrecurring charges we have concluded are reasonable in the context of other section 271 applications. *See, e.g.*, *SWBT Arkansas/Missouri Order*, 16 FCC Rcd at 20753, para. 71. Thus, based on the record before us, we find that the Maine Commission followed basic TELRIC principles in determining Verizon's Maine nonrecurring charges and we find no clear errors in substantial factual matters.

[75] Verizon Application at 46 n.45.

[76] *Id.*

[77] AT&T Comments at 14. AT&T also states that "Verizon has apparently taken no steps to modify its interconnection agreements to reflect the zero rate." *Id.* at 15. We note that this issue only arose, at the state level, in the context of a line-item in the price squeeze analysis presented by AT&T. *See* Verizon Reply at 14 n.13.

principles because it is four times higher than the new New York DUF rate, DUF costs are regional in nature, and DUF costs are declining.[78]

23. We find that AT&T's claims regarding the DUF rate are without merit because Verizon is not charging competing LECs a DUF rate in Maine.[79] Verizon clarified that it has modified the Model Agreement to remove DUF rates and is in the process of updating its billing systems in Maine to reflect a zero DUF rate.[80] To the extent that AT&T, or another competing LEC, was billed a DUF rate for periods following February 12, 2002, Verizon states that it will credit those carriers for bills issued prior to the date the billing systems were updated.[81] Verizon states that the zero DUF rate will apply from the effective date of the final rates adopted by the Maine Commission, February 12, 2002, until the Maine Commission approves a new DUF rate.[82] Verizon also states that it "will not impose an upward true up to the zero rate in effect today once the Maine [Commission] adopts a DUF rate."[83] We do not credit AT&T's contention that there is "nothing to stop Verizon from proposing another DUF rate at any time in the future . . . ."[84] If Verizon adopts a DUF rate in the future, that rate will be submitted to the Maine Commission for consideration and approval,[85] which, as we have stated, has demonstrated a commitment to TELRIC principles. Thus, Verizon may not unilaterally propose another DUF rate and charge competing LECs accordingly, as AT&T suggests.

24. We also conclude that WorldCom's concern regarding Verizon's anticipated DUF rate is premature. WorldCom presumes that Verizon will file a tariff containing a DUF rate that is excessive and non-TELRIC based, as WorldCom claims Verizon has done in other states, such

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78 AT&T Comments at 14, 16.

79 *See* Letter from Richard T. Ellis, Director, Federal Affairs, Verizon, to Marlene H. Dortch, Secretary, Federal Communications Commission, CC Docket No. 02-61 at 1 (filed May 1, 2002) (Verizon May 1 *Ex Parte* Letter -- Pricing) (clarifying that, as of February 12, 2002, Verizon is not charging competing LECs a DUF rate in Maine pursuant to its Model Agreement or any other competing LEC interconnection agreement). Verizon notes that the "DUF" rate in Maine was historically called the "CUD" (customer usage detail) rate. *Id. See also* Verizon Reply at 14.

80 Verizon May 1 *Ex Parte* Letter – Pricing at 1-2; Verizon Reply at 14 n.14.

81 Verizon May 1 *Ex Parte* Letter – Pricing at 2; Verizon Reply at 14 n.14.

82 Verizon May 1 *Ex Parte* Letter – Pricing at 2; Verizon Reply at 14 and n.14.

83 Verizon May 1 *Ex Parte* Letter – Pricing at 2; *see* Verizon Reply at 14 n.14.

84 AT&T Comments at 15 n. 18. On reply, AT&T contends that there is nothing to prevent Verizon from seeking to continue charging the $0.004214 DUF rate that applies under its interconnection agreement. AT&T Reply at 9 n.6. Given Verizon's representations in this proceeding, AT&T could seek relief from the Maine Commission should Verizon continue charging a DUF rate under its interconnection agreement.

85 *See* Letter from Trina M. Bragdon, Staff Attorney, Maine Public Utilities Commission, to William F. Canton [sic], Acting Secretary, Federal Communications Commission, CC Docket No. 02-61, at 2 (filed May 21, 2002).

as Rhode Island, Massachusetts, and Vermont.[86] WorldCom claims that Verizon's DUF rates in other New England states contain TELRIC errors and presumes that the future Maine rate will have similar errors.[87] Obviously, however, we are unable to assess a rate that does not exist during the period that we review the section 271 application, much less make a finding of checklist noncompliance based on such a rate. Moreover, as we stated above, to the extent Verizon proposes a DUF rate that is excessive and non-TELRIC based, WorldCom will have an opportunity to challenge that rate at the state level.[88]

25. Further, we reject AT&T's contention that the interim nature of the zero DUF rate should cause Verizon to fail this checklist item because Verizon has disclosed its plans to propose a DUF rate that is not TELRIC-compliant.[89] In prior section 271 decisions, the Commission set forth a three-pronged test to determine whether interim rates are acceptable: (1) the interim solution to a particular rate dispute is reasonable under the circumstances; (2) the state commission has demonstrated its commitment to our pricing rules; and (3) the provision is made for refunds or true-ups once permanent rates are set.[90] Given the lack of information in the record concerning the appropriate DUF rate in Maine, we find that a zero rate is reasonable under the circumstances because it affords competitors the benefit of the doubt on the rates, subject to the possibility that the Maine Commission will approve a DUF rate of greater than zero in the future.[91] As we discussed above, the Maine Commission has demonstrated a commitment to our pricing rules and we remain confident that the Maine Commission will apply these rules when considering a future DUF rate. The zero rate also eliminates the need for refunds or true-ups once permanent rates are established. We conclude, therefore, that Verizon's interim DUF rate of zero meets the Commission's standard for appropriate interim rates.

### (ii) Switching Rates

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[86] WorldCom Comments at 1. Verizon plans to propose a state-specific DUF rate in Maine later this year and states that the Maine rate, under the pricing rules currently in effect, will be "similar" to the rate it has proposed in Massachusetts, which is $0.001624. Verizon May 1 *Ex Parte* Letter – Pricing at 2.

[87] WorldCom Comments at 1. Thus, WorldCom insists that, if and when Verizon files a DUF rate in Maine, it should be required to demonstrate to the Commission that it is TELRIC-based and in no event higher than the New York DUF rate. *Id.*

[88] Should the Maine Commission adopt a DUF rate in the future that is excessive and fails to comply with TELRIC principles, we will consider specific challenges raised by the parties at that time.

[89] AT&T Reply at 8-9 (arguing that the interim DUF rate of zero "will be in existence only for a short time" and that a proposed DUF rate similar to the proposed Massachusetts DUF rate would not be TELRIC-compliant).

[90] *SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6359, para. 238. *See also SWBT Texas Order*, 15 FCC Rcd at 18394, para. 88; *Bell Atlantic New York Order*, 15 FCC Rcd at 4091, para. 258.

[91] Previously, the Commission has approved interim rates set at zero, pending resolution by the state commission. *SWBT Arkansas/Missouri*, 16 FCC Rcd at 20754, para 73; *SWBT Texas Order*, 15 FCC Rcd at 18475, para 237.

26. As discussed above, the Maine Commission adopted UNE rates, including switching rates that it found to be TELRIC-compliant. In adopting these switching rates, the Maine Commission rejected the cost study proposed by Verizon because it failed to "provide cost estimates that are appropriate for setting local switching rates in Maine."[92] It concluded that the output provided by Verizon's Switching Cost Information System (SCIS) model provided unreasonable cost estimates when compared to the switching cost data produced by the Maine Commission's consultants, David Gabel and Scott Kennedy (Gabel/Kennedy).[93] The Gabel/Kennedy data set was constructed using information from the depreciation reports of the BOCs.[94] The switching cost data developed by Gabel/Kennedy was subsequently adopted by this Commission, with slight modification, for use in calculating universal service support.[95] Finding the Gabel/Kennedy data more reliable than the Verizon data, the Maine Commission decided to base Verizon's unbundled local switching rates on the switching costs developed by Gabel/Kennedy and incorporated into the Synthesis Model adopted by this Commission in its universal service proceeding.[96] The Synthesis Model assigns the "getting started" switching costs, i.e., the fixed investment, to the non-traffic sensitive line port element and the remainder of the switching costs to the traffic sensitive (minute-of-use or MOU) element.[97] Specifically, it allocates 30 percent of the switching costs to the line port element and 70 percent of the switching costs to the MOU element.[98] Because the Maine Commission established switching rates based on the Synthesis Model, it ordered the same allocation of Verizon's switching costs in Maine.[99]

27. AT&T claims that Verizon's switching rates are inflated by a TELRIC error that results from a misallocation of the switching costs as between the line port rate element and the

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92 *Maine TELRIC Order* at 57.

93 *Id.* at 59. The Maine Commission also had concerns about how the SCIS model operates because Verizon witnesses were unable to answer questions posed by the Maine Commission relating to the operation of the model. As the Maine Commission stated there, "[w]e cannot conclude that the model is reasonable when Verizon's own witnesses are unable to explain how the model operates." *Id.* at 59-60.

94 *Id.* at 55. This data was made available to the parties, including AT&T, via a procedural order, and parties had the opportunity to serve discovery questions on Dr. Gabel. In addition, the Maine Commission held a technical conference on December 2, 1997, during which parties were able to ask Dr. Gabel questions about the data set. *Id.* at 55-56.

95 *Id.* at 59; *see also Universal Service Tenth Report and Order*, 14 FCC Rcd at 20279-20291, paras. 290-319 and Appendix C.

96 *Maine TELRIC Order* at 60.

97 *Maine TELRIC Order II* at 3; AT&T Comments at 8-9.

98 *Maine TELRIC Order II* at 3; AT&T Comments at 8-9; Verizon Reply at 10.

99 *Maine TELRIC Order II* at 3; AT&T Comments at 8-9; Verizon Reply at 10.

MOU rate element.[100] AT&T argues that the allocation adopted by the Maine Commission does not reflect cost causation principles as required by TELRIC and the Commission's *Local Competition First Report and Order*.[101] The majority of the switch cost, according to AT&T, is driven by the ports, not by usage, and should be recovered in the fixed port rate element.[102] Thus, AT&T argues that the Maine Commission's allocation of 30 percent of costs to the fixed port element is insufficient. This misallocation, according to AT&T, creates "an inequitable cost structure for a CLEC offering UNE-P service" because, under this structure, a competitive LEC's switching costs increase with increased usage, while Verizon's underlying costs are largely fixed.[103] AT&T argues that this deters competitive LECs from serving high-use residential customers because Verizon's flat rates for residential service act as a cap on the amount competitive LECs can charge.[104] AT&T also argues that this misallocation allows Verizon to over-recover its costs because Verizon receives additional revenues without incurring corresponding costs.[105] AT&T estimates that the appropriate allocation, using cost causation principles, is 59 percent assignment to the fixed line port rate element and 41 percent to the MOU rate element.[106]

28. We have reviewed AT&T's claim that the switch cost allocation ordered by the Maine Commission constitutes a TELRIC violation, and we conclude that the Maine Commission did not commit any clear error when it adopted switching rates using the default cost allocation contained in the Synthesis Model. The Commission has stated that it will not conduct a *de novo* review of the state commission'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. As we stated above, the Maine Commission demonstrated a commitment to basic TELRIC principles in establishing switching rates. After careful consideration of all the cost information before it, the Maine Commission

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[100] AT&T Comments at 7; AT&T Reply at 5.

[101] AT&T Comments at 8. AT&T explains that TELRIC requires that cost be attributed on a cost-causative basis. *Id*.; *see also Local Competition First Report and Order*, 11 FCC Rcd at 15851, para. 691 (providing a summary of the TELRIC methodology and stating that "[c]osts must be attributed on a cost-causative basis."). *See also* AT&T Reply at 6; Letter from Alan C. Geolot, Attorney for AT&T, Sidley Austin Brown & Wood, to Marlene H. Dortch, Secretary, Federal Communications Commission, CC Docket No. 02-61 at 2 (filed May 30, 2002) (AT&T May 30 *Ex Parte* Letter).

[102] AT&T contends that the majority of the costs associated with the switch are incurred at the time it is placed in operation and do not vary with usage. AT&T Comments at 10; AT&T Reply at 6; *see also* AT&T May 30 *Ex Parte* Letter at 2.

[103] AT&T Comments at 10-11; AT&T Reply at 7.

[104] AT&T Comments at 11; AT&T Reply at 7.

[105] AT&T Comments at 11-12; AT&T Reply at 7.

[106] AT&T Comments at 8, 12; AT&T Reply at 5.

determined that our model produced the most reliable data for determining switching costs in Maine and adopted the Synthesis Model, including its assumptions and allocations, for this very reason.[107]

29. Despite this, AT&T argues that the Maine Commission failed to follow TELRIC principles on this point. AT&T, however, fails to present sufficient evidence for us to conclude that the Maine Commission committed clear error. The mere fact that AT&T is able to a establish a different switching cost allocation based on its own calculations does not warrant a finding of any clear error by the Maine Commission.[108] In establishing prices, the state commissions retain the discretion to consider a variety of factors.[109] This discretion includes the ability to set prices within a reasonable range of TELRIC-based rates.[110] In the *Local Competition First Report and Order*, the Commission concluded that switching costs should be recovered through a combination of a flat-rated charge for line ports and either a flat-rated or per-minute usage charge for the switching matrix and for trunk ports.[111] The Commission, however, declined to prescribe the appropriate allocation of switching costs as between the line port, which must be flat-rated, and the switching matrix and trunk ports. Because the Commission did not prescribe a specific allocation, the states retain the flexibility to adopt an allocation within a reasonable range. Because some portion of switching costs is fixed, an allocation of 100 percent of the switching costs to the MOU element would be unreasonable *per se*. We do not believe, however, that the Maine Commission's allocation of 30 percent fixed to

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[107] *Maine TELRIC Order* at 60. Based on the analysis performed by the Maine Commission in concluding that the Synthesis Model produced the most reliable data, we find that the Maine Commission committed no clear error in adopting the Synthesis Model to determine switching costs. We note, however, that the Commission has generally cautioned in prior section 271 orders that the Synthesis Model was developed for the purpose of determining high cost support and may not be appropriate for other purposes. *See Bell Atlantic New York Order*, 15 FCC Rcd at 4084-85, para. 245; *SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6277, para. 84. *See also USF Tenth Report and Order*, 14 FCC Rcd at 20172, para. 32 (stating that "it may not be appropriate to use nationwide values for other purposes, such as determining prices for unbundled network elements").

[108] As evidence of a TELRIC violation, AT&T states that the New York Public Service Commission recently adopted a switch cost allocation of 66 percent to the fixed port rate element and 34 percent to the MOU element, and that the Illinois Commerce Commission established a 100 percent flat-rated switch rate. AT&T Comments at 12; *see also* AT&T May 30 *Ex Parte* Letter at 6-7. As we made clear in the *Verizon Vermont Order*, mere comparisons are insufficient to demonstrate a TELRIC violation. *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, 7644, para. 35 (2002)(*Verizon Vermont Order*).

[109] *SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6266, para 59, *aff'd*, *Sprint v. FCC*, 274 F.3d at 556; *Bell Atlantic New York Order*, 15 FCC Rcd at 4084, para. 244; *see also Local Competition First Report and Order*, 11 FCC Rcd at 15559, para. 114.

[110] *SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6266, para. 59, *aff'd*, *Sprint v. FCC*, 274 F.3d at 556.

[111] *Local Competition First Report and Order*, 11 FCC Rcd at 15905, para. 810.

70 percent MOU falls outside a reasonable range. AT&T's own comments demonstrate that switching cost allocations may vary.[112] Thus, we find that the Maine Commission appropriately exercised its discretion to set prices within a range of TELRIC-based rates.

30. Moreover, although AT&T raised a similar issue concerning the predominantly fixed nature of switching costs with regard to the Verizon cost model,[113] it did not specifically object to the cost allocation reflected in the Synthesis Model adopted by the Maine Commission and has not sought reconsideration of that decision.[114] In fact, AT&T had supported the Hatfield Model in the Maine TELRIC proceeding until October 2000, at which point it withdrew its model due to resource constraints.[115] The Hatfield Model sponsored by AT&T reflected the 30 percent/70 percent port/usage ratio that AT&T challenges here.[116] AT&T now argues that the Hatfield Model was developed in the mid-1990's using limited information available at that time concerning switching costs and that new data demonstrate that such costs are predominantly fixed.[117] We have recognized that rates may well evolve over time to reflect, among other things,

[112] AT&T presents evidence of switching cost allocations adopted by the New York Public Service Commission and Illinois Commerce Commission, both of which differ from the allocation arrived at by AT&T. AT&T Comments at 12 (e.g., the New York Commission used a 66 percent fixed to 34 percent MOU allocation, yet AT&T advocates a 59 percent fixed to 41 percent MOU for Maine). Verizon's reply comments further support the conclusion that switching cost allocations may vary. Indeed, Verizon challenges AT&T's classification of some costs as fixed and raises questions about the costs included in AT&T's calculation of usage sensitive costs. Verizon Reply at 11-12 and n.9. AT&T, in turn, responds to Verizon's claim that switching costs are largely usage-sensitive and challenges Verizon's interpretation of AT&T's position concerning cost classification. AT&T May 30 *Ex Parte* Letter at 2-4. Because we reject AT&T's challenge to the switching cost allocation adopted by the Maine Commission, we need not address these arguments.

[113] AT&T Comments at 8 n.5; *see also* Letter from Alan C. Geolot, Attorney for AT&T, Sidley Austin Brown & Wood, to Marlene H. Dortch, Secretary, Federal Communications Commission, CC Docket No. 02-61 at 1 (filed May 3, 2002) (AT&T May 3 *Ex Parte* Letter); AT&T Reply at 5 and Attach. 1.

[114] We note that AT&T had ample opportunity during the state investigation to raise any concerns about the switching cost estimates under consideration by the Maine Commission, including the switching costs contained in the Commission's Synthesis Model. *See Maine TELRIC Order* at 60-61 (deciding to adopt TELRIC prices based on this Commission's estimates because "the parties in this proceeding had the opportunity to conduct discovery, participate in a technical conference in which the data was discussed, and submit testimony"). *See also* Verizon Reply at 10 (stating that AT&T did not raise this issue in its brief listing exceptions to the Maine Commission's decision, did not seek reconsideration of the decision, and did not seek appeal on this issue). As we made clear in the *Verizon Vermont Order*, it is generally impracticable for the Commission to make fact-specific findings in the context of a section 271 proceeding when the state commission's fact-specific findings were not challenged at the state level. *Verizon Vermont Order*, 17 FCC Rcd at 7636, para. 20. *See also* Verizon Reply at 10.

[115] *See* Letter from Trina M. Bragdon, Staff Attorney, Maine Public Utilities Commission, CC Docket No. 02-61, at 1-2 and n.2 (filed May 15, 2002) (Maine Commission May 15 *Ex Parte* Letter).

[116] *Id.* at 1 and n.3.

[117] AT&T May 30 *Ex Parte* Letter at 5-8.

new information.[118] The fact that rates may be subject to change based on new information does not, however, require rejection of a section 271 application.[119] AT&T notes that it has urged the allocation of the majority of switching costs to the fixed line port element in other jurisdictions,[120] but the record does not indicate that AT&T presented evidence to the Maine Commission regarding the appropriate allocation of switching costs, apart from the Hatfield Model that it now disavows.[121] To the extent that AT&T now supports a different allocation of costs as between the fixed and MOU elements, it would be appropriate for AT&T to request that the Maine Commission reconsider the switching cost allocation. At that time, AT&T would have an opportunity to present evidence in support of a different switching cost allocation.

### (iii) Benchmark Analysis

31. Having addressed specific challenges to Verizon's Maine UNE rates and finding no clear error by the Maine Commission on the issues raised by the commenters, we conduct a benchmark analysis to address the uncertainties expressed by the Maine Commission regarding the proper application of the TELRIC standard and its inability to conduct a TELRIC analysis for all UNE rates. During the course of its investigation, the Maine Commission acknowledged the difficulties associated with determining the proper application of TELRIC and the limitations presented by the record before it.[122] In light of these limitations and resource constraints, the Maine Commission derived rates for some UNEs by calculating an average of rates found in other New England states.[123] Thus, for example, in adopting rates for 2-wire analog loops and xDSL loops, the Maine Commission modified many of Verizon's proposed inputs and

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[118] *See Verizon Vermont Order*, 17 FCC Rcd at 7637, para. 23; *Bell Atlantic New York Order*, 15 FCC Rcd at 4085-86, para. 247.

[119] *AT&T Corp. v. FCC*, 220 F.3d at 617 ("we suspect that rates may often need adjustment to reflect newly discovered information . . . . If new information automatically required rejection of section 271 applications, we cannot imagine how such applications could ever be approved in this context of rapid regulatory and technological change.").

[120] *See* AT&T May 30 *Ex Parte* Letter at 7 (stating that AT&T presented evidence that switching costs are largely fixed in Virginia, Maryland and Pennsylvania, and that AT&T sponsored Version 5.2a of the HAI Model (formerly the Hatfield Model), which specifies a 60 percent non-usage (fixed) and 40 percent usage sensitive ratio, in August 2001 in the California UNE ratemaking proceeding).

[121] AT&T attaches to its Reply Comments excerpts of a brief it filed in the Maine investigation. AT&T Reply, Attach 1. In that brief, AT&T argued that "getting started" costs identified in Verizon's Switch Cost Information System ("SCIS") Model should be allocated to the port rate element, but it did not specify what percentage of switching costs these getting started costs comprise.

[122] *Maine TELRIC Order* at 6. *See also infra* para. 12 (discussing the difficulties encountered by the Maine Commission in applying the TELRIC standard).

[123] *Maine TELRIC Order* at 7. The Maine Commission reasoned that, while this may appear to be "rough justice," the resulting rates "have the virtue of falling (by definition) well within the range found reasonable elsewhere (and confirmed as generally reasonable by the [Commission] in its Section 271 reviews) . . . ." *Id.*

recalculated loop rates using inputs that complied with TELRIC principles.[124] For other loop rates, however, the Maine Commission did not conduct a TELRIC analysis and simply adopted an average rate.[125] After comparing relevant rates and costs in Maine with those in New York, as discussed below, we conclude that the Maine Commission's calculations result in rates that a reasonable application of TELRIC principles would produce.

32. As stated above, the Maine Commission did not, in all circumstances, conduct a TELRIC analysis. The Commission has stated that, when a state commission does not apply TELRIC principles or does so improperly (e.g., the state commission made a major methodological mistake or used an incorrect input or several smaller mistakes or incorrect inputs that collectively could render rates outside the reasonable range that TELRIC would permit), then we will look to rates in other section 271-approved states to see if the rates nonetheless fall within the range that a reasonable TELRIC-based rate proceeding would produce.[126] 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.[127] 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.[128] Applying this standard to Verizon's Maine rates, we find that New York is a permissible state for UNE rate comparison purposes.[129]

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[124] *Maine TELRIC Order* at 31. For instance, the Maine Commission utilized fill factors that are consistent with those we have found to be TELRIC-compliant in the past. Verizon Application at 48; Verizon Dinan/Garzillo/Anglin Decl. at para. 45 (providing a favorable comparison of the fill factors adopted in Maine to the fill factors approved by the Commission in prior section 271 orders).

[125] *Maine TELRIC Order* at 31.

[126] *See Verizon Rhode Island* Order, 17 FCC Rcd 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.

[127] *See 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), Verizon Global Networks Inc., and Verizon Select Services Inc., for Authorization to Provide In-Region , InterLATA Services in Massachusetts*, Memorandum Opinion and Order, 16 FCC Rcd 8988, 9000, para. 22 (2001) (*Verizon Massachusetts Order*); *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.

[128] *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. We note, however, that in the *Verizon Pennsylvania Order*, we found that several of these criteria should be treated as indicia of the reasonableness of the comparison. *Verizon Pennsylvania Order*, 16 FCC Rcd at 17457, para. 64.

[129] New York is in the same geographic region, has a similar rate structure, and the Commission has already found it appropriate to use the new New York rates as a benchmark to determine TELRIC compliance. *See Verizon Rhode* (continued….)

33. Having determined that the New York rates are appropriate rates for the benchmark comparison, we compared Verizon's Maine non-loop rates to the new New York non-loop rates using our benchmark analysis.[130] Taking a weighted average of Verizon's rates in Maine and New York, and using our standard assumptions,[131] we find that Maine's non-loop rates satisfy our benchmark analysis and the requirements of checklist item two.[132] We also compared Verizon's Maine loop rates to the new New York loop rates using our benchmark analysis. Taking a weighted average of Verizon's rates in Maine and New York, and using our standard assumptions, we find that Maine's loop rates also satisfy our benchmark analysis.[133] These conclusions eliminate any remaining concerns as to whether Verizon's Maine UNE rates fall within a range of rates that a reasonable application of TELRIC would produce.[134]

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*Island Order*, 17 FCC Rcd at 3324, para. 48. The same factors that supported our finding in the *Rhode Island Order* are equally applicable here, and no commenter disputes that the new New York rates are an appropriate benchmark in determining TELRIC compliance in Maine. *See Verizon Rhode Island Order*, 17 FCC Rcd at 3325-26, paras. 51-53. *See also* Verizon Application at 51-52.

[130] Our benchmark analysis combines per-minute switching with other non-loop rates, such as port, signaling, and transport rates, because competing LECs most often purchase these together rather than separately, and because state commissions often differ in determining how to recover certain costs. *Verizon Rhode Island Order*, 17 FCC Rcd at 3320-21, para. 40.

[131] *See Verizon Pennsylvania Order*, 16 FCC Rcd at 17458, para. 65 (describing our standard assumptions).

[132] Specifically, Verizon's Maine non-loop rates are 4.83 percent higher than the new New York non-loop rates. Verizon's weighted average non-loop rate in Maine is $7.20 per line/per month and Verizon's weighted average non-loop rate in New York is $6.87 per line/per month. As to the weighted average costs, we find that the Maine non-loop costs are 43.13 percent higher than the New York non-loop costs. We calculate the weighted average non-loop costs in Maine to be $5.01 per line/per month and calculate the weighted average New York non-loop costs to be $3.50 per line/per month. Because the percentage difference between Verizon's Maine non-loop rates and the new New York non-loop rates does not exceed the percentage difference between Verizon's non-loop costs in Maine and Verizon's non-loop costs in New York, we conclude that Verizon's Maine recurring non-loop rates satisfy our benchmark analysis.

[133] Verizon's Maine loop rates are 40.88 percent higher than the new New York loop rates. Verizon's weighted average loop rate in Maine is $16.20 per line/per month and Verizon's weighted average loop rate in New York is $11.50 per line/per month. Comparing the weighted average costs, we find that the Maine loop costs are 126.88 percent higher than the New York loop costs. We calculate the weighted average loop costs in Maine to be $23.52 per line/per month and calculate the weighted average loop costs in New York to be $10.36 per line/per month. Because the percentage difference between Verizon's Maine loop rates and the new New York loop rates does not exceed the percentage difference between Verizon's loop costs in Maine and Verizon's loop costs in New York, we conclude that Verizon's Maine recurring loop rates satisfy our benchmark analysis. As discussed above, with respect to certain loop rates, the Maine Commission adopted rates reflecting the average of rates in Massachusetts, Rhode Island, and Vermont, states in which Verizon has received section 271 authority. Because the USF cost model shows that the average of the underlying loop costs in those three states is 28 percent lower than Maine loop costs, we are persuaded that Verizon's resulting Maine loop rates fall within a range that a reasonable application of TELRIC principles would produce.

[134] We also note that Verizon asserts, and no party disagrees, that its Maine UNE rates pass a benchmark comparison to Verizon's newly adopted New York rates. Verizon Application at 50-54. Verizon's analysis uses (continued….)

34. For the foregoing reasons, we find that Verizon has demonstrated that its Maine UNE rates satisfy the requirements of checklist item two.[135]

### 2. Operations Support Systems

35. Based on the evidence in the record, we find, as the Maine Commission did,[136] that Verizon provides nondiscriminatory access to its OSS in Maine.[137] As we discuss below, Verizon has shown that evidence concerning its OSS in Massachusetts, which the Commission previously found satisfy the requirements of checklist item 2, should be considered in this proceeding.[138] No commenter has raised any concerns with Verizon's Maine OSS or with Verizon's reliance on evidence concerning its OSS in Massachusetts in this proceeding. We therefore discuss here only the relevance of Verizon's Massachusetts systems, and those performance areas involving minor discrepancies that require further consideration.

#### a. Relevance of Verizon's Massachusetts OSS

36. Consistent with our precedent, Verizon relies in this application on evidence concerning its Massachusetts OSS.[139] Specifically, Verizon asserts that its OSS in Massachusetts are substantially the same as the OSS in Maine and, therefore, evidence concerning its OSS in Massachusetts is relevant and should be considered in our evaluation of the Maine OSS.[140] To

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actual dial equipment minutes (DEM) data rather than standard assumptions. Verizon Dinan/Garzillo/Anglin Decl. at para. 54. In its comments, AT&T acknowledges Verizon's reliance on a benchmarking analysis, but claims that "even where benchmarking analyses show no substantial differences in the total non-loop rates of comparable states, clear TELRIC errors in the allocation of costs among non-loop elements can have a substantial deleterious effect on competitive entry, especially where, as here, a state comparison of gross benchmark rates masks that ever increasing harm to CLEC entry when an ILEC miscalculates costs to usage sensitive rates." AT&T Comments at 13. As stated above, we find that the Maine Commission's decision to adopt the cost allocation contained in the Synthesis Model was not clear error.

[135] In its comments, AT&T disputes the presence of residential competition in Maine and claims that this is due to inflated, non-TELRIC compliant rates. AT&T Comments at 18. We have considered and rejected herein all of AT&T's claims concerning non-compliant UNE rates in Maine. Thus, we do not separately consider AT&T's generalized and unsupported assertion that Verizon's Maine UNE rates are not TELRIC-compliant.

[136] *See* Maine Commission Comments at 18.

[137] *See* Verizon Application at 63-75; *see generally* Verizon Application App. A, Vol. 2, Joint Declaration of Kathleen McLean, Raymond Wierzbicki, and Catherine T. Webster (Verizon McLean/Wierzbicki/Webster Decl.).

[138] *Verizon Massachusetts Order,* 16 FCC Rcd at 9010-52, paras. 43-116; *see also Verizon Rhode Island Order*, 17 FCC Rcd at 3329-35, paras. 58-71.

[139] *See* Appendix D, para. 32.

[140] *See* Verizon Application at 63; *see also* Verizon McLean/Wierzbicki/Webster Decl. at paras. 7, 9-11, 13, 15, 17-18, 22-24, 48-50, 113, 132.

support its claim, Verizon submits a report from Pricewaterhouse Coopers (PwC).[141] PwC evaluated the five OSS domains made available to support competing LEC activity in Maine and Massachusetts in order to attest to Verizon's assertions that its interfaces in Massachusetts and Maine are identical, and the personnel and work center facilities supporting its OSS "employ the same processes" in Maine as in Massachusetts.[142] Verizon also submits declaratory evidence that its "interfaces, gateway systems, and underlying OSS used for Maine are the same interfaces, gateway systems, and underlying OSS that serve Massachusetts and the other New England states."[143] We note that no commenter has suggested that evidence of Verizon's Massachusetts OSS should not be considered in this proceeding. We find that Verizon, through the PwC Report and its declarations, provides evidence that its OSS in Massachusetts are substantially the same as the OSS in Maine and, therefore, evidence concerning its OSS in Massachusetts is relevant and should be considered in our evaluation of Verizon's OSS in Maine. Verizon's showing enables us to rely, for instance, on findings relating to Verizon's OSS from the *Verizon Massachusetts Order* in our analysis of Verizon's OSS in Maine. In addition, we can examine data reflecting Verizon's performance in Massachusetts where low volumes in Maine yield inconclusive or inconsistent information concerning Verizon's compliance with the competitive checklist.

### b. Order Accuracy

37. We find that Verizon manually processes competing carriers' orders accurately, affording them a meaningful opportunity to compete.[144] The Maine Commission has followed the lead of the New York Commission in changing the performance metrics relating to order accuracy. Verizon is no longer required to report under metric OR-6-02, which measured the percentage of accurately populated fields in a random sample of orders.[145] Verizon will, however, continue to report the percentage of actual orders that it processes accurately, and the percentage of order confirmations that it sends accurately.[146] The Maine Commission has also adopted the New York Commission's change to the accuracy standard for order confirmations

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[141] *See* Verizon Application App. B, Tab 3, Joint Declaration of Russell Sapienza and Catherine Bluvol, in *Verizon New England Inc., d/b/a Verizon Maine, Section 271 of the Telecommunications Act of 1996 Compliance Filing*, Maine Public Utility Commission (filed Oct. 18, 2001) (PwC Report).

[142] *See* PwC Report at 7-9.

[143] Verizon McLean/Wierzbicki/Webster Decl. at para. 11; *see also* PwC Report at paras. 12-18.

[144] The OR-6 metrics measure the accuracy of those orders (or order confirmation notices) that are handled manually. *See* Verizon Application App. I, Tab 18, State of Maine Carrier-to-Carrier Guidelines Performance Standards and Reports at 38 (Mar. 12, 2002) (Maine C2C Guidelines).

[145] *See* New York Commission October Order Attach. 1 at 22. The New York Commission found that this metric did not provide meaningful information.

[146] OR-6-01 measures the percentage of sampled orders that have errors, and OR-6-03 measures the percentage of LSR confirmations that are resent due to error. *See* Maine C2C Guidelines at 38-39.

from 95 percent of confirmations without error to not more than 5 percent of confirmations resent due to Verizon error.[147]

38. We find that service order accuracy for resale,[148] non-platform UNE,[149] and UNE-Platform orders is non-discriminatory. We note, however, that we do not have performance data demonstrating that Verizon provides accurate ordering for UNE-Platform for most of the relevant months of this application. The Commission generally looks at the order accuracy metric – OR-6-01-3143 – for UNE-Platform orders. Verizon explains, however, that due to a programming error this metric did not capture all the orders it should have during most of the relevant months of this application.[150] Verizon's performance for March, however, reveals that it meets the benchmark of 95 percent for UNE-Platform orders.[151] Moreover, we note that UNE-Platform orders represent only a small percentage of the total orders in Maine. For instance, UNE-Platform orders made up ten percent or less of all UNE orders and less than five percent of total orders (resale and UNEs) during the months of November, December, and January.[152] Given Verizon's March performance for UNE-Platform order accuracy, the small percentage of total orders that UNE-Platform comprise, and the absence of comment on this issue, we find that

[147] *See id.* at 36-37. These changes to the OR-6-02 and OR-6-03 metrics have been adopted in Massachusetts as well.

[148] Verizon processed between 90 and 97 percent of resale orders accurately and sent accurate confirmations to competing carriers. *See* OR-6-01-2000 (Percent accuracy – orders – Resale) (90%, 93%, 97%, 97%, 96%); OR-6-03-2000 (Percent accuracy – LSRC – Resale) (0.15%, 0%, 0.07%, 0.22%, 0.01% under the new standard of not more than 5% resent due to Verizon error).

[149] Verizon's performance data reflect that it manually processes orders for non-platform UNEs consistently within the benchmarks for service order accuracy. *See* OR-6-01-3331 (Percent accuracy – orders – UNE loops) (95%, 99%, 98%, 98%, 99%); OR-6-03-3331 (Percent accuracy – LSRC – UNE loops) (1.59%, 0.85%, 1.02%, 0.16%, 0.28% under the new standard of not more than 5% resent due to Verizon error).

[150] Verizon placed this measurement under review in the January 2002 data month, after it discovered a programming error. Specifically, the code used to identify UNE-Platform orders was a valid code for Local Service Ordering Guide (LSOG) 2, but not for LSOG 4 or 5. As a result, the sampling program identified only those UNE-Platform orders submitted over LSOG 2. The number of LSOG 2 orders Verizon processed decreased in November and December 2001 as Verizon's wholesale customers migrated to use of LSOG 4 and 5. As a result, Verizon explains that it designated the measurement under review in January and February. Verizon has updated the sampling program with the correct code for UNE-Platform orders for LSOG 4 and 5 and has resumed reporting this measurement with the March 2002 data. *See* Letter from Richard T. Ellis, Director, Federal Affairs, Verizon, to William Caton, Acting Secretary, Federal Communications Commission, CC Docket No. 02-61 at 1 (filed Apr. 12, 2002) (Verizon Apr. 12 *Ex Parte* Letter). This programming error affected Massachusetts performance results as well.

[151] For OR-6-01-3143 (Percent accuracy – orders – UNE-Platform), Verizon processed 99.75% of competing LECs' UNE-Platform orders accurately in March. This metric was under review for January and February. Though Verizon has reported results for November and December (90.28% and 100%, respectively), these months only identify orders submitted over LSOG 2. *See* Verizon Apr. 12 *Ex Parte* Letter at 1.

[152] *See* Verizon McLean/Wierzbicki/Webster Decl. at Attach. 8 *(citing confidential version)*.

Verizon processes orders accurately enough to provide competitive LECs a meaningful opportunity to compete.

### c. Flow-Through

39. We conclude that Verizon's flow-through performance for resale and UNEs indicates non-discriminatory access to OSS in Maine.[153] We note, however, that Verizon's flow-through performance for UNEs dropped in January and March.[154] The UNE flow-through metric is an aggregate measure that combines UNE-Platform and non-platform UNE orders.[155] Although there is a drop in performance for January and March, when Verizon presented flow-through in a disaggregated manner and calculated non-platform UNE and UNE-Platform flow-through separately, we see that the performance drops are not competitively significant.[156] Verizon explains that the drops in performance results are due to two different problems – one for non-platform UNEs and the other for UNE-Platform – that have been corrected.[157] First, Verizon explains that the drop in flow-through in January is due to a change that affected flow-

[153] Flow-through measures the percentage of orders that pass through an incumbent's ordering systems without the need for manual intervention. Achieved flow-through measures the percentage of orders that are designed to pass through an incumbent's ordering system electronically that actually flow-through without needing manual handling.

[154] *See* OR-5-03-3000 (Achieved Flow-Through – UNE) (showing performance of 90%, 86%, 78%, 89%, 71%, from November through March). Flow-through rates for resale also dropped in January, although this drop was unrelated to the drop in UNE flow-through in January. *See* OR-5-03-2000 (Achieved Flow-Through - Resale) (showing performance of 95%, 97%, 89%, 93%, 93%, from November through March). According to Verizon, the drop in resale flow-through was due to a substantial ordering increase by one particular competitive LEC. This competitive LEC was conducting a marketing effort to add an optional calling plan. According to Verizon, a higher than usual number of orders for this competing LEC fell out for manual processing due to various incompatibilities between the information on the service order and the preexisting accounts. *See* Letter from Richard T. Ellis, Director, Federal Affairs, Verizon, to Marlene H. Dortch, Secretary, Federal Communications Commission, CC Docket No. 02-61 at 2 (filed Apr. 24, 2002) (Verizon Apr. 24 *Ex Parte* Letter). Based on the fact that subsequent performance for this measurement significantly improved in February and March, it appears that this particular problem has not persisted for this measurement.

[155] *See* Maine C2C Guidelines at 37.

[156] In a special study, Verizon disaggregated the flow-through metric for UNEs for the months of January and March into two components: Non-platform UNE flow-through and UNE-Platform flow-through. Verizon shows that if a particular error is excluded from the January reporting month for non-platform UNE orders, flow-through increases from 75% to 89% for non-platform UNEs, with overall UNE flow-through increasing from 78% to 91%. Verizon also shows that if a particular error is excluded from the March reporting month for UNE-Platform orders, flow-through increases from 59% to 99% for UNE-Platform, with overall UNE flow-through increasing from 70% to 97%. *See* Letter from Richard T. Ellis, Director, Federal Affairs, Verizon, to Marlene H. Dortch, Secretary, Federal Communications Commission, CC Docket No. 02-61 at 2 (filed May 1, 2002) (Verizon May 1 *Ex Parte* Letter-OSS) at Attach. 2 & 3; s*ee also* Letter from Richard T. Ellis, Director, Federal Affairs, Verizon, to Marlene H. Dortch, Secretary, Federal Communications Commission, CC Docket No. 02-61 at Attachment (filed May 7, 2002) (Verizon May 7 *erratum*).

[157] *See* Verizon May 1 *Ex Parte* Letter-OSS at 1-2.

through results for non-platform UNEs only. Specifically, in an effort to increase flow-through of directory listing orders, Verizon implemented a requirement that a particular field on the order form (the LSR) needed to be used to specify the appropriate directory listing.[158] According to Verizon, the business rules are unclear on whether the competitive LEC or Verizon is responsible for populating this field.[159] In February and March, Verizon implemented alternative programming logic in an attempt to reduce the number of directory listing orders that drop out for manual handling.[160] Verizon shows that flow-through for non-platform UNE orders improved in March.[161] In addition, Verizon indicates that further work is underway to ensure the business rules are clear on when the field must be populated.[162]

40. Next, Verizon explains that the drop in flow-through in March can be attributed to an error that it has since corrected that affected UNE-Platform flow-through only.[163] Specifically, according to Verizon, in March one particular competitive LEC migrated a significant number of resale customers to UNE-Platform.[164] When this competitive LEC went to migrate its resale accounts to UNE-Platform, a comparatively large number of accounts had a default carrier identification code (CIC) that was incorrect.[165] This caused these orders (otherwise eligible to flow-through) to drop down to manual handling.[166] On March 26, Verizon implemented a programming change so that the system will now automatically populate the correct CIC, allowing these orders to flow-through.[167] Verizon explains that if this fix had been in place for the entire month of March, overall UNE flow-through would have exceeded 97 percent in March.[168] In light of these explanations, and recognizing that no commenter raised

158 *See* Verizon Apr. 24 *Ex Parte* Letter at 2.

159 *Id.*

160 *Id.*

161 *See* Verizon May 1 *Ex Parte* Letter-OSS at Attach. 3. Verizon shows that non-platform UNE orders flowed through 95% of the time in March.

162 *See* Verizon Apr. 24 *Ex Parte* Letter at 2.

163 *See* Verizon May 1 *Ex Parte* Letter-OSS at 2-3.

164 *Id.*

165 *Id.*

166 *Id.*

167 *Id.*

168 *Id.* at Attach. 3.

any issues regarding Verizon's OSS, we do not believe that Verizon's flow-through performance for UNE and resale orders warrants a finding of checklist noncompliance.[169]

### d. Billing

41. We find that Verizon provides nondiscriminatory access to the functionality of its billing systems in Maine. We note, however, that Verizon's performance under the new billing metrics[170] missed the benchmarks in December and January.[171] Verizon explains that for these two months it reported these metrics in accordance with the version of the business rules used in New York.[172] Then, starting in February 2002, Verizon began to report these metrics in accordance with the business rules currently used in Rhode Island.[173] Verizon met the relevant benchmarks in February and March.[174] Verizon has also submitted a special study to show

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[169] We note that the Commission has stated that flow-through is not the sole indicator of non-discriminatory OSS. Specifically, the Commission found that a BOC's ability to return timely order confirmation and rejection notices, accurately process manually handled orders, and scale its system is more relevant than a single flow-through analysis. *See Joint Application by BellSouth Corporation, BellSouth Telecommunications, Inc., and BellSouth Long Distance, Inc for Provision of In-Region, InterLATA Services in Georgia and Louisiana,* CC Docket No. 02-35, Memorandum Opinion & Order, FCC 02-147, at para. 143 (rel. May 15, 2002) (*BellSouth Georgia/Louisiana Order*); *Bell Atlantic New York Order,* 15 FCC Rcd 4034-35 at para. 162. In the instant proceeding, Verizon returns timely order confirmation and reject notices, accurately processes manually handled orders, and scales its system. *See* OR-1-02, OR-1-04, OR-1-06, OR-2-02, OR-2-04, and OR-2-06 for timeliness of resale and UNE orders; s*ee* discussion of order accuracy *supra* part III.A.2.b; *see also* Verizon McLean/Wierzbicki/Webster Decl. at 10 for evidence that Verizon's systems are successfully handling large commercial volumes.

[170] Instead of measuring billing accuracy, the new billing metrics, BI-3-04-2030 and BI-3-05-2030, report on the timeliness of Verizon's acknowledgement and resolution of billing claims. *See* Verizon Application at 73. The old billing accuracy metrics (BI 3-01 and BI 3-02) were eliminated in New York (and other states that follow changes made to the New York metrics) after the Carrier Working Group in New York agreed that they should be replaced with BI 3-04 and BI 3-05. *See* New York Commission October Order Attach. 1, Sec. J.

[171] *See* BI-3-04-2030 (Percent CLEC Billing Claims Acknowledged within 2 Business Days) (24% and 36% for December and January, respectively, under the New York business rules) and BI-3-05-2030 (Percent CLEC Billing Claims Resolved within 28 Calendar Days After Acknowledgement) (70% and 65% for December and January, respectively, under the New York business rules). The benchmark for both of these metrics is 95%. These metrics were both under development in November.

[172] *See* Verizon Application, App. A, Vol. 3, Joint Declaration of Elaine M. Guerard, Julie A. Canny, and Beth A. Abesamis (Verizon Guerard/Canny/Abesamis Decl.) at para. 66; *see also* Verizon McLean/Wierzbicki/Webster Decl. at para. 104.

[173] Verizon took this action, pursuant to an agreement it reached with the Maine Office of the Public Advocate and Maine Commission staff. *See* Maine Commission Comments at 93; *see also* Verizon Guerard/Canny/Abesamis Decl. at para. 66. According to Verizon, the primary difference between the New York and Rhode Island business rules is that the Rhode Island rules exclude claims submitted more than 60 calendar days after the bill date since their age makes them much harder to handle. *See* Verizon Apr. 24 *Ex Parte* Letter at 3-4.

[174] *See* BI 3-04-2030 (Percent CLEC Billing Claims Acknowledged Within Two Business Days) (100% and 100% for February and March, respectively, under the Rhode Island business rules) and BI 3-05-2030 (Percent CLEC Billing Claims Resolved within 28 Calendar Days After Acknowledgment) (95% and 100% for February and (continued….)

evidence of its billing accuracy.[175] In this study, Verizon presented an analysis of billing disputes submitted by competitive LECs for the period of April through December 2001.[176] Verizon shows that the level of current billing disputes as a percentage of current charges has averaged 2 percent in Maine for these months.[177] Given Verizon's recent billing performance, the results of its special study, and the fact that no commenter has raised concerns with Verizon's billing performance, we do not find that Verizon's performance in December and January warrants a finding of checklist non-compliance. In reaching these conclusions, we note that these metrics are contained in the PAP approved for Maine.[178] Thus, Verizon has an incentive to continue its improved performance with respect to these metrics. Moreover, we recognize the Maine Commission's stated intention to consider the addition of new metrics, which could include new billing metrics if the Maine Commission does not feel that the current billing metrics capture all billing activity.[179]

### 3. UNE Combinations

42. In order to comply with checklist item 2, a BOC also must 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.[180] Based upon the evidence in the record,[181] we conclude that Verizon demonstrates that it provides nondiscriminatory access to network element combinations as required by the Act and our rules.[182]

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March, respectively, under the Rhode Island business rules). The benchmark for both of these metrics is 95%. Verizon explains that it implemented personnel changes in February and re-emphasized to its personnel handling billing claims the importance of acknowledging billing claims in a timely fashion. *See* Letter from Richard T. Ellis, Director, Federal Affairs, Verizon, to Marlene H. Dortch, Secretary, Federal Communications Commission, CC Docket No. 02-61 at 1-2 (filed May 9, 2002) (Verizon May 9 *Ex Parte* Letter).

[175] *See* Verizon McLean/Wierzbicki/Webster Decl. at para. 103 & Attach. 15.

[176] *Id.*

[177] *Id.*

[178] Maine PAP at 17.

[179] Maine Commission Comments at 95.

[180] 47 U.S.C. § 271(c)(2)(B)(ii); 47 C.F.R. § 51.315(b).

[181] Verizon Lacouture/Ruesterholz Decl. at paras. 248-260.

[182] Overturning a decision issued by the Eighth Circuit Court of Appeals in 1997, the U.S. Supreme Court, on May 13, 2002, upheld sections 51.315(c)-(f) of the Commission's rules, which, subject to certain limitations, require incumbent LECs to provide combinations of unbundled network elements "not ordinarily combined in the incumbent LEC's network" and to "combine unbundled network elements with the elements possessed by the requesting telecommunications carrier." *Verizon Communications, Inc. v. FCC*, 122 S.Ct. 1646 (2002). (In a prior decision, the Supreme Court upheld the Commission's authority to adopt sections 51.315(a)-(b) of the Commission's (continued….)

43. AT&T argues that because Verizon has neither a wholesale tariff approved by the Maine Commission nor a Statement of Generally Accepted Terms (SGAT), Verizon has not proven that it provides non-discriminatory access to unbundled network elements.[183] We disagree with AT&T's argument. In Maine, Verizon provides access to unbundled network elements pursuant to interconnection agreements.[184] We find this legal commitment is sufficient for our section 271 analysis.[185] Additionally, Verizon must offer any telecommunications carrier any interconnection, service, or network element provided to any other competing LEC within the state pursuant to section 252(i) or within the entire Bell Atlantic/GTE region through the most-favored nation arrangements provided in the Bell Atlantic/GTE merger conditions.[186] In light of these obligations, AT&T has failed to show that Verizon has somehow violated the statute by not having an SGAT or wholesale tariff on file.[187]

### B. Checklist Item 4 – Unbundled Local Loops

44. 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."[188] Based on the evidence in the record, we conclude, as did the Maine Commission, 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

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rules, which establish the general obligation of an incumbent LEC to provide combinations of network elements and require an incumbent LEC not to separate requested elements that it currently combines, except upon request. *AT&T Corp. v. Iowa Util. Bd.*, 525 U.S. 366, 385, 393-95 (1999).) For purposes of this application, we need not consider Verizon's compliance with these rules because Verizon filed this application prior to the Supreme Court's decision. *See SWBT Texas Order*, 15 FCC Rcd at 18367-68, paras. 28-29 (concluding that, for purposes of evaluating compliance with checklist item 2, we require SWBT to demonstrate that it is currently in compliance with the rules in effect on the date of filing, but do not require SWBT to demonstrate that it complies with rules that become effective during the pendency of its application).

[183] *See* AT&T Comments at 4-7; *see also* AT&T Reply at 3-4.

[184] *See* Verizon Lacouture/Ruesterholz Decl. at para. 248; *see also* Verizon Application App. H, Tabs 2-4 (selected interconnection agreements). Verizon also has a model interconnection that any competitive LEC may adopt. *See* Verizon Application App. H, Tab 1 (model interconnection agreement).

[185] "A Bell operating company *may* prepare and file with a State commission a statement of the terms and conditions that such company generally offers within that State to comply with the requirements of section 251 . . . ." *See* 47 U.S.C. § 252(f)(1) (*emphasis added*).

[186] *See* 47 U.S.C. § 252(i); *Application of GTE Corp., Transferor, and Bell Atlantic Corp., Transferee, For Consent to Transfer Control,* Memorandum Opinion and Order, 15 FCC Rcd 14032, 14171-72, para. 300 (2000) (GTE/Bell Atlantic Merger Order); *see also* Verizon Reply at 8.

[187] We note, however, that the Maine Commission has required Verizon to file a wholesale tariff by October 1, 2002. Accordingly, AT&T's objections will be resolved at such time. Maine Commission Comments at 7.

[188] 47 U.S.C. § 271(c)(2)(b); *see also* Appendix D at paras. 49-53 (regarding requirements under checklist item four).

for all loop types, which include, as in past section 271 orders, voice grade loops, xDSL-capable loops, digital loops, and high capacity loops, and our review of Verizon's processes for hot cuts, line sharing and line splitting. As of March 2002, competitors have acquired and placed into use more than 18,000 stand-alone loops (including DSL loops) from Verizon in Maine.[189] Finally, we note that commenters have not raised any issues with respect to any aspect of Verizon's loop performance.

45. 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 parity and benchmark measures established in Maine.[190] Instead we focus our discussion on those areas where the record indicates minor discrepancies in performance between Verizon and its competitors. In analyzing Verizon's compliance with this checklist item, we note that order volumes with respect to certain categories of loops, or order volumes with respect to a specific metric for a certain category of loop, in a given month may be too low to provide a meaningful result. As such, we may look to Verizon's performance in Massachusetts to inform our analysis.[191]

46. *xDSL Loops, Digital Loops, Voice Grade Loops, High Capacity Loops and Hot Cuts*. Based on the evidence in the record, we find, as did the Maine Commission, that Verizon demonstrates that it provides xDSL-capable loops, digital loops, voice grade loops, high capacity loops, and hot cuts in accordance with the requirements of checklist item four.[192]

47. Verizon's performance with respect to two specific performance measures for xDSL loops appears to be out of parity in Maine in recent months. We find, however, that this performance does not warrant a finding of checklist noncompliance. First, we recognize that Verizon's performance data with respect to a provisioning quality metric – Percentage of Installation Troubles – which measures the percentage of problems on a line within the first 30 days after installation – indicates that more problems occur for lines ordered by competitive

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[189] *See* Verizon Reply App. A, Vol. 1 Reply Declaration of Paul A. Lacouture and Virginia P. Ruesterholz (Verizon Lacouture/Ruesterholz Reply Decl.) at para. 4. As of March 2002 (from November 2001-March 2002), Verizon provisioned more than 18,000 stand-alone loops (including DSL loops), 210 high capacity DS1 loops, 2 high capacity DS3 loops, 80 digital loops, approximately 800 line sharing arrangements and no line splitting arrangements. *See id*. at paras. 22, 47, and 62; *see also* Verizon Lacouture/Ruesterholz Decl. at paras. 79, 109, 150, 171, and 184.

[190] *See e.g., 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*, Memorandum Opinion and Order, 16 FCC Rcd 14147, 14151-52, para. 9 (2001) (*Verizon Connecticut Order*).

[191] Verizon uses the same processes and procedures for provisioning and maintenance and repair in Massachusetts and Maine. *See* Verizon Lacouture/Ruesterholz Decl. at para. 76.

[192] *See* Maine Commission Comments at 33-48.

LECs than for the retail comparison group.[193] According to Verizon, however, the disparities in performance are not the result of discriminatory conduct, but rather the result of a low number of installation troubles reported.[194] We recognize, as we have in past section 271 orders, that a small handful of observations can cause seemingly large variations in the performance measures.[195] Moreover, given Verizon's parity of performance in Massachusetts, where overall volumes are much higher, we do not find that Verizon provisions xDSL loops in a discriminatory manner in Maine.[196] Next, we note that Verizon's xDSL loop performance with respect to a maintenance and repair measure – Network Trouble Report Rate – was out of parity in Maine in recent months.[197] We find, however, that the disparity is slight and thus does not appear to be competitively significant.[198]

48. Second, we recognize that Verizon's Installation Troubles Reported[199] and Network Trouble Report Rate[200] for digital loops were out of parity for several of the relevant

[193] *See* PR 6-01-3342 (Percent Installation Troubles Within 30 Days). In Maine, Verizon missed parity in December 2001 and January 2002. The comparable numbers for December were 3.09% for Verizon retail and 13.79% for competitive LECs and 3.89% for Verizon retail and 11.36% for competitive LECs in January.

[194] In December 2001 and January 2002, where Verizon did not meet the parity standard, competitive LECs reported 4 and 5 installation troubles on DSL loops, respectively. *See* Verizon Apr. 12 *Ex Parte* Letter at 3.

[195] *See Verizon Massachusetts Order*, 16 FCC Rcd at 8988, para. 93, n.296.

[196] In Massachusetts, Verizon has met the parity standard for each of the relevant months. *See* PR 6-01-3342.

[197] For MR 2-03-3342 (Network Trouble Report Rate – Central Office), Verizon missed parity in November 2001 and from January – March 2002. The comparable numbers were 0.06%, 0.05%, 0.04%, and 0.05% for Verizon retail and 0.75%, 0.49%, 0.40%, and 0.71% for competitive LECs in November, January, February, and March, respectively. This performance data suggests that additional problems have occurred more often for competitive LECs than for Verizon retail. Verizon explains, however, in an *ex parte* letter that its November-February average trouble report rate for competitive LECs is less than 0.4%, which indicates that more than 99.6% of competitive LECs' xDSL loops had no reported troubles found in the central office. *See* Verizon Apr. 12 *Ex Parte* Letter at 3.

[198] From November 2001-March 2002 in Maine, network trouble reports for competitive LECs found in either the outside plant or the central office (MR 2-02 and MR 2-03) were reported less often than for Verizon's retail customers. From November through March, the weighted average was 0.33% for competitive LECs and 0.41% for Verizon retail. In Massachusetts, from November through March, the weighted average was 0.67% for competitive LECs and 0.46% for Verizon retail. *See* Verizon Lacouture/Ruesterholz Decl. at paras. 141-142; s*ee also* Verizon Apr. 12 *Ex Parte* Letter at 3. Verizon's overall maintenance and repair performance is strong. For instance, for the mean time to repair metrics, Verizon performed at parity for all relevant months. *See* MR 4-02-3342 (Mean Time to Repair – Loop Trouble) and MR 4-03-3342 (Mean Time to Repair – Central Office Trouble). For the Percent Repeat Troubles Within 30 Days metric, Verizon achieved parity for all but one of the relevant months. *See* MR 5-01-3342.

[199] *See* PR 6-01-3341 (Percent Installation Troubles Within 30 Days). From November 2001- March 2002, Verizon provisioned only 80 digital loops for competitors. *See* Verizon Lacouture/Ruesterholz Reply Decl. at para. 47. Given the low volumes in Maine for this category of loop, we look to Verizon's performance in Massachusetts for this metric. In Massachusetts, for PR 6-01-3341, Verizon's performance was out of parity for all relevant months except February 2002. The November-March weighted average for this measure is 14.824% for competitive LECs and 5.745% for Verizon retail.

months. According to Verizon, however, the disparate performance results are not the result of discriminatory conduct, but are again the result of a low number of observations and a disparity in the comparison group.[201] First, for the Installation Trouble measure, Verizon argues, as it did in previous section 271 proceedings, that the retail comparison group for this measure does not provide an "apples-to-apples" comparison.[202] According to Verizon, competitive LEC 2-wire digital loops are provisioned using fiber, while most orders in the retail comparison group are provisioned using copper.[203] Given this factor, Verizon explains that cooperative testing of the 2-wire digital loops that competitive LECs purchase has proved more difficult than testing of loops provided over copper.[204] According to Verizon, this difficulty arises because digital loops provisioned over fiber are provided through a plug-in card in the central office and another card at the remote terminal. Thus, Verizon states that "it is not possible for any of the test equipment used by the [competitive LECs] to test beyond the card in the central office."[205] Verizon states, however, that when competitive LECs do experience trouble on 2-wire digital loops, their troubles are resolved, on average, more quickly than installation troubles for Verizon's retail.[206] Based upon Verizon's overall performance in providing and maintaining digital loops, and recognizing that digital loops represent only a small percentage of overall loop orders in Maine,[207] and thus that this disparity impacts a correspondingly small number of competitive LEC orders, we find that Verizon's performance on this metric does not warrant a finding of noncompliance with checklist item four.[208]

(Continued from previous page)

[200] *See* MR 2-02-3341 (Network Trouble Report Rate – Loop) and MR 2-03-3341 (Network Trouble Report Rate – Central Office). In Maine, for MR 2-02-3341, Verizon's performance was out of parity for all the relevant months except February 2002. The comparable numbers were 0.61%, 0.57%, 1.34%, and 0.80% for Verizon retail and 5.13%, 10.87%, 6.00%, and 3.90% for competitive LECs in November, December, January, and March, respectively. For MR 2-03-3341, Verizon performed at parity for all but one of the relevant months.

[201] *See* Verizon Apr. 12 *Ex Parte* Letter at 4-5.

[202] In its October 2001 order, the New York Commission changed the retail comparison group for this measure from 2-wire digital services to Retail POTS – Dispatched. However, Verizon claims that it is still an inadequate measure of Verizon's performance. *See* Lacouture/Ruesterholz Decl. at para. 155. *See also Verizon Vermont Order*, 17 FCC Rcd at 7654, para. 52 (2002); *Verizon Rhode Island Order*, 17 FCC Rcd at 3340, para. 81.

[203] *See* Lacouture/Ruesterholz Decl. at para. 155; *see also* Verizon Apr. 12 *Ex Parte* Letter at 4.

[204] *See id*.

[205] Verizon Apr. 12 *Ex Parte* Letter at 4.

[206] *See id*; *see also* MR 4-01-3341. The mean time to repair 2-wire digital loops in Maine, from November 2001-March 2002, was 7.84 hours for competitive LECs and 18.87 for Verizon retail. The mean time to repair 2-wire digital loops in Massachusetts, from November 2001-March 2002, was 11.18 hours for competitive LECs and 17.97 hours for Verizon retail.

[207] *See supra* n.199.

[208] We note that this is consistent with our findings in other recent Verizon section 271 orders. *See Verizon Rhode Island Order*, 17 FCC Rcd at 3340, para. 81; *see also Verizon Vermont Order* 17 FCC Rcd at 7654, para. 52.

49. Verizon's Network Trouble Report measures for digital loops were also out of parity in Maine for the relevant months.[209] According to Verizon, however, the disparate performance results are not the result of discriminatory conduct, but are again the result of a low number of trouble reports.[210] Specifically, Verizon states that from November 2001 through March 2002, there were a total of 15 trouble reports for these measures (13 loop trouble reports and 2 central office trouble reports).[211] Moreover, Verizon explains that 9 of the 15 troubles found during these months were installation troubles, which have already been addressed above.[212] Given the low number of troubles reported, and Verizon's nondiscriminatory performance in Massachusetts, where volumes are higher,[213] we find that the disparity in Maine does not appear to be competitively significant and, thus, does not warrant a finding of checklist noncompliance.

50. In addition, we recognize that Verizon's installation troubles reported and the network trouble report rate for high capacity loops were out of parity for many of the relevant months in Maine.[214] From November 2001 through March 2002, Verizon provisioned a total of 210 DS-1 loops and 2 DS-3 loops in Maine.[215] Because these volumes are insufficient upon which to make a finding,[216] we look to Verizon's performance data in Massachusetts for the Installation Troubles measure. We find that where performance disparity exists, it is slight and

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[209] *See* MR 2-02-3341 (Network Trouble Report Rate – Loop) and MR 2-03-3341 (Network Trouble Report Rate – Central Office). In Maine, from November 2001-March 2002, network trouble reports for competitive LECs, found in either the outside plant or the central office, were reported slightly more often for competitive LECs than for Verizon's retail customers, but the weighted average shows that this is still less than 3% of the time (4.745% for MR 2-02 and 0.730% for MR 2-03).

[210] *See* Verizon Apr. 12 *Ex Parte* Letter at 5; *see also* Verizon Lacouture/Ruesterholz Reply Decl. at para. 54.

[211] *See* Verizon Lacouture/Ruesterholz Reply Decl. at para. 54.

[212] Verizon argues that as a result of the small volume of competitive LEC lines and the larger volume of lines in the retail comparison group, Verizon would have had to provide perfect performance to meet the parity standard for these measures as even one trouble report in any given month was sufficient to cause Verizon to miss parity. *See* Verizon Apr. 12 *Ex Parte* Letter at 5.

[213] In Massachusetts, from November 2001-March 2002, the weighted average for network trouble reports, found in either the outside plant or the central office, was 0.656% for competitive LECs and 0.462% for Verizon retail. *See* MR 2-02-3341 (Network Trouble Report Rate – Loop) and MR 2-03-3341 (Network Trouble Report Rate – Central Office).

[214] *See* PR 6-01-3200 (Percent Installation Troubles Reported Within 30 Days). In Maine, Verizon's performance was out of parity from November 2001-February 2002. It performed at parity in March 2002. For MR 2-01-3200 (Network Trouble Report Rate), Verizon was out of parity from November 2001-March 2002 in Maine.

[215] *See* Verizon Lacouture/Ruesterholz Reply Decl. at para. 22.

[216] High capacity loops in Maine represent slightly over 1% of all unbundled loops provisioned to competitors. *See* Verizon Lacouture/Ruesterholz Reply Decl. at. paras. 22-23; *see also* Verizon Lacouture/Ruesterholz Decl. at para. 108.

thus not competitively significant.[217] Given Verizon's nondiscriminatory performance in Massachusetts, where volumes are higher, and recognizing that high capacity loops represent only a small percentage of overall loop orders in Maine,[218] we cannot find that Verizon provisions high capacity loops in a discriminatory manner. Finally, although we note that Verizon's performance with respect to the network trouble report rate also appears to be out of parity for the relevant months in Maine,[219] we find that the disparity is slight and thus not competitively significant.[220]

51. *Line Sharing and Line Splitting*. Based on the evidence in the record, we find, as did the Maine Commission, that Verizon demonstrates that it provides nondiscriminatory access to the high frequency portion of the loop.[221] Through March 2002, Verizon had provisioned 800 line sharing orders in Maine for unaffiliated competitive LECs.[222] Verizon's performance data for line shared DSL loops demonstrates that it is in compliance with the parity and benchmark measures established in Maine.[223] Verizon also complies with its line-splitting obligations and provides access to network elements necessary for competing carriers to provide line splitting.[224] Although we recognize that no competitive LECs have ordered line splitting arrangements in Maine, we note that Verizon permits competitive LECs to engage in line splitting in Maine in the same manner that it permits them to do so in Massachusetts.[225] No competitive LECs have raised complaints about Verizon's provision of line splitting. We find, therefore, given the record before us, that Verizon's process for line-splitting orders is in compliance with the requirements of this checklist item.

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[217] In Massachusetts, Verizon's performance was in parity for three of the five relevant months, including the most recent month we examine, March. For the months that Verizon did not achieve parity, the comparable numbers were 1.81% and 2.76% for Verizon retail and 6.98% and 8.78%, for competitive LECs in November 2001 and February 2002, respectively. *See* PR 6-01-3200 (Percent Installation Troubles Reported Within 30 Days).

[218] *See supra* n.216.

[219] *See supra* n.214.

[220] In Maine, for MR 2-02-3200, Verizon states that during November 2001-March 2002, the percentages have generally been under 2%. *See* Lacouture/Ruesterholz Reply Decl. at para. 27.

[221] 47 C.F.R. § 51.319(h); s*ee* Maine Commission Comments at 33-48. *See supra* n.20.

[222] *See* Verizon Lacouture/Ruesterholz Reply Decl. at para. 62.

[223] *See* PR 4-05-3343 (Percent Missed Appointments – No Dispatch); PR 6-01-3343 (Percent Installation Troubles Reported Within 30 Days); MR 2-02-3343 (Network Trouble Report Rate – Loop); MR 2-03-3343 (Network Trouble Report Rate – Central Office); MR 3-02-3343 (Percent Missed Repair Appointment – Central Office); MR 5-01-3343 (Repeat Trouble Reports Within 30 Days); and MR 4-03-3343 (Mean Time to Repair – Central Office Trouble). There has been very little maintenance and repair activity for line sharing in Maine or Massachusetts. *See* Verizon Lacouture/Ruesterholz Decl. at paras. 180-183.

[224] *See* Appendix D at paras. 50-52.

[225] *See* Verizon Lacouture/Ruesterholz Decl. at para. 184.

### C. Remaining Checklist Items (1, 3, 5-14)

52. 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 1 (interconnection),[226] item 3 (access to poles, ducts, and conduits),[227] item 5 (transport),[228] item 6 (unbundled local switching),[229] item 7 (911/E911 access and directory assistance/operator services),[230] item 8 (white pages directory listings),[231] item 9 (numbering administration),[232] item 10 (databases and associated signaling),[233] item 11 (number portability),[234] item 12 (local dialing parity),[235] item 13 (reciprocal compensations),[236] and item 14 (resale).[237] Based on the evidence in the record, we conclude, as does the Maine Commission, that Verizon demonstrates that it is

[226] 47 U.S.C. § 271(c)(2)(B)(i). We conclude, based upon the evidence in the record, that Verizon demonstrates compliance with the requirements of our collocation rules. *See* Verizon Application at 18-20.

[227] *Id.* § 271(c)(2)(B)(iii).

[228] *Id.* § 271(c)(2)(B)(v).

[229] *Id.* § 271(c)(2)(B)(vi).

[230] *Id.* § 271(c)(2)(B)(vii).

[231] *Id.* § 271(c)(2)(B)(viii).

[232] *Id.* § 271(c)(2)(B)(ix).

[233] *Id.* § 271(c)(2)(B)(x).

[234] *Id.* § 271(c)(2)(B)(xi).

[235] *Id.* § 271(c)(2)(B)(xii).

[236] *Id.* § 271(c)(2)(B)(xiii).

[237] *Id.* § 271(c)(2)(B)(xiv). On September 26, 2001, the FCC granted Verizon's request to accelerate Verizon's right under the Bell Atlantic/GTE Merger Order to provide advanced services without using its separate data affiliate, Verizon Advanced Data Inc. (VADI). *See* Verizon Lacouture/Ruesterholz Decl. at para. 126. On March 1, 2002, Verizon completed the reintegration of VADI into the core company. *Id.* According to Verizon, "[t]he reintegration of VADI has not resulted in any changes to the Verizon preordering, ordering, provisioning, and maintenance and repair processes that were already in place for line sharing, resold DSL over Verizon voice lines, and resold DSL over resold voice lines . . . . This means that Verizon continues to provide [competitive LECs] with nondiscriminatory access to its OSS for preordering, ordering, provisioning, and maintenance of DSL products in the same manner as it did prior to VADI's reintegration." *See* Letter from Richard T. Ellis, Director, Federal Affairs, Verizon, to William Caton, Acting Secretary, Federal Communications Commission, CC Docket No. 02-61 at 1 (filed Apr. 11, 2002) (Verizon Apr. 11 *Ex Parte* Letter). No commenter raised an issue relating to Verizon's advanced services offerings.

in compliance with these checklist items in Maine.[238] None of the commenting parties challenges Verizon's compliance with these checklist items.

## IV. COMPLIANCE WITH SECTION 271(c)(1)(A)

53. 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 section 271(c)(1)(B) (Track B).[239] To meet the requirements of Track A, a BOC must have interconnection agreements with "one or more unaffiliated competing providers of telephone exchange service . . . to residential and business customers."[240] The Commission has further held that a BOC must show that at least one "competing provider" constitutes "an actual commercial alternative to the BOC,"[241] which a BOC can do by demonstrating that the provider serves "more than a *de minimis* number" of subscribers.[242] The Commission has interpreted Track A not to require any particular level of market penetration. The United States Court of Appeals for the District of Columbia has affirmed that the Act "imposes no volume requirements for satisfaction of Track A."[243]

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[238] Verizon Application at 15-20 (checklist item 1), 54 (checklist item 3), 39-41 (checklist item 5), 38-39 (checklist item 6), 55-57 (checklist item 7), 57-58 (checklist item 8), 58 (checklist item 9), 59-60 (checklist item 10), 60 (checklist item 11), 60-61 (checklist item 12), 61 (checklist item 13), and 61-63 (checklist item 14); Maine Commission Comments at 5-11 (checklist item 1), 28-33 (checklist item 3), 48-71 (checklist item 5), 4 (checklist item 6), 4 (checklist item 7), 4 (checklist item 8), 4 (checklist item 9), 4 (checklist item 10), 4 (checklist item 11), 71-72 (checklist item 13), and 72-79 (checklist item 14); Letter from Trina M. Bragdon, Staff Attorney, Maine Public Utilities Commission, to William Caton [sic], Acting Secretary, Federal Communications Commission, CC Docket No. 02-61 (filed Apr. 24, 2002) (regarding Verizon's compliance with checklist item 12); *see also* Appendices B and C. With respect to checklist item 1, Verizon submitted several *ex parte* letters clarifying its collocation offering. *See* Verizon May 2 *Ex Parte* Letter at 1; Letter from Richard T. Ellis, Director, Federal Affairs, Verizon, to Marlene H. Dortch, Secretary, Federal Communications Commission, CC Docket No. 02-61 (filed Apr. 29, 2002); Verizon Apr. 11 *Ex Parte* Letter at 1.

[239] 47 U.S.C. § 271(c)(1).

[240] *Id.*

[241] *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*).

[242] *SWBT Kansas/Oklahoma Order*, 15 FCC Rcd at 6257, para. 42; *see also Application of Ameritech Michigan Pursuant to Section 271 of the Communications Act of 1934, as amended, To Provide In-Region, InterLATA Services in Michigan*, Memorandum Opinion and Order, 12 FCC Rcd 20543, 20585, para. 78 (1997) (*Ameritech Michigan Order*).

[243] *Sprint Communications Co. v. FCC*, 274 F.3d at 553-54; *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.").

54. We conclude that Verizon satisfies the requirements of Track A in Maine.[244] Verizon relies on its interconnection agreement with Oxford Networks in support of its Track A showing, and we find that Oxford Networks serves more than a *de minimis* number of end users predominantly over its own facilities and represents an "actual commercial alternative" to Verizon in Maine.[245] Specifically, Oxford Networks provides service to both residential and business customers exclusively through its own facilities.[246] Verizon also demonstrates that OneStar, Mid-Maine, Pine Tree, Conversent, WorldCom, AT&T, and others serve business customers in Maine primarily through their own facilities.[247] These competitors have penetrated the business market to a notable extent, considering Maine's largely rural nature. Although 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.[248]

55. We disagree with AT&T's contention that the generally low levels of residential facilities-based competition in Maine must result in a finding that Verizon does not meet the requirements of Track A.[249] Congress specifically declined to adopt a volume requirement, market share, or other similar test for BOC entry into long distance[250] and, as stated above, we find that Oxford Networks is actively providing facilities-based service to more than a *de minimis* number of customers.[251]

## V. SECTION 272 COMPLIANCE

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[244] Although the Maine Commission concluded that "it appears that the percent of end user lines serviced by [competing LECs] in the state of Maine falls within the realm of previously accepted FCC Track A requirements," it left the determination of whether Verizon meets its Track A requirement to the Commission. Maine Commission Comments at 86-87.

[245] *See* Verizon Application at 5-6; s*ee also SWBT Oklahoma Order*, 12 FCC Rcd at 8695, para. 14.

[246] *See* Verizon Torre Decl. Attach. 1, Exh. 1 *(citing confidential portion)*.

[247] *Id.*

[248] *See Verizon Vermont Order*, 17 FCC Rcd at 7630-31, para. 11*; SWBT Arkansas/Missouri Order*, 16 FCC Rcd at 20778-80, paras. 117-21; *SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6256-59, paras. 40-44.

[249] AT&T Reply at 2-3.

[250] *Sprint v. FCC*, 274 F.3d at 553-54; *Ameritech Michigan Order*, 12 FCC Rcd at 20585, para. 77. We further address parties' arguments regarding the general levels of competition in Vermont in our discussion of the public interest requirement, *infra* part VI.

[251] *See Verizon Vermont Order*, 17 FCC Rcd at 7630-31, para. 11; *SWBT Arkansas/Missouri Order*, 16 FCC Rcd at 20778-80, paras. 117-21; *SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6256-59, paras. 40-44.

56. 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."[252] Based on the record, we conclude that Verizon has demonstrated that it will comply with the requirements of section 272.[253] Significantly, Verizon provides evidence that it maintains the same structural separation and nondiscrimination safeguards in Maine as it does in Pennsylvania, New York, Connecticut, and Massachusetts—states in which Verizon has already received section 271 authority.[254] No party challenges Verizon's section 272 showing.[255]

## VI. PUBLIC INTEREST

57. 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.[256] At the same time, section 271(d)(4) of the Act states in full 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)."[257] 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). 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 serve the public interest as Congress expected.

58. We conclude that approval of this application is consistent with the public interest. 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

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[252] 47 U.S.C. § 271(d)(3)(B); Appendix D at paras. 68-69.

[253] *See* Verizon Application at 75-80; Verizon Application App. A, Vol. 3, Tab E, Declaration of Susan C. Browning (Verizon Browning Decl.) at para. 4.

[254] *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 Browning Decl. at paras. 3-4.

[255] Pricewaterhouse Coopers completed the first independent audit of Verizon's section 272 compliance pursuant to section 53.209 of the Commission's rules. *See* 47 C.F.R. § 53.209. *See* Letter from Pricewaterhouse Coopers LLP to Magalie Roman Salas, Secretary, Federal Communications Commission (June 11, 2001) (transmitting audit report). Although the audit raises issues that may require further investigation, the audit results, standing alone, are insufficient to establish whether Verizon is in compliance with section 272.

[256] 47 U.S.C. § 271(d)(3)(C); Appendix D at paras. 70-71.

[257] *Id.* § 271(d)(4).

exchange markets have been removed and the local exchange markets in Maine today are open to competition. We further find that the record confirms our view, as noted in prior section 271 orders, that 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.[258]

59. We disagree with commenters that low levels of facilities-based residential competition in Maine indicate that it would be inconsistent with the public interest to grant this application.[259] Given an affirmative showing that the competitive checklist has been satisfied, low customer volumes in any one particular mode of entry or in general do not necessarily undermine that showing. Indeed, the Department of Justice concluded that opportunities to serve business customers via the facilities-based and resale modes of entry are available in Maine and that there do not appear to be any material obstacles to serving residential customers and to serving business customers via UNE-Platform in Maine.[260] As the Commission has said in previous section 271 orders, factors beyond the control of the BOC, such as individual competitive LEC entry strategies, might explain a low residential customer base.[261]

60. Sprint also argues that the other BOCs' decision to not compete against each other outside of their respective regions, and the financial difficulties of some competitive LECs suggest that the public interest is not served by granting Verizon's section 271 approval in Maine.[262] We reject these arguments. Again, factors beyond the control of an applicant, such as a weak economy or the business plans of individual competing LECs and other BOCs can explain the lack of entry into a particular market. We do not believe Sprint's comments in this respect warrant a finding that granting this application is contrary to the public interest.

61. As set forth below, we find that the Performance Assurance Plan (PAP) currently in place in Maine will provide assurance that the local market will remain open after Verizon receives section 271 authorization.[263] We have examined certain key aspects of Maine's PAP and we find that the plan is likely to provide incentives that are sufficient to foster post-entry checklist compliance. The Maine Commission adopted a self-executing PAP, modeled on the PAPs adopted in New York, Massachusetts and Connecticut.[264] The Maine PAP uses the same

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[258] *See SWBT Texas Order*, 15 FCC Rcd at 18558-89, para. 419.

[259] *See* AT&T Comments at 4, 17-18; Sprint Comments at 10-12; *see also supra* part III.A.1.

[260] Department of Justice Evaluation at 5-6.

[261] *See, e.g.*, *Verizon Pennsylvania Order*, 16 FCC Rcd at 17487, para. 126.

[262] Sprint Comments at 4-9.

[263] *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.

[264] Verizon Application at 93-94.

general standards and measures set forth in the New York Carrier-to-Carrier Guidelines.[265] The Maine PAP exposes Verizon to the same level of liability as in the Massachusetts PAP.[266]

62. While the New York PAP forms the basis for the Maine PAP, the Maine PAP differs from that PAP in certain details to reflect the specific concerns of the Maine Commission.[267] The Maine Commission expressly conditioned its recommendation on Verizon making certain state-specific modifications,[268] including the use of two new billing metrics.[269] The Maine Commission modified the New York PAP method for curing small sample sizes.[270] Finally, unlike other states in Verizon's region, the Maine Commission will establish a "rapid response" process which will be used to resolve disagreements among competing carriers.[271]

63. As in prior section 271 orders, our conclusions are based on a review of several key elements in the PAP: total liability at risk; the definitions of the performance measurements and standards; the structure of the plan; the self-executing nature of remedies in the plan; the plan's data validation and audit procedures; and the plan's accounting requirements.[272] We find generally that the Maine PAP satisfies our analysis in each of these respects. We also note that Verizon acknowledges the Maine Commission's ability to redistribute the money available among all aspects of the Plan during the year.[273] In addition, we take comfort in the Maine

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[265] *Id.* at 92.

[266] The Massachusetts and Maine PAPs place 39% of Verizon's yearly net income for each state at risk. *Id.* at 94.

[267] Verizon Guerard/Canny/Abesamis Decl. at paras. 72-73. Additional revisions to the PAP required by the Maine Commission are set forth in the Maine Commission Mar. 1 Letter. See Maine Commission Mar. 1 Letter at 3-5. In this proceeding, the Maine Commission states that "Verizon's revised PAP is consistent with the public interest, convenience and necessity." Maine Commission Comments at 88.

[268] Verizon Application at n.95; Verizon Guerard/Canny/Abesamis Decl. at 73; Maine Commission Mar. 1 Letter.

[269] The new billing metrics are BI-3-04 and BI-3-05. The Maine Commission originally adopted the business rules approved by the New York Commission for these metrics in its October 2001 Order, but subsequently adopted the Pennsylvania business rules currently in use in Rhode Island. *See* Verizon Guerard/Canny/Abesamis Decl. at paras. 65-66. Further explanation of the new metrics is provided *supra* part III.A.2.

[270] Unlike the other states in Verizon's region, the Maine Commission requires Verizon to use either a permutation test or Fisher's Exact Test for all parity metrics, regardless of sample size. For example, Rhode Island and Vermont require Verizon to perform those statistical tests only when sample sizes are small. *See* Verizon Apr. 4 *Ex Parte* Letter at Attachment.

[271] Penalties will be assessed in the event the Commission finds Verizon has willfully failed to comply with an order issued by the Rapid Response Process Team. Verizon Application at n.95; Maine Commission Mar. 1 Letter at 3 & Attach. A.

[272] *See, e.g.*, *Verizon Massachusetts Order*, 16 FCC Rcd at 9121-25, paras. 240-49; *SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6377-81, paras. 273-80.

[273] *See* Verizon Guerard/Canny/Abesamis Decl. at para. 77.

Commission's expressed intent to continue to examine issues related to the PAP and to update or change the PAP as needed.[274] No commenter has raised any issues relating to the PAP in the record before us.

## VII. SECTION 271(d)(6) ENFORCEMENT AUTHORITY

64. 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.[275] 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.[276]

65. Working in concert with the Maine Commission, we intend to monitor closely Verizon's post-approval compliance for Maine to ensure that Verizon does not "cease[] to meet any of the conditions required for [section 271] approval."[277] 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 Maine. We are prepared to use our authority under section 271(d)(6) if evidence shows market opening conditions have not been maintained.

66. We require Verizon to report to the Commission all Maine carrier-to-carrier performance metric results and Performance Assurance Plan monthly reports beginning with the first full month after the effective 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, on an ongoing basis, Verizon's performance 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 Maine long distance market.[278]

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274 *See* Maine Commission Comments at 89.

275 47 U.S.C. § 271(d)(6).

276 *See, e.g.*, *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.

277 47 U.S.C. § 271(d)(6)(A).

278 *See, e.g.*, *Bell Atlantic-New York, Authorization Under Section 271 of the Communications Act To Provide In-Region, InterLATA Service in the State of New York*, Order, 15 FCC Rcd 5413, 5413-23 (2000) (adopting consent decree between the Commission and Bell Atlantic that included provisions for Bell Atlantic to make a voluntary payment of $3,000,000 to the United States Treasury, with additional payments if Bell Atlantic failed to meet specific performance standards and weekly reporting requirements to gauge Bell Atlantic's performance in correcting the problems associated with its electronic ordering systems).

## VIII. CONCLUSION

67. For the reasons discussed above, we grant Verizon's application for authorization under section 271 of the Act to provide in-region, interLATA services in the State of Maine.

## IX. ORDERING CLAUSES

68. 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 the State of Maine, filed on March 21, 2002, IS GRANTED.

69. IT IS FURTHER ORDERED that this Order SHALL BECOME EFFECTIVE July 1, 2002.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

## Appendix A
## Commenters in CC Docket No. 02-61

| Comments | Abbreviation |
|---|---|
| AT&T Corporation | AT&T |
| Maine Public Utilities Commission | Maine Commission |
| Sprint Communications, Inc | Sprint |
| WorldCom | WorldCom |
| Department of Justice | Department of Justice |

| Replies | |
|---|---|
| AT&T Corporation | AT&T |
| Verizon | Verizon |

# Appendix B

## Maine Performance Metrics

All data included here are taken from the Maine 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.

## AGGREGATE METRICS

| Metric No. | 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-8-01** | % On Time - Manual Loop Qualification |
| **PO-8-02** | % On Time - Engineering Record Request |
| **MR-1-01** | Create Trouble |

| Metric No. | Metric Name |
|---|---|
| **MR-1-02** | Status Trouble |
| **MR-1-03** | Modify Trouble |
| **MR-1-04** | Request Cancellation of Trouble |
| **MR-1-05** | Trouble Report History (by TN/Circuit) |
| **MR-1-06** | Test Trouble (POTS Only) - RETAIL only |
| ***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 2 Business Days |
| **BI-3-05** | % CLEC Billing Claims Resolved within 28 Calendar Days After Acknowledgment |
| **NP-1-01** | % Final Trunk Groups Exceeding Blocking Standard |
| **NP-1-02** | % FTG Exceeding Blocking Std. –(No Exceptions) |
| **NP-1-03** | Number FTG Exceeding Blocking Std. – 2 Months |
| **NP-1-04** | Number FTG Exceeding Blocking Std. – 3 Months |
| **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 |

| Metric No. | Metric Name |
|---|---|
| ***Ordering:*** | |
| **OR-2-02** | % On Time LSR Reject – Flow Through |
| **OR-2-04** | % On Time LSR/ASR Reject- No Facility Check |
| **OR-2-06** | % On Time LSR/ASR Reject Facility Check |
| **OR-2-08** | % On Time ASR Reject No Facility Check |
| **OR-2-10** | % On Time ASR Reject Facility Check |
| **OR-2-12** | % On Time Trunk ASR Reject (<= 192 Forecasted Trunks) |
| **OR-3-01** | % Rejects |
| **OR-5-01** | % Flow Through - Total |
| **OR-5-03** | % Flow Through Achieved |
| **OR-6-01** | % Accuracy - Orders |
| **OR-6-03** | % Accuracy – LSRC |
| **OR-7-01** | % Order Confirmation/Rejects sent within 3 Business Days |
| **OR-4-16** | % Provisioning Completion Notifiers sent within one (1) Business Day |
| **OR-4-17** | % Billing Completion Notifier sent within two (2) Business Days |
| ***Provisioning:*** | |
| **PR-1-09** | Av. Interval Offered – Total |
| **PR-4-01** | % Missed Appointment – Verizon |
| **PR-4-02** | Average Delay Days – Total |
| **PR-4-04** | % Missed Appointment – Verizon – Dispatch |
| **PR-4-05** | % Missed Appointment – Verizon – No Dispatch |
| **PR-4-07** | % On Time Performance – LNP Only |
| **PR-4-14** | % Completed On Time (with Serial Number) |
| **PR-5-02** | % Orders Held for Facilities > 15 Days |
| **PR-5-03** | % Orders Held for Facilities > 60 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-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-5-01** | % Repeat Reports within 30 Days |

## DISAGGREGATED METRICS

| Metric Number | Metric Name | November | | December | | January | | February | | March | | 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 | 1.33 | 2.49 | 1.32 | 2.44 | 1.42 | 2.53 | 1.3 | 3.03 | 1.32 | 2.73 | |
| PO-1-01-6030 | Customer Service Record - CORBA | 1.33 | 0.68 | 1.32 | 0.68 | 1.42 | 0.74 | 1.3 | 0.71 | 1.32 | 0.74 | |
| PO-1-01-6050 | Customer Service Record -Web GUI | 1.33 | 2.55 | 1.32 | 2.48 | 1.42 | 2.46 | 1.3 | 2.44 | 1.32 | 2.49 | |
| PO-1-02-6020 | Due Date Availability - EDI | 0.07 | NA | 0.06 | NA | 0.06 | NA | 0.06 | NA | 0.07 | NA | |
| PO-1-02-6030 | Due Date Availability - CORBA | 0.07 | NA | 0.06 | NA | 0.06 | NA | 0.06 | NA | 0.07 | NA | |
| PO-1-02-6050 | Due Date Availability - Web GUI | 0.07 | 2.19 | 0.06 | 2.14 | 0.06 | 2.26 | 0.06 | 2.19 | 0.07 | 2.26 | |
| PO-1-03-6020 | Address Validation - EDI | 3.85 | 5.38 | 3.67 | 5.99 | 3.85 | 7.16 | 3.96 | 3.91 | 3.98 | 4.33 | 1,2,3,4,5 |
| PO-1-03-6030 | Address Validation - CORBA | 3.85 | 4.61 | 3.67 | 3.95 | 3.85 | 3.34 | 3.96 | NA | 3.98 | NA | |
| PO-1-03-6050 | Address Validation - Web GUI | 3.85 | 5.16 | 3.67 | 5.25 | 3.85 | 4.9 | 3.96 | 4.73 | 3.98 | 4.98 | |
| PO-1-04-6020 | Product & Service Availability - EDI | 8.48 | NA | 8.2 | NA | 8.5 | NA | 8.44 | NA | 8.53 | NA | |
| PO-1-04-6030 | Product & Service Availability - CORBA | 8.48 | NA | 8.2 | NA | 8.5 | NA | 8.44 | NA | 8.53 | NA | |
| PO-1-04-6050 | Product & Service Availability - Web GUI | 8.48 | 5.58 | 8.2 | 7.07 | 8.5 | 7.5 | 8.44 | 5.5 | 8.53 | 6.83 | 2,5 |
| PO-1-05-6020 | Telephone Number Availability & Reservation - EDI | 5.37 | NA | 4.47 | NA | 4.66 | NA | 4.78 | NA | 4.77 | NA | |
| PO-1-05-6030 | Telephone Number Availability & Reservation - CORBA | 5.37 | NA | 4.47 | NA | 4.66 | NA | 4.78 | NA | 4.77 | NA | |
| PO-1-05-6050 | Telephone Number Availability & Reservation - Web GUI | 5.37 | 6.85 | 4.47 | 6.54 | 4.66 | 6.6 | 4.78 | 6.08 | 4.77 | 6.6 | |
| PO-1-06-6020 | Average Response Time - Mechanized Loop Qualification - DSL - EDI | 3.51 | 3.17 | 1.69 | NA | 2.97 | NA | 4.35 | 4.44 | 8.18 | 3.01 | 1,4,5 |

| Metric Number | Metric Name | November | | December | | January | | February | | March | | Notes |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | |
| PO-1-06-6030 | Average Response Time - Mechanized Loop Qualification - DSL - CORBA | 3.51 | NA | 1.69 | NA | 2.97 | NA | 4.35 | 3.25 | 8.18 | NA | 4 |
| PO-1-06-6050 | Average Response Time - Mechanized Loop Qualification - DSL - Web GUI | 3.51 | 3.68 | 1.69 | 3.83 | 2.97 | 3.74 | 4.35 | 3.41 | 8.18 | 3.76 | |
| PO-1-07-6020 | Rejected Query - EDI | 0.04 | 2.14 | 0.04 | 2.17 | 0.03 | 2.28 | 0.04 | 2.26 | 0.04 | 2.3 | |
| PO-1-07-6030 | Rejected Query - CORBA | 0.04 | 0.61 | 0.04 | 0.64 | 0.03 | 0.62 | 0.04 | 0.58 | 0.04 | 0.57 | |
| PO-1-07-6050 | Rejected Query - Web GUI | 0.04 | 3.2 | 0.04 | 2.86 | 0.03 | 2.92 | 0.04 | 2.87 | 0.04 | 2.75 | |
| PO-1-08-6020 | % Timeouts - EDI | | 0 | | 0 | | 0 | | 0 | | 0 | |
| PO-1-08-6030 | % Timeouts - CORBA | | 0 | | 0 | | 0 | | 0 | | 0 | |
| PO-1-08-6050 | % Timeouts - Web GUI | | 0.03 | | 0 | | 0.02 | | 0.07 | | 0.07 | |
| PO-1-09-6020 | Parsed CSR - EDI | 1.33 | 1.96 | 1.32 | 1.73 | 1.42 | 1.63 | 1.3 | 1.73 | 1.32 | 1.59 | 2,3,4,5 |
| PO-1-09-6030 | Parsed CSR - CORBA | 1.33 | 0.3 | 1.32 | NA | 1.42 | NA | 1.3 | 0.26 | 1.32 | 0.34 | 1,4,5 |
| **PO-2 - OSS Interface Availability** | | | | | | | | | | | | |
| PO-2-02-6020 | OSS Interf. Avail. – Prime Time – EDI | | 100 | | 100 | | 100 | | 100 | | 100 | |
| PO-2-02-6030 | OSS Interf. Avail. – Prime Time – CORBA | | 100 | | 99.96 | | 100 | | 100 | | 100 | 2 |
| PO-2-02-6040 | OSS Interf. Avail. – Prime Time – Maint. Web GUI (RETAS) | | 100 | | 99.93 | | 99.83 | | | | | 2,3 |
| PO-2-02-6050 | OSS Interf. Avail. – Prime Time – Pre-order/Order WEB GUI | | 100 | | 99.93 | | 99.83 | | | | | 2,3 |
| PO-2-02-6060 | OSS Interf. Avail. – Prime Time – Electronic Bonding | | 100 | | 100 | | 100 | | 100 | | 100 | |
| PO-2-02-6080 | OSS Interf. Avail. – Prime Time – Maint./Web GUI/Pre-Order/Ordering WEB GUI | | | | | | | | 99.84 | | 99.69 | 4,5 |
| PO-2-03-6020 | OSS Interf. Avail. – Non-Prime – EDI | | 100 | | 99.71 | | 99.91 | | 99.73 | | 99.2 | 2,3,4,5 |
| PO-2-03-6030 | OSS Interf. Avail. – Non-Prime – CORBA | | 99.89 | | 99.13 | | 99.86 | | 99.83 | | 99.78 | 1,2,3,4,5 |
| PO-2-03-6040 | OSS Interf. Avail. – Non-Prime – Maint. Web GUI (RETAS) | | 99.59 | | 98.43 | | 99.82 | | 99.08 | | 99.78 | 1,2,3,4,5 |

| Metric Number | Metric Name | November | | December | | January | | February | | March | | Notes |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | |
| PO-2-03-6050 | OSS Interf. Avail. – Non-Prime – Pre-order/Order WEB GUI | | 99.59 | | 98.43 | | 99.82 | | 99.08 | | 99.78 | 1,2,3,4,5 |
| 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 | % On Time - Manual Loop Qualification | | UD | | UD | | UD | | 0 | | 100 | 4,5 |
| PO-8-02-2000 | % On Time - Engineering Record Request | | NA | | NA | | NA | | NA | | NA | |

| Metric Number | Metric Name | November | | December | | January | | February | | March | | Notes |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | |
| **Change Notification** | | | | | | | | | | | | |
| **PO-4 - Timeliness of Change Management Notice** | | | | | | | | | | | | |
| PO-4-01-6660 | % Notices Sent on Time - Industry Standard, Verizon Orig. & CLEC Orig. | | NA | | 100 | | NA | | 100 | | NA | 4 |
| PO-4-01-6671 | % Notices Sent on Time - Emergency Maint. & Regulatory | | 100 | | 100 | | 100 | | 100 | | 100 | 3,4,5 |
| PO-4-01-6622 | % Notices Sent on Time - Regulatory | | NA | | NA | | 100 | | NA | | NA | 3 |
| PO-4-01-6662 | % Notices Sent on Time - Ind. Std., Verizon Orig. & CLEC Orig. | | NA | | NA | | 100 | | NA | | NA | 3 |
| PO-4-02-6622 | Change Mgmt. Notice - Delay 1-7 Days - Regulatory | | NA | | NA | | NA | | NA | | NA | |
| PO-4-02-6662 | Change Mgmt. Notice - Delay 1-7 Days - Ind. Std., Verizon Orig. & CLEC Orig. | | NA | | NA | | NA | | NA | | NA | |
| **TROUBLE REPORTING (OSS)** | | | | | | | | | | | | |
| **MR-1 - Response Time OSS Maintenance Interface** | | | | | | | | | | | | |
| MR-1-01-2000 | Create Trouble | 5.95 | 4.01 | 5.54 | 3.52 | 6.11 | 3.56 | 7.68 | 3.56 | 8.01 | 3.62 | |
| MR-1-02-2000 | Status Trouble | 5.82 | NA | 4.71 | NA | 5.7 | 0.36 | 4.77 | 4.34 | 4.89 | 4.07 | 3,4,5 |
| MR-1-03-2000 | Modify Trouble | 5.83 | NA | 5.36 | NA | 6.13 | NA | 7.44 | NA | 7.74 | NA | |
| MR-1-04-2000 | Request Cancellation of Trouble | 7.15 | 4.42 | 6.58 | 5.54 | 7.23 | 2.98 | 8.96 | 7.71 | 9.16 | 6.99 | 1,2,3,4,5 |
| MR-1-05-2000 | Trouble Report History (by TN/Circuit) | 0.32 | 1.04 | 0.31 | 1 | 0.47 | 0.89 | 0.31 | 0.94 | 0.28 | 0.93 | |
| MR-1-06-2000 | Test Trouble (POTS Only) - RETAIL only | 56.04 | 51.81 | 56.18 | 51.76 | 56.86 | 51.1 | 55.95 | 50.81 | 54.47 | 50.36 | |
| ***BILLING*** | | | | | | | | | | | | |
| **BI-1 - Timeliness of Daily Usage Feed** | | | | | | | | | | | | |
| BI-1-02-2030 | % DUF in 4 Business Days | | 99.92 | | 99.77 | | 99.93 | | 99.94 | | 99.92 | |
| **BI-2 - Timeliness of Carrier Bill** | | | | | | | | | | | | |
| BI-2-01-2030 | Timeliness of Carrier Bill | | 100 | | 100 | | 99.42 | | 100 | | 100 | |
| **BI-3 - Billing Accuracy** | | | | | | | | | | | | |

| Metric Number | Metric Name | November | | December | | January | | February | | March | | Notes |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | |
| BI-3-04-2030 | % CLEC Billing Claims Acknowledged within 2 Business Days | | UD | | 23.81 | | 36.21 | | 100 | | 100 | |
| BI-3-05-2030 | % CLEC Billing Claims Resolved within 28 Calendar Days After Acknowledgment | | UD | | 70 | | 65.38 | | 95.24 | | 100 | |
| ***Resale (Ordering) - POTS/Special Services*** | | | | | | | | | | | | |
| **POTS & Pre-qualified Complex - Electronically Submitted** | | | | | | | | | | | | |
| **OR-1 - Order Confirmation Timeliness** | | | | | | | | | | | | |
| OR-1-02-2320 | % On Time LSRC – Flow Through | | 99.89 | | 98.84 | | 100 | | 99.9 | | 99.86 | |
| OR-1-04-2100 | % On Time LSRC No Facility Check | | 100 | | 99.74 | | 98.36 | | 99.07 | | 99.53 | |
| OR-1-06-2320 | % On Time LSRC/ASRC Facility Check | | 98.72 | | 100 | | 99.16 | | 97.73 | | 100 | |
| **OR-2 - Reject Timeliness** | | | | | | | | | | | | |
| OR-2-02-2320 | % On Time LSR Reject – Flow Through | | 99.46 | | 100 | | 100 | | 100 | | 100 | |
| OR-2-04-2320 | % On Time LSR Reject No Facility Check | | 100 | | 100 | | 100 | | 98.93 | | 100 | |
| OR-2-06-2320 | % On Time LSR/ASR Reject Facility Check | | 100 | | 100 | | 100 | | 100 | | 100 | |
| **2 Wire Digital Services** | | | | | | | | | | | | |
| **OR-1 - Order Confirmation Timeliness - Requiring Loop Qualification** | | | | | | | | | | | | |
| OR-1-04-2341 | % On Time LSRC No Facility Check | | 100 | | 96.67 | | 100 | | 100 | | 100 | 1,3,4,5 |
| OR-1-06-2341 | % On Time LSRC/ASRC Facility Check | | 100 | | NA | | 100 | | 100 | | NA | 1,3,4 |
| **OR-2 - Reject Timeliness - Requiring Loop Qualification** | | | | | | | | | | | | |
| OR-2-04-2341 | % On Time LSR Reject No Facility Check | | 100 | | 100 | | 100 | | 100 | | 100 | 1,3,4,5 |
| OR-2-06-2341 | % On Time LSR/ASR Reject Facility Check | | NA | | NA | | 100 | | NA | | NA | 3 |
| **POTS / Special Services - Aggregate** | | | | | | | | | | | | |
| **OR-3 - Percent Rejects** | | | | | | | | | | | | |

| Metric Number | Metric Name | November | | December | | January | | February | | March | | Notes |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | |
| OR-3-01-2000 | % Rejects | | 33.06 | | 26.56 | | 24.43 | | 26.45 | | 32.79 | |
| OR-4-16-2000 | % Provisioning Completion Notifiers sent within one (1) Business Day | | UD | | UD | | UD | | UD | | 99.25 | |
| OR-4-17-2000 | % Billing Completion Notifier sent within two (2) Business Days | | UD | | UD | | UD | | UD | | 97.76 | |
| **OR-5 - Percent Flow-Through** | | | | | | | | | | | | |
| OR-5-01-2000 | % Flow Through - Total | | 63.69 | | 73 | | 56.77 | | 57.48 | | 57.73 | |
| OR-5-03-2000 | % Flow Through Achieved | | 95.19 | | 97.27 | | 88.71 | | 92.52 | | 92.6 | |
| **OR-6 - Order Accuracy** | | | | | | | | | | | | |
| OR-6-01-2000 | % Accuracy – Orders | | 90.29 | | 92.98 | | 96.58 | | 96.76 | | 95.98 | |
| OR-6-03-2000 | % Accuracy – LSRC | | 0.15 | | 0 | | 0.07 | | 0.22 | | 0.1 | |
| **OR-7 - Order Completeness** | | | | | | | | | | | | |
| OR-7-01-2000 | % Order Confirmation/Rejects sent within 3 Business Days | | 99.8 | | 99.76 | | 99.87 | | 99.7 | | 99.55 | |
| **Special Services - Electronically Submitted** | | | | | | | | | | | | |
| **OR-1 - Order Confirmation Timeliness** | | | | | | | | | | | | |
| OR-1-04-2210 | % On Time LSRC No Facility Check DS0 | | NA | | NA | | NA | | NA | | NA | |
| OR-1-04-2211 | % On Time LSRC No Facility Check DS1 | | NA | | NA | | NA | | NA | | NA | |
| OR-1-04-2213 | % On Time LSRC No Facility Check DS3 | | NA | | NA | | NA | | NA | | NA | |
| OR-1-04-2214 | % On Time LSRC No Facility Check (Non DS0, DS1, & DS3) | | 100 | | 100 | | 100 | | 100 | | 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 | |

| Metric Number | Metric Name | November | | December | | January | | February | | March | | 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) | | 100 | | 100 | | 100 | | NA | | 100 | 1,2,3,5 |
| **OR-2 - Reject Timeliness** | | | | | | | | | | | | |
| OR-2-04-2200 | % On Time LSR Reject No Facility Check | | 100 | | 100 | | 100 | | 100 | | 100 | 4 |
| OR-2-06-2200 | % On Time LSR/ASR Reject Facility Check | | 100 | | 100 | | NA | | NA | | NA | 1,2 |
| **POTS - Provisioning - Total** | | | | | | | | | | | | |
| **PR-4 - Missed Appointments** | | | | | | | | | | | | |
| PR-4-02-2100 | Average Delay Days – Total | 2.19 | 1.56 | 3.08 | 9 | 4.04 | 2.55 | 2.37 | 3.67 | 2.26 | 1.63 | 2,4,5 |
| PR-4-04-2100 | % Missed Appointment – Verizon – Dispatch | 8.53 | 5.59 | 5.5 | 4.21 | 14.74 | 9.35 | 7.77 | 3.13 | 7.99 | 6.4 | |
| PR-4-05-2100 | % Missed Appointment – Verizon – No Dispatch | 0.04 | 0.15 | 0.03 | 0 | 0.06 | 0.12 | 0.03 | 0 | 0 | 0 | |
| **PR-6 - Installation Quality** | | | | | | | | | | | | |
| PR-6-01-2100 | % Installation Troubles reported within 30 Days | 2.37 | 1.29 | 2.08 | 1.31 | 2.48 | 1.61 | 2.13 | 1.36 | 2.28 | 1.24 | |
| PR-6-03-2100 | % Inst. Troubles reported w/ in 30 Days - FOK/TOK/CPE | 2.02 | 0.64 | | 0.91 | | 0.89 | | 1.1 | | 1.06 | |
| **PR-8 - Open Orders in a Hold Status** | | | | | | | | | | | | |
| PR-8-01-2100 | Open Orders in a Hold Status > 30 Days | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| PR-8-02-2100 | Open Orders in a Hold Status > 90 Days | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| **2-Wire Digital Services** | | | | | | | | | | | | |
| **PR-4 - Missed Appointments** | | | | | | | | | | | | |
| PR-4-02-2341 | Average Delay Days – Total | NA | NA | 1 | NA | 7 | NA | NA | NA | 32 | NA | |
| PR-4-04-2341 | % Missed Appointment – Verizon – Dispatch | 0 | 0 | 1.89 | 0 | 5.88 | 0 | 0 | 0 | 7.14 | 0 | 1,2,3,4,5 |
| PR-4-05-2341 | % Missed Appointment – Verizon – No Dispatch | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1,3,4,5 |
| **PR-6 - Installation Quality** | | | | | | | | | | | | |

| Metric Number | Metric Name | November | | December | | January | | February | | March | | Notes |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | |
| PR-6-01-2341 | % Install. Troubles Reported within 30 Days | 0.74 | 0 | 0 | 0 | 1.42 | 12.5 | 0.74 | 0 | 1.1 | 0 | 3,5 |
| PR-6-03-2341 | % Install. Troubles Reported w/in 30 Days - FOK/TOK/CPE | 1.48 | 16.67 | | 0 | | 0 | | 0 | | 12.5 | 3,5 |
| **PR-8 - Open Orders in a Hold Status** | | | | | | | | | | | | |
| PR-8-01-2341 | Open Orders in a Hold Status > 30 Days | 0 | 0 | 0 | 0 | 0 | 0 | 2.78 | 0 | 0 | 0 | 1,3,4,5 |
| PR-8-02-2341 | Open Orders in a Hold Status > 90 Days | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1,3,4,5 |
| **Special Services - Provisioning** | | | | | | | | | | | | |
| **PR-4 - Missed Appointments** | | | | | | | | | | | | |
| PR-4-01-2210 | % Missed Appointment – Verizon – DS0 | 0 | 0 | 0 | NA | 0 | 0 | 8.7 | 0 | 6.25 | 0 | 1,3,4,5 |
| PR-4-01-2211 | % Missed Appointment – Verizon – DS1 | 7.14 | 0 | 0 | NA | 0 | NA | 16.67 | 0 | 5.88 | NA | 1,4 |
| PR-4-01-2213 | % Missed Appointment – Verizon – DS3 | NA | NA | 0 | NA | NA | NA | 0 | NA | NA | NA | |
| PR-4-01-2214 | % Missed Appointment – Verizon – Special Other | 0 | 0 | 0 | 0 | 6.67 | NA | 0 | 0 | 20 | 0 | 1,2,4,5 |
| PR-4-02-2200 | Average Delay Days – Total | 11 | NA | NA | NA | 9 | NA | 2.33 | NA | 8.43 | NA | |
| **PR-6- Installation Quality** | | | | | | | | | | | | |
| PR-6-01-2200 | % Installation Troubles reported within 30 Days | 0.64 | 0 | 0.7 | 0 | 0.48 | 0 | 0.52 | 0 | 1.9 | 0 | 2,5 |
| PR-6-03-2200 | % Inst. Troubles reported w/ in 30 Days - FOK/TOK/CPE | 0.38 | 1.89 | | 0 | | 0 | | 0 | | 0 | 2,5 |
| **PR-8 - Open Orders in a Hold Status** | | | | | | | | | | | | |
| PR-8-01-2200 | Open Orders in a Hold Status > 30 Days | 0 | 0 | 0 | 0 | 0 | 0 | 2.56 | 0 | 0 | 0 | 1,2,3,4,5 |
| PR-8-02-2200 | Open Orders in a Hold Status > 90 Days | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1,2,3,4,5 |
| **POTS - Maintenance** | | | | | | | | | | | | |
| **MR-2 - Trouble Report Rate** | | | | | | | | | | | | |
| MR-2-02-2100 | Network Trouble Report Rate – Loop | 0.61 | 0.28 | 0.57 | 0.17 | 1.35 | 0.36 | 0.63 | 0.22 | 0.8 | 0.23 | |
| MR-2-03-2100 | Network Trouble Report Rate – Central Office | 0.06 | 0.04 | 0.03 | 0.03 | 0.05 | 0.07 | 0.04 | 0.04 | 0.04 | 0.03 | |

| Metric Number | Metric Name | November | | December | | January | | February | | March | | Notes |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | |
| MR-2-04-2100 | % Subsequent Reports | 15.06 | 9.79 | | 9.89 | | 9.09 | | 5.88 | | 6.78 | |
| MR-2-05-2100 | % CPE/TOK/FOK Trouble Report Rate | 0.49 | 0.24 | | 0.15 | | 0.26 | | 0.25 | | 0.2 | |
| **MR-3 - Missed Repair Appointments** | | | | | | | | | | | | |
| MR-3-01-2110 | % Missed Repair Appointment – Loop Bus. | 17 | 18.09 | 11.73 | 8.62 | 18.92 | 12.5 | 9.09 | 8.43 | 8.29 | 13.16 | |
| MR-3-01-2120 | % Missed Repair Appointment – Loop Res. | 12.34 | 0 | 9.48 | 0 | 26.55 | 28.13 | 10.42 | 0 | 12.84 | 5 | |
| MR-3-02-2110 | % Missed Repair Appointment – Central Office Bus. | 5.1 | 21.43 | 3.85 | 7.69 | 11.57 | 3.7 | 3.85 | 12.5 | 3.13 | 7.14 | |
| MR-3-02-2120 | % Missed Repair Appointment – Central Office Res. | 4.68 | 0 | 10.26 | NA | 6.28 | 0 | 4.74 | 0 | 4.93 | NA | 1,3,4 |
| MR-3-03-2100 | % CPE/TOK/FOK - Missed Appointment | 9.49 | 10.53 | | 3.23 | | 7.27 | | 4.76 | | 5.88 | |
| **MR-4 - Trouble Duration Intervals** | | | | | | | | | | | | |
| MR-4-01-2100 | Mean Time To Repair – Total | 18.72 | 11.91 | 15.99 | 8.4 | 24.08 | 14.9 | 14.49 | 10.11 | 15.93 | 11.27 | |
| MR-4-02-2110 | Mean Time To Repair – Loop Trouble - Bus. | 11.55 | 12.99 | 8.74 | 8.63 | 15.47 | 14.54 | 8.69 | 10.54 | 10.18 | 11.91 | |
| MR-4-02-2120 | Mean Time To Repair – Loop Trouble - Res. | 21.07 | 13.89 | 17.37 | 12.87 | 25.74 | 23.85 | 15.96 | 13.73 | 17.35 | 15.53 | |
| MR-4-03-2110 | Mean Time To Repair – Central Office Trouble - Bus. | 6.69 | 4.41 | 3.68 | 3.64 | 6.99 | 6.42 | 2.82 | 5.82 | 5.25 | 1.67 | |
| MR-4-03-2120 | Mean Time To Repair – Central Office Trouble - Res. | 7.75 | 1.51 | 7.61 | NA | 7.68 | 0.51 | 5.83 | 0.42 | 4.6 | NA | 1,3,4 |
| MR-4-04-2100 | % Cleared (all troubles) within 24 Hours | 73.19 | 88.37 | 78.71 | 95.12 | 59.45 | 84.44 | 82.13 | 94.64 | 80.41 | 90.91 | |
| MR-4-06-2100 | % Out of Service > 4 Hours | 79.78 | 64.42 | 78.67 | 51.47 | 85.74 | 68.99 | 77.34 | 65.06 | 78.59 | 61.33 | |
| MR-4-07-2100 | % Out of Service > 12 Hours | 56.86 | 43.27 | 53.39 | 27.94 | 66.15 | 41.86 | 50.75 | 38.55 | 52.49 | 34.67 | |
| MR-4-08-2110 | % Out of Service > 24 Hours - Bus. | 7.58 | 12.64 | 3.96 | 3.39 | 19.24 | 10.89 | 4.02 | 4.05 | 4.91 | 1.75 | |
| MR-4-08-2120 | % Out of Service > 24 Hours - Res. | 30.7 | 5.88 | 24.84 | 22.22 | 42.94 | 32.14 | 20.26 | 11.11 | 20.94 | 22.22 | |
| **MR-5 - Repeat Trouble Reports** | | | | | | | | | | | | |
| MR-5-01-2100 | % Repeat Reports within 30 Days | 11.84 | 8.53 | 12.12 | 6.1 | 10.35 | 8.33 | 13.69 | 3.57 | 12.15 | 8.18 | |
| **2-Wire Digital Services - Maintenance** | | | | | | | | | | | | |

| Metric Number | Metric Name | November | | December | | January | | February | | March | | Notes |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | |
| **MR-2 - Trouble Report Rate** | | | | | | | | | | | | |
| MR-2-02-2341 | Network Trouble Report Rate – Loop | 0.25 | 0 | 0.24 | 0.51 | 0.4 | 1 | 0.24 | 0.5 | 0.36 | 0.98 | |
| MR-2-03-2341 | Network Trouble Report Rate – Central Office | 0.08 | 0.49 | 0.12 | 0 | 0.2 | 0.5 | 0.36 | 0 | 0.16 | 0.98 | |
| MR-2-04-2341 | % Subsequent Reports | 33.33 | 50 | | 0 | | 0 | | 0 | | 0 | 1,2,3,4,5 |
| MR-2-05-2341 | % CPE/TOK/FOK Trouble Report Rate | 0.87 | 0.98 | | 1.01 | | 6 | | 5.45 | | 1.96 | |
| **MR-3 - Missed Repair Appointments** | | | | | | | | | | | | |
| MR-3-01-2341 | % Missed Repair Appointment – Loop | 33.33 | NA | 50 | 0 | 50 | 0 | 66.67 | 0 | 33.33 | 0 | 2,3,4,5 |
| MR-3-02-2341 | % Missed Repair Appointment – Central Office | 50 | 0 | 33.33 | NA | 60 | 0 | 55.56 | NA | 25 | 0 | 1,3,5 |
| MR-3-03-2341 | % CPE/TOK/FOK - Missed Appointment | 23.81 | 0 | | 0 | | 8.33 | | 0 | | 0 | 1,2,5 |
| **MR-4 - Trouble Duration Intervals** | | | | | | | | | | | | |
| MR-4-01-2341 | Mean Time To Repair – Total | 14.35 | 4.17 | 14.69 | 23.7 | 21.54 | 10.15 | 27.87 | 2.27 | 12.16 | 10.89 | 1,2,3,4,5 |
| MR-4-02-2341 | Mean Time To Repair – Loop Trouble | 11.07 | NA | 16.51 | 23.7 | 19.77 | 14.76 | 18.27 | 2.27 | 15.33 | 18.94 | 2,3,4,5 |
| MR-4-03-2341 | Mean Time To Repair – Central Office Trouble | 24.19 | 4.17 | 11.05 | NA | 25.09 | 0.93 | 34.27 | NA | 5.02 | 2.84 | 1,3,5 |
| MR-4-04-2341 | % Cleared (all troubles) within 24 Hours | 75 | 100 | 66.67 | 100 | 66.67 | 100 | 53.33 | 100 | 92.31 | 100 | 1,2,3,4,5 |
| MR-4-07-2341 | % Out of Service > 12 Hours | 0 | NA | 25 | NA | 62.5 | 0 | 55.56 | 0 | 33.33 | 100 | 3,4,5 |
| MR-4-08-2341 | % Out of Service > 24 Hours | 0 | NA | 0 | NA | 37.5 | 0 | 33.33 | 0 | 0 | 0 | 3,4,5 |
| **MR-5 - Repeat Trouble Reports** | | | | | | | | | | | | |
| MR-5-01-2341 | % Repeat Reports within 30 Days | 37.5 | 0 | 33.33 | 0 | 26.67 | 33.33 | 6.67 | 0 | 15.38 | 50 | 1,2,3,4,5 |
| **Special Services - Maintenance** | | | | | | | | | | | | |
| **MR-2 - Trouble Report Rate** | | | | | | | | | | | | |
| MR-2-01-2200 | Network Trouble Report Rate | 0.11 | 0.04 | 0.08 | 0.04 | 0.12 | 0.08 | 0.09 | 0.11 | 0.12 | 0.11 | |
| MR-2-05-2200 | % CPE/TOK/FOK Trouble Report Rate | 0.21 | 0.36 | | 0.24 | | 0.12 | | 0.04 | | 0.27 | |

| Metric Number | Metric Name | November | | December | | January | | February | | March | | Notes |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | |
| **MR-4 - Trouble Duration Intervals** | | | | | | | | | | | | |
| MR-4-01-2216 | Mean Time To Repair – Total - Non DS0 & DS0 | 3.32 | 2.27 | 4.61 | 0.13 | 3.77 | 5.4 | 9.77 | 1.25 | 4.27 | 4.16 | 1,2,3,4,5 |
| MR-4-01-2217 | Mean Time To Repair – Total - DS1 & DS3 | 3.26 | NA | 3.87 | NA | 5.73 | NA | 4.71 | 4.54 | 6.37 | 3.5 | 4,5 |
| MR-4-04-2216 | % Cleared (all troubles) within 24 Hours - Non DS0 & DS0 | 100 | 100 | 97.62 | 100 | 100 | 100 | 89.13 | 100 | 98.59 | 100 | 1,2,3,4,5 |
| MR-4-04-2217 | % Cleared (all troubles) within 24 Hours - DS1 & DS3 | 100 | NA | 100 | NA | 100 | NA | 100 | 100 | 96.15 | 100 | 4,5 |
| MR-4-06-2216 | % Out of Service > 4 Hours - Non DS0 & DS0 | 28.57 | NA | 45.24 | 0 | 39.66 | 50 | 41.3 | 0 | 40.85 | 50 | 2,3,4,5 |
| MR-4-06-2217 | % Out of Service > 4 Hours - DS1 & DS3 | 34.78 | NA | 37.5 | NA | 51.61 | NA | 54.17 | 50 | 38.46 | 0 | 4,5 |
| MR-4-08-2216 | % Out of Service > 24 Hours - Non DS0 & DS0 | 0 | NA | 2.38 | 0 | 0 | 0 | 10.87 | 0 | 1.41 | 0 | 2,3,4,5 |
| MR-4-08-2217 | % Out of Service > 24 Hours - DS1 & DS3 | 0 | NA | 0 | NA | 0 | NA | 0 | 0 | 3.85 | 0 | 4,5 |
| **MR-5 - Repeat Trouble Reports** | | | | | | | | | | | | |
| MR-5-01-2200 | % Repeat Reports within 30 Days | 14.94 | 0 | 27.27 | 0 | 15.73 | 0 | 24.29 | 0 | 13.4 | 33.33 | 1,2,3,4,5 |
| ***UNBUNDLED NETWORK ELEMENTS (UNEs)*** | | | | | | | | | | | | |
| **Platform** | | | | | | | | | | | | |
| **OR-1 - Order Confirmation Timeliness** | | | | | | | | | | | | |
| OR-1-02-3143 | % On Time LSRC – Flow Through | | 100 | | 100 | | 100 | | 100 | | 99.87 | |
| OR-1-04-3143 | % On Time LSRC No Facility Check | | 100 | | 100 | | 100 | | 100 | | 100 | |
| OR-1-06-3143 | % On Time LSRC/ASRC Facility Check | | 100 | | 100 | | 100 | | 100 | | 100 | 1,2,3,4 |
| **OR-2 - Reject Timeliness** | | | | | | | | | | | | |
| OR-2-02-3143 | % On Time LSR Reject – Flow Through | | 100 | | 100 | | 100 | | 100 | | 100 | |
| OR-2-04-3143 | % On Time LSR Reject No Facility Check | | 100 | | 100 | | 100 | | 100 | | 100 | |

| Metric Number | Metric Name | November | | December | | January | | February | | March | | Notes |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | |
| OR-2-06-3143 | % On Time LSR/ASR Reject Facility Check | | 100 | | 100 | | 100 | | NA | | NA | 1,2,3 |
| **OR-6 - Order Accuracy** | | | | | | | | | | | | |
| OR-6-01-3143 | % Accuracy - Orders | | 90.28 | | 100 | | UR | | UR | | 99.75 | 2 |
| OR-6-03-3143 | % Accuracy – LSRC | | 3.03 | | 0 | | 0 | | 0 | | 0 | |
| **OR-7 - Order Completeness** | | | | | | | | | | | | |
| OR-7-01-3143 | % Order Confirmation/Rejects sent within 3 Business Days | | 100 | | 100 | | 100 | | 100 | | 99.86 | |
| **Loop/Pre-qualified Complex/LNP** | | | | | | | | | | | | |
| **OR-1 - Order Confirmation Timeliness** | | | | | | | | | | | | |
| OR-1-02-3331 | % On Time LSRC – Flow Through | | 100 | | 100 | | 100 | | 100 | | 100 | |
| OR-1-04-3331 | % On Time LSRC No Facility Check | | 98.57 | | 99.25 | | 100 | | 100 | | 99.73 | |
| OR-1-06-3331 | % On Time LSRC/ASRC Facility Check | | 100 | | 97.92 | | 96.08 | | 98.67 | | 100 | |
| **OR-2 - Reject Timeliness** | | | | | | | | | | | | |
| OR-2-02-3331 | % On Time LSR Reject – Flow Through | | 100 | | 100 | | 100 | | 100 | | 100 | |
| OR-2-04-3331 | % On Time LSR Reject No Facility Check | | 100 | | 100 | | 100 | | 100 | | 100 | |
| OR-2-06-3331 | % On Time LSR/ASR Reject Facility Check | | 100 | | 100 | | 100 | | 100 | | 100 | |
| **OR-6 - Order Accuracy** | | | | | | | | | | | | |
| OR-6-01-3331 | % Accuracy - Orders | | 95.47 | | 99.27 | | 98.37 | | 98.21 | | 99.01 | |
| OR-6-03-3331 | % Accuracy – LSRC | | 1.59 | | 0.85 | | 1.02 | | 0.16 | | 0.28 | |
| **OR-7 - Order Completeness** | | | | | | | | | | | | |
| OR-7-01-3331 | % Order Confirmation/Rejects sent within 3 Business Days | | 99.49 | | 99.73 | | 99.64 | | 99.67 | | 99.93 | |
| **2 Wire Digital Services** | | | | | | | | | | | | |
| **OR-1 - Order Confirmation Timeliness - Requiring Loop Qualification** | | | | | | | | | | | | |
| OR-1-04-3341 | % On Time LSRC No Facility Check | | 100 | | 75 | | 100 | | 100 | | NA | 1,2,3,4 |
| OR-1-06-3341 | % On Time LSRC/ASRC Facility Check | | NA | | NA | | NA | | NA | | NA | |

| Metric Number | Metric Name | November | | December | | January | | February | | March | | Notes |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | |
| **OR-2 - Reject Timeliness - Requiring Loop Qualification** | | | | | | | | | | | | |
| OR-2-04-3341 | % On Time LSR Reject No Facility Check | | 100 | | 100 | | NA | | NA | | 100 | 1,5 |
| 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 Qualification** | | | | | | | | | | | | |
| OR-1-04-3342 | % On Time LSRC No Facility Check | | 88.89 | | 100 | | 100 | | 95.24 | | 95.45 | |
| OR-1-06-3342 | % On Time LSRC/ASRC - Facility Check | | NA | | NA | | NA | | NA | | NA | |
| **OR-2 - Reject Timeliness - Requiring Loop Qualification** | | | | | | | | | | | | |
| OR-2-04-3342 | % On Time LSR Reject No Facility Check | | 100 | | 100 | | 100 | | 100 | | 100 | 1,2,3,4,5 |
| 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 Qualification** | | | | | | | | | | | | |
| OR-1-04-3340 | % On Time LSRC No Facility Check | | 100 | | 100 | | 100 | | 100 | | 100 | |
| OR-1-06-3340 | % On Time LSRC/ASRC - Facility Check | | NA | | NA | | NA | | NA | | NA | |
| **OR-2 - Reject Timeliness - Requiring Loop Qualification** | | | | | | | | | | | | |
| OR-2-04-3340 | % On Time LSR Reject No Facility Check | | 100 | | NA | | 100 | | 100 | | 100 | 1,3,5 |
| OR-2-06-3340 | % On Time LSR/ASR Reject Facility Check | | NA | | NA | | NA | | NA | | NA | |
| **2 Wire xDSL Line Sharing** | | | | | | | | | | | | |
| **OR-1 - Order Confirmation Timeliness - Requiring Loop Qualification** | | | | | | | | | | | | |
| OR-1-04-3343 | % On Time LSRC/ASRC- No Facility Check | | | | | | | | | | | |

| Metric Number | Metric Name | November | | December | | January | | February | | March | | Notes |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | |
| OR-1-06-3343 | % On Time LSRC/ASRC - Facility Check | | | | | | | | | | | |
| **OR-2 - Reject Timeliness - Requiring Loop Qualification** | | | | | | | | | | | | |
| OR-2-04-3343 | % On Time LSR/ASR Reject- No Facility Check | | | | | | | | | | | |
| OR-2-06-3343 | % On Time LSR/ASR Reject Facility Check | | | | | | | | | | | |
| **POTS / Special Services - Aggregate** | | | | | | | | | | | | |
| **OR-3 - Percent Rejects** | | | | | | | | | | | | |
| OR-3-01-3000 | % Rejects (ASRs + LSRs) | | 34.22 | | 32.18 | | 29.74 | | 24.91 | | 16.04 | |
| **OR-4 - Timeliness of Completion Notification** | | | | | | | | | | | | |
| OR-4-16-3000 | % Provisioning Completion Notifiers sent within one (1) Business Day | | UD | | UD | | UD | | UD | | 99.25 | |
| OR-4-17-3000 | % Billing Completion Notifier sent within two (2) Business Days | | UD | | UD | | UD | | UD | | 97.76 | |
| **OR-5 - Percent Flow-Through** | | | | | | | | | | | | |
| OR-5-01-3000 | % Flow Through - Total | | 41.56 | | 43.5 | | 40.44 | | 50.27 | | 55.88 | |
| OR-5-03-3000 | % Flow Through Achieved | | 90.34 | | 85.56 | | 78.39 | | 89.03 | | 70.57 | |
| **Special Services - Electronically Submitted** | | | | | | | | | | | | |
| **OR-1 - Order Confirmation Timeliness (ASRs + LSRs)** | | | | | | | | | | | | |
| OR-1-04-3210 | % On Time LSRC No Facility Check DS0 | | NA | | NA | | NA | | NA | | NA | |
| OR-1-04-3211 | % On Time LSRC No Facility Check DS1 | | NA | | NA | | NA | | | | | |
| OR-1-04-3213 | % On Time LSRC No Facility Check DS3 | | NA | | NA | | NA | | | | | |
| OR-1-04-3214 | % On Time LSRC No Facility Check (Non DS0, Non DS1, & Non DS3) | | 98.97 | | 100 | | 99.16 | | | | | |
| OR-1-06-3210 | % On Time LSRC/ASRC Facility Check DS0 | | NA | | NA | | NA | | NA | | NA | |

| Metric Number | Metric Name | November | | December | | January | | February | | March | | Notes |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | |
| OR-1-06-3211 | % On Time LSRC/ASRC Facility Check DS1 | | 100 | | 87.5 | | 85.71 | | 100 | | 100 | |
| OR-1-06-3213 | % On Time LSRC/ASRC Facility Check DS3 | | NA | | 100 | | 100 | | 100 | | 100 | 2,3,4,5 |
| OR-1-06-3214 | % On Time LSRC/ASRC Facility Check (Non DS0, Non DS1 & Non DS3) | | 100 | | 100 | | 100 | | NA | | NA | |
| **OR-2 - Reject Timeliness (ASRs + LSRs)** | | | | | | | | | | | | |
| OR-2-04-3200 | % On Time LSR Reject No Facility Check | | 100 | | 100 | | 100 | | NA | | 100 | 5 |
| OR-2-06-3200 | % On Time LSR/ASR Reject Facility Check | | 100 | | 95.24 | | 92.86 | | 100 | | 100 | |
| **Special Services - FAX/MAIL Submitted** | | | | | | | | | | | | |
| **OR-1 - Order Confirmation Timeliness** | | | | | | | | | | | | |
| OR-1-08-3210 | % On Time ASRC No Facility Check DS0 | | NA | | NA | | NA | | NA | | NA | |
| OR-1-10-3211 | % On Time ASRC Facility Check DS1 | | NA | | NA | | 100 | | NA | | NA | 3 |
| 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, Non DS1 & Non 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 | | 100 | | NA | | NA | 3 |
| **UNE (Provisioning) - POTS/Special Services** | | | | | | | | | | | | |
| **POTS - Provisioning** | | | | | | | | | | | | |
| **PR-4 - Missed Appointments** | | | | | | | | | | | | |
| PR-4-02-3100 | Average Delay Days – Total | 2.19 | NA | 3.08 | NA | 4.04 | 2 | 2.37 | 1 | 2.26 | 1.67 | 3,4,5 |
| PR-4-04-3113 | % Missed Appt. – Verizon – Dispatch - Loop New | 8.53 | 0 | 5.5 | 0 | 14.74 | 0 | 7.77 | 1.47 | 7.99 | 0 | |

| Metric Number | Metric Name | November | | December | | January | | February | | March | | Notes |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | |
| PR-4-04-3140 | % Missed Appt. – Verizon – Dispatch - Platform | 8.53 | 0 | 5.5 | 0 | 14.74 | 25 | 7.77 | 0 | 7.99 | 33.33 | 1,2,3,4 |
| PR-4-05-3140 | % Missed Appt. – Verizon – No Dispatch - Platform | 0.04 | 0 | 0.03 | 0 | 0.06 | 0 | 0.03 | 0 | 0 | 0 | |
| **PR-6 - Installation Quality** | | | | | | | | | | | | |
| PR-6-01-3112 | % Installation Troubles reported within 30 Days - Loop | 2.37 | 1.84 | 2.08 | 1.4 | 2.48 | 0.81 | 2.13 | 1.67 | 2.28 | 1.01 | |
| PR-6-01-3121 | % Installation Troubles reported within 30 Days - Platform | 2.37 | 2.59 | 2.08 | 0.99 | 2.48 | 0.46 | 2.13 | 0.33 | 2.28 | 0.19 | |
| PR-6-02-3520 | % Installation Troubles reported within 7 Days - Hot Cut Loop | | 0.25 | | 0.28 | | 0 | | 0.19 | | 0.22 | |
| PR-6-03-3112 | % Installation Troubles reported within 30 Days - FOK/TOK/CPE – Loop | 2.02 | 1.34 | | 1.05 | | 0.97 | | 1.95 | | 1.45 | |
| PR-6-03-3121 | % Installation Troubles reported within 30 Days - FOK/TOK/CPE – Platform | 2.02 | 0.52 | | 1.98 | | 0.46 | | 0 | | 0.05 | |
| **PR-8 - Open Orders in a Hold Status** | | | | | | | | | | | | |
| PR-8-01-3100 | Open Orders in a Hold Status > 30 Days | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| PR-8-02-3100 | Open Orders in a Hold Status > 90 Days | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| **PR-9 - Hot Cuts Loops** | | | | | | | | | | | | |
| PR-9-01-3520 | % On Time Performance – Hot Cut | | 99.22 | | 100 | | 99.22 | | 100 | | 100 | |
| PR-9-08-3520 | Average Duration of Service Interruption | | 1.53 | | 19.6 | | NA | | NA | | NA | 1,2 |
| **POTS & Complex Aggregate** | | | | | | | | | | | | |
| **2-Wire Digital Services** | | | | | | | | | | | | |
| **PR-4 - Missed Appointments** | | | | | | | | | | | | |
| PR-4-02-3341 | Average Delay Days – Total | NA | NA | 1 | 2 | 7 | NA | NA | 2 | 32 | NA | 2,4 |
| PR-4-04-3341 | % Missed Appointment – Verizon – Dispatch | 0 | 0 | 1.89 | 14.29 | 5.88 | 0 | 0 | 7.69 | 7.14 | 0 | 2,3 |
| PR-4-05-3341 | % Missed Appointment – Verizon – No Dispatch | 0 | 0 | 0 | NA | 0 | NA | 0 | NA | 0 | NA | 1 |
| **PR-6 - Installation Quality** | | | | | | | | | | | | |

| Metric Number | Metric Name | November | | December | | January | | February | | March | | Notes |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | |
| PR-6-01-3341 | % Install. Troubles Reported within 30 Days | 3.52 | 14.29 | 3.09 | 37.5 | 3.89 | 25 | 3.49 | 0 | 3.11 | 12.5 | 2,3 |
| PR-6-03-3341 | % Install. Troubles Reported within 30 Days - FOK/TOK/CPE | 1.48 | 21.43 | | 0 | | 25 | | 7.69 | | 12.5 | 2,3 |
| **PR-8 - Open Orders in a Hold Status** | | | | | | | | | | | | |
| PR-8-01-3341 | Open Orders in a Hold Status > 30 Days | 0 | 0 | 0 | 0 | 0 | 0 | 2.78 | 0 | 0 | 0 | 2,3 |
| PR-8-02-3341 | Open Orders in a Hold Status > 90 Days | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2,3 |
| **2-Wire xDSL Loops** | | | | | | | | | | | | |
| **PR-4 - Missed Appointments** | | | | | | | | | | | | |
| PR-4-02-3342 | Average Delay Days – Total | NA | NA | NA | NA | NA | NA | 2.5 | NA | 6.25 | 16 | 5 |
| PR-4-04-3342 | % Missed Appointment – Verizon – Dispatch | | 0 | | 0 | | 0 | | 0 | | 2.63 | |
| PR-4-14-3342 | % Completed On Time (with Serial Number) | | 93.75 | | 100 | | 100 | | 100 | | 100 | |
| **PR-6 - Installation Quality** | | | | | | | | | | | | |
| PR-6-01-3342 | % Install. Troubles Reported within 30 Days | 3.52 | 4 | 3.09 | 13.79 | 3.89 | 11.36 | 3.49 | 2.22 | 3.11 | 5 | |
| PR-6-03-3342 | % Install. Troubles Reported within 30 Days - FOK/TOK/CPE | 2.1 | 4 | | 3.45 | | 4.55 | | 6.67 | | 12.5 | |
| **PR-8 - Open Orders in a Hold Status** | | | | | | | | | | | | |
| PR-8-01-3342 | Open Orders in a Hold Status > 30 Days | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| PR-8-02-3342 | Open Orders in a Hold Status > 90 Days | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| **2-Wire xDSL Line Sharing** | | | | | | | | | | | | |
| **PR-4 - Missed Appointments** | | | | | | | | | | | | |
| PR-4-02-3343 | Average Delay Days – Total | 1.78 | 1.5 | 1.33 | 1 | 5.1 | 4 | 1.22 | 7 | 1.5 | 2 | 1,2,3,4,5 |
| PR-4-04-3343 | % Missed Appointment – Verizon – Dispatch | 14.29 | 20 | 0 | 0 | 12.5 | 12.5 | 19.05 | 0 | 6.67 | 14.29 | 1,2,3,4,5 |
| PR-4-05-3343 | % Missed Appointment – Verizon – No Dispatch | 1.72 | 1.47 | 2.73 | 1.05 | 1.29 | 0.67 | 0.8 | 1.28 | 0.16 | 0 | |

| Metric Number | Metric Name | November | | December | | January | | February | | March | | Notes |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | |
| **PR-6 - Installation Quality** | | | | | | | | | | | | |
| PR-6-01-3343 | % Install. Troubles Reported within 30 Days | 0.56 | 1.37 | 0.31 | 0 | 0.18 | 0 | 0.16 | 0 | 0.3 | 1.22 | |
| PR-6-03-3343 | % Install. Troubles Reported within 30 Days - FOK/TOK/CPE | 2.36 | 1.37 | | 0.99 | | 3.21 | | 1.2 | | 7.32 | |
| **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** | | | | | | | | | | | | |
| **PR-4 - Missed Appointments** | | | | | | | | | | | | |
| PR-4-02-3345 | Average Delay Days – Total | 1.78 | NA | 1.33 | NA | 5.1 | NA | 1.22 | NA | 1.5 | NA | |
| PR-4-04-3345 | % Missed Appointment – Verizon – Dispatch | 14.29 | NA | 0 | NA | 12.5 | NA | 19.05 | NA | 6.67 | NA | |
| PR-4-05-3345 | % Missed Appointment – Verizon – No Dispatch | 1.72 | NA | 2.73 | NA | 1.29 | NA | 0.8 | NA | 0.16 | NA | |
| **PR-6 - Installation Quality** | | | | | | | | | | | | |
| PR-6-01-3345 | % Install. Troubles Reported within 30 Days | 0.56 | NA | 0.31 | NA | 0.18 | NA | 0.16 | NA | 0.3 | NA | |
| PR-6-03-3345 | % Install. Troubles Reported within 30 Days - FOK/TOK/CPE | 2.36 | NA | | NA | | NA | | NA | | NA | |
| **PR-8 - Open Orders in a Hold Status** | | | | | | | | | | | | |
| PR-8-01-3345 | Open Orders in a Hold Status > 30 Days | 0 | NA | 0 | NA | 0 | NA | 0 | NA | 0 | NA | |
| PR-8-02-3345 | Open Orders in a Hold Status > 90 Days | 0 | NA | 0 | NA | 0 | NA | 0 | NA | 0 | NA | |
| **Special Services - Provisioning** | | | | | | | | | | | | |
| **PR-4 - Missed Appointments** | | | | | | | | | | | | |
| PR-4-01-3210 | % Missed Appointment – Verizon – DS0 | 0 | 0 | 0 | NA | 0 | NA | 8.7 | NA | 6.25 | NA | 1 |
| PR-4-01-3211 | % Missed Appointment – Verizon – DS1 | 7.14 | 0 | 0 | 0 | 0 | 4.76 | 16.67 | 0 | 5.88 | 0 | 1,4 |
| PR-4-01-3213 | % Missed Appointment – Verizon – DS3 | NA | NA | 0 | NA | NA | NA | 0 | NA | NA | NA | |

| Metric Number | Metric Name | November | | December | | January | | February | | March | | Notes |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | |
| PR-4-01-3214 | % Missed Appointment – Verizon – Special Other | 0 | NA | 0 | NA | 6.67 | NA | 0 | NA | 20 | NA | |
| PR-4-01-3510 | % Missed Appointment – Verizon – Total - EEL | 7.14 | NA | 0 | NA | 0 | NA | 16.67 | NA | 5.88 | 0 | 5 |
| PR-4-01-3530 | % Missed Appointment – Verizon – Total- IOF | NA | 12.5 | 0 | 0 | NA | 0 | 0 | NA | NA | 0 | 1,2,3 |
| PR-4-02-3200 | Average Delay Days – Total | 11 | NA | NA | NA | 9 | 12 | 2.33 | NA | 8.43 | NA | 3 |
| PR-4-02-3510 | Average Delay Days – Total - EEL | 11 | NA | NA | NA | NA | NA | 2 | NA | 1 | NA | |
| PR-4-02-3530 | Average Delay Days – Total - IOF | NA | 10 | NA | NA | NA | NA | NA | NA | NA | NA | 1 |
| **PR-6 - Installation Quality** | | | | | | | | | | | | |
| PR-6-01-3200 | % Installation Troubles reported within 30 Days | 0.64 | 5.88 | 0.7 | 14.81 | 0.48 | 13.79 | 0.52 | 20 | 1.9 | 5.56 | 4 |
| PR-6-03-3200 | % Inst. Troubles reported w/ in 30 Days - FOK/TOK/CPE | 0.38 | 0 | | 0 | | 0 | | 20 | | 0 | 4 |
| **PR-8 - Open Orders in a Hold Status** | | | | | | | | | | | | |
| PR-8-01-3200 | Open Orders in a Hold Status > 30 Days | 0 | 0 | 0 | 0 | 0 | 0 | 2.56 | 0 | 0 | 0 | 4 |
| PR-8-02-3200 | Open Orders in a Hold Status > 90 Days | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 4 |
| **UNE (Maintenance) - POTS/Special Services** | | | | | | | | | | | | |
| **Maintenance - POTS Loop** | | | | | | | | | | | | |
| **MR-2 - Trouble Report Rate** | | | | | | | | | | | | |
| MR-2-02-3550 | Network Trouble Report Rate – Loop | 0.61 | 0.45 | 0.57 | 0.25 | 1.35 | 0.32 | 0.63 | 0.38 | 0.8 | 0.4 | |
| MR-2-03-3550 | Network Trouble Report Rate – Central Office | 0.06 | 0.04 | 0.03 | 0 | 0.05 | 0.01 | 0.04 | 0.05 | 0.04 | 0.02 | |
| **MR-3 - Missed Repair Appointments** | | | | | | | | | | | | |
| MR-3-01-3550 | % Missed Repair Appointment – Loop | 13.01 | 1.96 | 9.68 | 6.9 | 25.75 | 13.16 | 10.22 | 4.26 | 12.32 | 11.76 | |
| MR-3-02-3550 | % Missed Repair Appointment – Central Office | 4.77 | 20 | 8.61 | NA | 8.14 | 0 | 4.51 | 16.67 | 4.51 | 0 | 1,3,4,5 |
| **MR-4 - Trouble Duration Intervals** | | | | | | | | | | | | |
| MR-4-01-3550 | Mean Time To Repair – Total | 18.72 | 10.18 | 15.99 | 14.19 | 24.08 | 13.65 | 14.49 | 14.81 | 15.93 | 16.79 | |

| Metric Number | Metric Name | November | | December | | January | | February | | March | | Notes |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | |
| MR-4-02-3550 | Mean Time To Repair – Loop Trouble | 19.78 | 9.94 | 16.51 | 14.19 | 24.74 | 13.38 | 15.05 | 15.08 | 16.56 | 17.58 | |
| MR-4-03-3550 | Mean Time To Repair – Central Office Trouble | 7.5 | 12.62 | 6.63 | NA | 7.44 | 23.88 | 5.18 | 12.71 | 4.74 | 3.4 | 1,3,4,5 |
| MR-4-07-3550 | % Out of Service > 12 Hours | 56.86 | 33.33 | 53.39 | 39.13 | 66.15 | 43.33 | 50.75 | 57.58 | 52.49 | 51.43 | |
| MR-4-08-3550 | % Out of Service > 24 Hours | 27.46 | 4.44 | 22.76 | 13.04 | 40.42 | 10 | 18.15 | 9.09 | 19.03 | 20 | |
| **MR-5 - Repeat Trouble Reports** | | | | | | | | | | | | |
| MR-5-01-3550 | % Repeat Reports within 30 Days | 11.84 | 14.29 | 12.12 | 10.34 | 10.35 | 5.13 | 13.69 | 9.43 | 12.15 | 20.37 | |
| **Maintenance - POTS Platform** | | | | | | | | | | | | |
| **MR-2 - Trouble Report Rate** | | | | | | | | | | | | |
| MR-2-02-3140 | Network Trouble Report Rate – Platform | 0.61 | 0.6 | 0.57 | 0.25 | 1.35 | 0.47 | 0.63 | 0.31 | 0.8 | 0.49 | |
| MR-2-03-3140 | Network Trouble Report Rate – Central Office | 0.06 | 0.25 | 0.03 | 0 | 0.05 | 0 | 0.04 | 0.18 | 0.04 | 0.07 | |
| MR-2-04-3140 | % Subsequent Reports | 15.06 | 0 | | 0 | | 33.33 | | 0 | | 0 | 2 |
| MR-2-05-3140 | % CPE/TOK/FOK Trouble Report Rate | 0.49 | 0.35 | | 0.49 | | 0.19 | | 0.45 | | 0.24 | |
| **MR-3 - Missed Repair Appointments** | | | | | | | | | | | | |
| MR-3-01-3144 | % Missed Repair Appointment – Platform Bus. | 17 | 16.67 | 11.73 | 0 | 18.92 | 20 | 9.09 | 0 | 8.29 | 0 | 2,4 |
| MR-3-01-3145 | % Missed Repair Appointment – Platform Res. | 12.34 | NA | 9.48 | NA | 26.55 | NA | 10.42 | NA | 12.84 | NA | |
| MR-3-02-3144 | % Missed Repair Appointment – Central Office Bus. | 5.1 | 0 | 3.85 | NA | 11.57 | NA | 3.85 | 0 | 3.13 | 0 | 1,4,5 |
| MR-3-02-3145 | % Missed Repair Appointment – Central Office Res. | 4.68 | NA | 10.26 | NA | 6.28 | NA | 4.74 | NA | 4.93 | NA | |
| MR-3-03-3140 | % CPE/TOK/FOK - Missed Appointment - Platform | 9.49 | 0 | | 20 | | 0 | | 10 | | 0 | 1,3,5 |
| **MR-4 - Trouble Duration Intervals** | | | | | | | | | | | | |
| MR-4-01-3140 | Mean Time To Repair – Total | 18.72 | 5.45 | 15.99 | 6.71 | 24.08 | 29.66 | 14.49 | 7.12 | 15.93 | 7.96 | 2 |
| MR-4-02-3144 | Mean Time To Repair – Loop Trouble - Platform - Bus. | 11.55 | 5.75 | 8.74 | 6.71 | 15.47 | 29.66 | 8.69 | 9.42 | 10.18 | 9.05 | 2,4 |

| Metric Number | Metric Name | November | | December | | January | | February | | March | | Notes |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | |
| MR-4-02-3145 | Mean Time To Repair – Loop Trouble - Platform - Res. | 21.07 | NA | 17.37 | NA | 25.74 | NA | 15.96 | NA | 17.35 | NA | |
| MR-4-03-3144 | Mean Time To Repair – Central Office Trouble - Bus. | 6.69 | 4.72 | 3.68 | NA | 6.99 | NA | 2.82 | 3.1 | 5.25 | 0.35 | 1,4,5 |
| MR-4-03-3145 | Mean Time To Repair – Central Office Trouble - Res. | 7.75 | NA | 7.61 | NA | 7.68 | NA | 5.83 | NA | 4.6 | NA | |
| MR-4-04-3140 | % Cleared (all troubles) within 24 Hours | 73.19 | 100 | 78.71 | 100 | 59.45 | 60 | 82.13 | 100 | 80.41 | 100 | 2 |
| MR-4-06-3140 | % Out of Service > 4 Hours | 79.78 | 36.36 | 78.67 | 50 | 85.74 | 100 | 77.34 | 33.33 | 78.59 | 66.67 | 2,3 |
| MR-4-07-3140 | % Out of Service > 12 Hours | 56.86 | 9.09 | 53.39 | 25 | 66.15 | 62.5 | 50.75 | 22.22 | 52.49 | 44.44 | 2,3 |
| MR-4-08-3144 | % Out of Service > 24 Hours - Bus. | 7.58 | 0 | 3.96 | 0 | 19.24 | 50 | 4.02 | 0 | 4.91 | 0 | 2,3 |
| MR-4-08-3145 | % Out of Service > 24 Hours - Res. | 30.7 | NA | 24.84 | NA | 42.94 | NA | 20.26 | NA | 20.94 | NA | |
| **MR-5 - Repeat Trouble Reports** | | | | | | | | | | | | |
| MR-5-01-3140 | % Repeat Reports within 30 Days | 11.84 | 11.76 | 12.12 | 60 | 10.35 | 0 | 13.69 | 18.18 | 12.15 | 12.5 | 2 |
| **2-Wire Digital Services - Maintenance** | | | | | | | | | | | | |
| **MR-2 - Trouble Report Rate** | | | | | | | | | | | | |
| MR-2-02-3341 | Network Trouble Report Rate - Loop | 0.61 | 5.13 | 0.57 | 10.87 | 1.34 | 6 | 0.63 | 0 | 0.8 | 3.9 | |
| MR-2-03-3341 | Network Trouble Report Rate - Central Office | 0.06 | 0 | 0.03 | 0 | 0.05 | 4 | 0.04 | 0 | 0.05 | 0 | |
| MR-2-04-3341 | % Subsequent Reports | 15.1 | 50 | | 44.44 | | 16.67 | | NA | | 25 | 1,3,5 |
| **MR-3 - Missed Repair Appointments** | | | | | | | | | | | | |
| MR-3-01-3341 | % Missed Repair Appointment – Loop | 13.04 | 0 | 9.74 | 0 | 25.78 | 0 | 10.3 | NA | 12.36 | 0 | 1,2,3,5 |
| MR-3-02-3341 | % Missed Repair Appointment – Central Office | 5.01 | NA | 8.96 | NA | 8.88 | 0 | 6.32 | NA | 4.79 | NA | 3 |
| **MR-4 - Trouble Duration Intervals** | | | | | | | | | | | | |
| MR-4-01-3341 | Mean Time To Repair - Total | 18.71 | 13.83 | 15.98 | 6.58 | 24.07 | 9.51 | 14.54 | NA | 15.93 | 3.19 | 1,2,3,5 |
| MR-4-02-3341 | Mean Time To Repair - Loop Trouble | 19.77 | 13.83 | 16.51 | 6.58 | 24.73 | 14.69 | 15.05 | NA | 16.56 | 3.19 | 1,2,3,5 |
| MR-4-03-3341 | Mean Time To Repair - Central Office Trouble | 7.59 | NA | 6.7 | NA | 7.69 | 1.74 | 6.21 | NA | 4.74 | NA | 3 |
| MR-4-07-3341 | % Out of Service > 12 Hours | 56.79 | 50 | 53.35 | 25 | 66.14 | 33.33 | 50.76 | NA | 52.46 | 0 | 1,2,3,5 |

| Metric Number | Metric Name | November | | December | | January | | February | | March | | Notes |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | |
| MR-4-08-3341 | % Out of Service > 24 Hours | 27.42 | 0 | 22.73 | 0 | 40.42 | 0 | 18.19 | NA | 19 | 0 | 1,2,3,5 |
| **MR-5 - Repeat Trouble Reports** | | | | | | | | | | | | |
| MR-5-01-3341 | % Repeat Reports within 30 Days | 11.89 | 0 | 12.17 | 20 | 10.37 | 60 | 13.66 | NA | 12.15 | 33.33 | 1,2,3,5 |
| **2-Wire xDSL Loops - Maintenance** | | | | | | | | | | | | |
| **MR-2 - Trouble Report Rate** | | | | | | | | | | | | |
| MR-2-02-3342 | Network Trouble Report Rate - Loop | 0.61 | 0.75 | 0.57 | 0 | 1.34 | 0 | 0.63 | 0 | 0.8 | 0.36 | |
| MR-2-03-3342 | Network Trouble Report Rate - Central Office | 0.06 | 0.75 | 0.03 | 0 | 0.05 | 0.49 | 0.04 | 0.4 | 0.05 | 0.71 | |
| **MR-3 - Missed Repair Appointments** | | | | | | | | | | | | |
| MR-3-01-3342 | % Missed Repair Appointment – Loop | 13.04 | 0 | 9.74 | 33.33 | 25.78 | 0 | 10.3 | NA | 12.36 | 0 | 1,2,3,5 |
| MR-3-02-3342 | % Missed Repair Appointment – Central Office | 5.01 | 0 | 8.96 | 0 | 8.88 | 0 | 6.32 | 0 | 4.79 | 0 | 1,2,3,4,5 |
| **MR-4 - Trouble Duration Intervals** | | | | | | | | | | | | |
| MR-4-02-3342 | Mean Time To Repair - Loop Trouble | 19.77 | 17.55 | 16.51 | 29.93 | 24.73 | 17.43 | 15.05 | NA | 16.56 | 15.33 | 1,2,3,5 |
| MR-4-03-3342 | Mean Time To Repair - Central Office Trouble | 7.59 | 2.03 | 6.7 | 1.18 | 7.69 | 6.38 | 6.21 | 2.04 | 4.74 | 1.47 | 1,2,3,4,5 |
| MR-4-07-3342 | % Out of Service > 12 Hours | 56.79 | 33.33 | 53.35 | 66.67 | 66.14 | 50 | 50.76 | 0 | 52.46 | 0 | 1,2,3,4,5 |
| MR-4-08-3342 | % Out of Service > 24 Hours | 27.42 | 0 | 22.73 | 0 | 40.42 | 0 | 18.19 | 0 | 19 | 0 | 1,2,3,4,5 |
| **MR-5 - Repeat Trouble Reports** | | | | | | | | | | | | |
| MR-5-01-3342 | % Repeat Reports within 30 Days | 11.89 | 66.67 | 12.17 | 0 | 10.37 | 0 | 13.66 | 0 | 12.15 | 0 | 1,2,3,4,5 |
| **2-Wire xDSL Line Sharing - Maintenance** | | | | | | | | | | | | |
| **MR-2 - Trouble Report Rate** | | | | | | | | | | | | |
| MR-2-02-3343 | Network Trouble Report Rate - Loop | 0.1 | 0 | 0.04 | 0 | 0.11 | 0.13 | 0 | 0 | 0.06 | 0.12 | |
| MR-2-03-3343 | Network Trouble Report Rate - Central Office | 0.03 | 0 | 0.04 | 0 | 0 | 0 | 0.04 | 0 | 0.02 | 0.12 | |
| **MR-3 - Missed Repair Appointments** | | | | | | | | | | | | |

| Metric Number | Metric Name | November | | December | | January | | February | | March | | Notes |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | |
| MR-3-01-3343 | % Missed Repair Appointment – Loop | 20 | NA | 0 | NA | 0 | 0 | NA | NA | 100 | 0 | 3,5 |
| MR-3-02-3343 | % Missed Repair Appointment – Central Office | 20 | 0 | 0 | NA | 0 | NA | 0 | NA | 0 | 0 | 1,5 |
| **MR-4 - Trouble Duration Intervals** | | | | | | | | | | | | |
| MR-4-02-3343 | Mean Time To Repair - Loop Trouble | 22 | NA | 16.79 | NA | 16.68 | 19.93 | NA | NA | 39.07 | 6.93 | 3,5 |
| MR-4-03-3343 | Mean Time To Repair - Central Office Trouble | 23.84 | 0.77 | 12.5 | NA | 7.88 | NA | 10.78 | NA | 17.86 | 1.6 | 1,5 |
| MR-4-04-3343 | % Cleared (all troubles) within 24 Hours | 60 | 100 | 100 | NA | 100 | 100 | 100 | NA | 33.33 | 100 | 1,3,5 |
| MR-4-07-3343 | % Out of Service > 12 Hours | 90 | 0 | 71.43 | NA | 66.67 | NA | 66.67 | NA | 83.33 | 0 | 1,5 |
| MR-4-08-3343 | % Out of Service > 24 Hours | 40 | 0 | 0 | NA | 0 | NA | 0 | NA | 66.67 | 0 | 1,5 |
| **MR-5 - Repeat Trouble Reports** | | | | | | | | | | | | |
| MR-5-01-3343 | % Repeat Reports within 30 Days | 40 | NA | 28.57 | NA | 83.33 | 100 | 0 | NA | 66.67 | 0 | 3,5 |
| **2-Wire xDSL Line Splitting - Maintenance** | | | | | | | | | | | | |
| **MR-2 - Trouble Report Rate** | | | | | | | | | | | | |
| MR-2-02-3345 | Network Trouble Report Rate - Loop | 0.1 | NA | 0.04 | NA | 0.11 | NA | 0 | NA | 0.06 | NA | |
| MR-2-03-3345 | Network Trouble Report Rate - Central Office | 0.03 | NA | 0.04 | NA | 0 | NA | 0.04 | NA | 0.02 | NA | |
| **MR-3 - Missed Repair Appointments** | | | | | | | | | | | | |
| MR-3-01-3345 | % Missed Repair Appointment – Loop | 20 | NA | 0 | NA | 0 | NA | NA | NA | 100 | NA | |
| MR-3-02-3345 | % Missed Repair Appointment – Central Office | 20 | NA | 0 | NA | 0 | NA | 0 | NA | 0 | NA | |
| **MR-4 - Trouble Duration Intervals** | | | | | | | | | | | | |
| MR-4-02-3345 | Mean Time To Repair - Loop Trouble | 22 | NA | 16.79 | NA | 16.68 | NA | NA | NA | 39.07 | NA | |
| MR-4-03-3345 | Mean Time To Repair - Central Office Trouble | 23.84 | NA | 12.5 | NA | 7.88 | NA | 10.78 | NA | 17.86 | NA | |
| MR-4-04-3345 | % Cleared (all troubles) within 24 Hours | 60 | NA | 100 | NA | 100 | NA | 100 | NA | 33.33 | NA | |
| MR-4-07-3345 | % Out of Service > 12 Hours | 90 | NA | 71.43 | NA | 66.67 | NA | 66.67 | NA | 83.33 | NA | |
| MR-4-08-3345 | % Out of Service > 24 Hours | 40 | NA | 0 | NA | 0 | NA | 0 | NA | 66.67 | NA | |
| **MR-5 - Repeat Trouble Reports** | | | | | | | | | | | | |

| Metric Number | Metric Name | November | | December | | January | | February | | March | | Notes |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | |
| MR-5-01-3345 | % Repeat Reports within 30 Days | 40 | NA | 28.57 | NA | 83.33 | NA | 0 | NA | 66.67 | NA | |
| **Special Services - Maintenance** | | | | | | | | | | | | |
| **MR-2 - Trouble Report Rate** | | | | | | | | | | | | |
| MR-2-01-3200 | Network Trouble Report Rate | 0.11 | 1.13 | 0.08 | 1.86 | 0.12 | 1.52 | 0.09 | 1.95 | 0.12 | 2.28 | |
| MR-2-05-3200 | % CPE/TOK/FOK Trouble Report Rate | 0.21 | 2.26 | | 1.06 | | 2.03 | | 2.2 | | 1.14 | |
| **MR-4 - Trouble Duration Intervals** | | | | | | | | | | | | |
| MR-4-01-3216 | Mean Time To Repair – Total - Non DS0 & DS0 | 3.32 | NA | 4.61 | NA | 3.77 | NA | 9.77 | NA | 4.27 | NA | |
| MR-4-01-3217 | Mean Time To Repair – Total - DS1 & DS3 | 3.26 | 3.38 | 3.87 | 5.45 | 5.73 | 4.93 | 4.71 | 3.43 | 6.37 | 4.13 | 1,2,3,4 |
| MR-4-04-3216 | % Cleared (all troubles) within 24 Hours - Non DS0 & DS0 | 100 | NA | 97.62 | NA | 100 | NA | 89.13 | NA | 98.59 | NA | |
| MR-4-04-3217 | % Cleared (all troubles) within 24 Hours - DS1 & DS3 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 96.15 | 100 | 1,2,3,4 |
| MR-4-06-3216 | % Out of Service > 4 Hours - Non DS0 & DS0 | 28.57 | NA | 45.24 | NA | 39.66 | NA | 41.3 | NA | 40.85 | NA | |
| MR-4-06-3217 | % Out of Service > 4 Hours - DS1 & DS3 | 34.78 | 50 | 37.5 | 16.67 | 51.61 | 80 | 54.17 | 33.33 | 38.46 | 37.5 | 1,2,3,4,5 |
| MR-4-08-3216 | % Out of Service > 24 Hours - Non DS0 & DS0 | 0 | NA | 2.38 | NA | 0 | NA | 10.87 | NA | 1.41 | NA | |
| MR-4-08-3217 | % Out of Service > 24 Hours - DS1 & DS3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3.85 | 0 | 1,2,3,4,5 |
| **MR-5 - Repeat Trouble Reports** | | | | | | | | | | | | |
| MR-5-01-3200 | % Repeat Reports within 30 Days | 14.94 | 0 | 27.27 | 0 | 15.73 | 0 | 24.29 | 37.5 | 13.4 | 10 | 1,2,3,4 |
| ***TRUNKS (Aggregate) - POTS/Special Services*** | | | | | | | | | | | | |
| **ORDERING** | | | | | | | | | | | | |
| **OR 1 - Order Confirmation Timeliness** | | | | | | | | | | | | |
| OR-1-12-5020 | % On Time FOC (<= 192 Forecasted Trunks) | | NA | | 100 | | NA | | 100 | | 100 | 2,4,5 |

| Metric Number | Metric Name | November | | December | | January | | February | | March | | Notes |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | |
| OR-1-12-5030 | % On Time FOC (> 192 and Unforecasted Trunks) | | 100 | | 80 | | 100 | | NA | | 100 | 1,3,5 |
| OR-1-13-5020 | % On Time Design Layout Record (DLR) | | 100 | | 100 | | 100 | | 100 | | 100 | 1,3,4,5 |
| OR-1-19-5020 | % On Time Resp. - Request for Inbound Augment Trunks (<= 192 Forecasted Trunks) | | NA | | NA | | NA | | NA | | NA | |
| OR-1-19-5030 | % On Time Resp. - Request for Inbound Augment Trunks (> 192 Forecasted Trunks) | | NA | | NA | | NA | | NA | | NA | |
| **OR-2 - Reject Timeliness** | | | | | | | | | | | | |
| OR-2-12-5000 | % On Time Trunk ASR Reject (<= 192 Forecasted Trunks) | | NA | | NA | | NA | | NA | | 100 | 5 |
| **PROVISIONING** | | | | | | | | | | | | |
| **PR-1 - Average Interval Offered** | | | | | | | | | | | | |
| PR-1-09-5020 | Av. Interval Offered – Total (<= 192 Forecasted Trunks) | 26.67 | NA | 17.43 | 17 | 19 | NA | 18 | 21.33 | 13 | NA | 2,4 |
| PR-1-09-5030 | Av. Interval Offered – Total (> 192 & Unforecasted Trunks) | 18 | NA | 54.33 | 23 | 18.5 | NA | NA | NA | 22.89 | NA | 2 |
| **PR-4 - Missed Appointment** | | | | | | | | | | | | |
| PR-4-01-5000 | % Missed Appointment – Verizon – Total | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| PR-4-02-5000 | Average Delay Days - Total | NA | NA | NA | NA | NA | NA | NA | NA | NA | NA | |
| PR-4-07-3540 | % On Time Performance – LNP Only | | 100 | | 100 | | 97.92 | | 100 | | 95 | |
| **PR-5 - Facility Missed Orders** | | | | | | | | | | | | |
| 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 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| PR-6-03-5000 | % Inst. Troubles reported within 30 Days - FOK/TOK/CPE | 0 | 0 | | 0 | | 0 | | 0 | | 0 | |

| Metric Number | Metric Name | November | | December | | January | | February | | March | | 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 | 0.18 | 0 | 0.6 | 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 | 0 | 0 | 0 | 0.01 | 0 | 0 | 0 | 0 | 0 | |
| **MR-4 - Trouble Duration Intervals** | | | | | | | | | | | | |
| MR-4-01-5000 | Mean Time To Repair – Total | 0.33 | NA | NA | NA | 0.77 | NA | 1.2 | NA | 0.92 | NA | |
| MR-4-04-5000 | % Cleared (all troubles) within 24 Hours | 100 | NA | NA | NA | 100 | NA | 100 | NA | 100 | NA | |
| MR-4-05-5000 | % Out of Service > 2 Hours | 0 | NA | NA | NA | 0 | NA | 0 | NA | 0 | NA | |
| MR-4-06-5000 | % Out of Service > 4 Hours | 0 | NA | NA | NA | 0 | NA | 0 | NA | 0 | NA | |
| MR-4-07-5000 | % Out of Service > 12 Hours | 0 | NA | NA | NA | 0 | NA | 0 | NA | 0 | NA | |
| MR-4-08-5000 | % Out of Service > 24 Hours | 0 | NA | NA | NA | 0 | NA | 0 | NA | 0 | NA | |
| **MR-5 - Repeat Trouble Report Rates** | | | | | | | | | | | | |
| MR-5-01-5000 | % Repeat Reports within 30 Days | 0 | NA | NA | NA | 0 | NA | 0 | NA | 0 | NA | |
| ***NETWORK PERFORMANCE*** | | | | | | | | | | | | |
| **NP-1 - Percent Final Trunk Group Blockage** | | | | | | | | | | | | |
| NP-1-01-5000 | % Final Trunk Groups Exceeding Blocking Standard | 0 | 0 | 0 | 0 | 3.23 | 0 | 0 | 0 | 0 | 0 | 1 |
| NP-1-02-5000 | % FTG Exceeding Blocking Std. –(No Exceptions) | 0 | 0 | 0 | 0 | 3.23 | 0 | 0 | 0 | 0 | 0 | 1 |
| NP-1-03-5000 | Number FTG Exceeding Blocking Std. – 2 Months | | 0 | | 0 | | 0 | | 0 | | 0 | 1 |
| NP-1-04-5000 | Number FTG Exceeding Blocking Std. – 3 Months | | 0 | | 0 | | 0 | | 0 | | 0 | 1 |
| **NP-2 - Collocation Performance - New** | | | | | | | | | | | | |
| NP-2-01-6701 | % On Time Response to Request for Physical Collocation | | NA | | NA | | 100 | | 100 | | NA | 3,4 |

| Metric Number | Metric Name | November | | December | | January | | February | | March | | Notes |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | |
| 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 | | 76 | | NA | | 76 | | NA | | NA | |
| NP-2-04-6701 | Average Interval – Virtual Collocation | | NA | | NA | | NA | | NA | | NA | |
| NP-2-05-6701 | % On Time – Physical Collocation | | 100 | | NA | | 100 | | NA | | NA | 1,3 |
| 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 | | NA | | 100 | | 100 | | NA | | 100 | 2,3,5 |
| NP-2-02-6702 | % On Time Response to Request for Virtual Collocation | | NA | | NA | | NA | | NA | | NA | |
| NP-2-03-6702 | Average Interval – Physical Collocation - 76 Days | | 68 | | 55.5 | | 66.67 | | NA | | 74 | |
| NP-2-03-6712 | Average Interval – Physical Collocation - 45 Days | | 68 | | NA | | NA | | NA | | NA | |
| NP-2-04-6702 | Average Interval – Virtual Collocation | | NA | | NA | | NA | | NA | | NA | |
| NP-2-05-6702 | % On Time – Physical Collocation - 76 Days | | 100 | | 100 | | 100 | | NA | | 100 | 1,2,5 |
| NP-2-05-6712 | % On Time – Physical Collocation - 45 Days | | 100 | | NA | | NA | | NA | | NA | 1 |
| 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 November 2001.
2 = Sample Size under 10 for December 2001.
3 = Sample Size under 10 for January 2002.
4 = Sample Size under 10 for February 2002.
5 = Sample Size under 10 for March 2002.

# Appendix C

## Massachusetts Performance Metrics

All data included here are taken from the Massachusetts 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.

## AGGREGATE METRICS

| Metric No. | 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-8-01** | % On Time - Manual Loop Qualification |
| **PO-8-02** | % On Time - Engineering Record Request |
| **MR-1-01** | Create Trouble |

| Metric No. | Metric Name |
|---|---|
| **MR-1-02** | Status Trouble |
| **MR-1-03** | Modify Trouble |
| **MR-1-04** | Request Cancellation of Trouble |
| **MR-1-05** | Trouble Report History (by TN/Circuit) |
| **MR-1-06** | Test Trouble (POTS Only) - RETAIL only |
| ***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 2 Business Days |
| **BI-3-05** | % CLEC Billing Claims Resolved within 28 Calendar Days After Acknowledgment |
| **NP-1-01** | % Final Trunk Groups Exceeding Blocking Standard |
| **NP-1-02** | % FTG Exceeding Blocking Std. –(No Exceptions) |
| **NP-1-03** | Number FTG Exceeding Blocking Std. – 2 Months |
| **NP-1-04** | Number FTG Exceeding Blocking Std. – 3 Months |
| **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 |

| Metric No. | Metric Name |
|---|---|
| ***Ordering:*** | |
| **OR-2-02** | % On Time LSR Reject – Flow Through |
| **OR-2-04** | % On Time LSR/ASR Reject- No Facility Check |
| **OR-2-06** | % On Time LSR/ASR Reject Facility Check |
| **OR-2-08** | % On Time ASR Reject No Facility Check |
| **OR-2-10** | % On Time ASR Reject Facility Check |
| **OR-2-12** | % On Time Trunk ASR Reject (<= 192 Forecasted Trunks) |
| **OR-3-01** | % Rejects |
| **OR-5-01** | % Flow Through - Total |
| **OR-5-03** | % Flow Through Achieved |
| **OR-6-01** | % Accuracy - Orders |
| **OR-6-03** | % Accuracy – LSRC |
| **OR-7-01** | % Order Confirmation/Rejects sent within 3 Business Days |
| **OR-4-16** | % Provisioning Completion Notifiers sent within one (1) Business Day |
| **OR-4-17** | % Billing Completion Notifier sent within two (2) Business Days |
| ***Provisioning:*** | |
| **PR-1-09** | Av. Interval Offered – Total |
| **PR-4-01** | % Missed Appointment – Verizon |
| **PR-4-02** | Average Delay Days – Total |
| **PR-4-04** | % Missed Appointment – Verizon – Dispatch |
| **PR-4-05** | % Missed Appointment – Verizon – No Dispatch |
| **PR-4-07** | % On Time Performance – LNP Only |
| **PR-4-14** | % Completed On Time (with Serial Number) |
| **PR-5-02** | % Orders Held for Facilities > 15 Days |
| **PR-5-03** | % Orders Held for Facilities > 60 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-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-5-01** | % Repeat Reports within 30 Days |

## DISAGGREGATED METRICS

| Metric Number | Metric Name | November | | December | | January | | February | | March | | 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 | 1.33 | 2.78 | 1.32 | 2.82 | 1.42 | 4.48 | 1.3 | 2.81 | 1.32 | 3.08 | |
| PO-1-01-6030 | Customer Service Record - CORBA | 1.33 | 0.78 | 1.32 | 0.73 | 1.42 | 0.85 | 1.3 | 0.8 | 1.32 | 1.32 | |
| PO-1-01-6050 | Customer Service Record -Web GUI | 1.33 | 2.62 | 1.32 | 2.46 | 1.42 | 2.53 | 1.3 | 2.45 | 1.32 | 2.53 | |
| PO-1-02-6020 | Due Date Availability - EDI | 0.07 | 2.75 | 0.06 | 1.9 | 0.06 | 2.5 | 0.06 | 2.31 | 0.07 | 2.27 | 1,2,3 |
| PO-1-02-6030 | Due Date Availability - CORBA | 0.07 | NA | 0.06 | NA | 0.06 | 0.6 | 0.06 | 0.57 | 0.07 | 0.59 | 3,4 |
| PO-1-02-6050 | Due Date Availability - Web GUI | 0.07 | 2.18 | 0.06 | 2.16 | 0.06 | 2.18 | 0.06 | 2.15 | 0.07 | 2.17 | |
| PO-1-03-6020 | Address Validation - EDI | 3.85 | 5.42 | 3.67 | 5.1 | 3.85 | 4.81 | 3.96 | 4.95 | 3.98 | 5.21 | |
| PO-1-03-6030 | Address Validation - CORBA | 3.85 | 3.71 | 3.67 | 3.71 | 3.85 | 2.9 | 3.96 | 2.57 | 3.98 | 2.74 | |
| PO-1-03-6050 | Address Validation - Web GUI | 3.85 | 5.42 | 3.67 | 5.38 | 3.85 | 5.31 | 3.96 | 5.18 | 3.98 | 5.16 | |
| PO-1-04-6020 | Product & Service Availability - EDI | 8.48 | NA | 8.2 | NA | 8.5 | NA | 8.44 | NA | 8.53 | NA | |
| PO-1-04-6030 | Product & Service Availability - CORBA | 8.48 | NA | 8.2 | NA | 8.5 | NA | 8.44 | NA | 8.53 | NA | |
| PO-1-04-6050 | Product & Service Availability - Web GUI | 8.48 | 5.75 | 8.2 | 5.57 | 8.5 | 5.79 | 8.44 | 5.38 | 8.53 | 6.28 | |
| PO-1-05-6020 | Telephone Number Availability & Reservation - EDI | 5.37 | 10.25 | 4.47 | 5.89 | 4.66 | 7.03 | 4.78 | 6.5 | 4.77 | 7.68 | 1,2,3 |

| Metric Number | Metric Name | November | | December | | January | | February | | March | | Notes |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | |
| PO-1-05-6030 | Telephone Number Availability & Reservation - CORBA | 5.37 | 4.28 | 4.47 | 4.1 | 4.66 | 4.19 | 4.78 | 3.95 | 4.77 | 4.46 | |
| PO-1-05-6050 | Telephone Number Availability & Reservation - Web GUI | 5.37 | 5.97 | 4.47 | 5.89 | 4.66 | 5.64 | 4.78 | 5.82 | 4.77 | 5.99 | |
| PO-1-06-6020 | Average Response Time - Mechanized Loop Qualification - DSL - EDI | 3.51 | 3.98 | 1.69 | 4.06 | 2.97 | 3.8 | 4.35 | 3.72 | 8.18 | 3.94 | |
| PO-1-06-6030 | Average Response Time - Mechanized Loop Qualification - DSL - CORBA | 3.51 | NA | 1.69 | NA | 2.97 | NA | 4.35 | 1.9 | 8.18 | NA | |
| PO-1-06-6050 | Average Response Time - Mechanized Loop Qualification - DSL - Web GUI | 3.51 | 4.61 | 1.69 | 4.25 | 2.97 | 4.06 | 4.35 | 4 | 8.18 | 4.07 | |
| PO-1-07-6020 | Rejected Query - EDI | 0.04 | 2.14 | 0.04 | 2.17 | 0.03 | 2.28 | 0.04 | 2.26 | 0.04 | 2.3 | |
| PO-1-07-6030 | Rejected Query - CORBA | 0.04 | 0.61 | 0.04 | 0.64 | 0.03 | 0.62 | 0.04 | 0.58 | 0.04 | 0.57 | |
| PO-1-07-6050 | Rejected Query - Web GUI | 0.04 | 3.2 | 0.04 | 2.86 | 0.03 | 2.92 | 0.04 | 2.87 | 0.04 | 2.75 | |
| PO-1-08-6020 | % Timeouts - EDI | | 0.09 | | 1.01 | | 1.57 | | 0.02 | | 0.01 | |
| PO-1-08-6030 | % Timeouts - CORBA | | 0.05 | | 0.02 | | 0.21 | | 0 | | 0 | |
| PO-1-08-6050 | % Timeouts - Web GUI | | 0.09 | | 0.01 | | 0.01 | | 0.04 | | 0.08 | |
| PO-1-09-6020 | Parsed CSR - EDI | 1.33 | 1.91 | 1.32 | 1.85 | 1.42 | 1.79 | 1.3 | 1.81 | 1.32 | 1.87 | |
| PO-1-09-6030 | Parsed CSR - CORBA | 1.33 | 0.29 | 1.32 | 0.28 | 1.42 | 0.31 | 1.3 | 0.35 | 1.32 | 0.35 | |
| **PO-2 - OSS Interface Availability** | | | | | | | | | | | | |
| PO-2-02-6020 | OSS Interf. Avail. – Prime Time – EDI | | 100 | | 100 | | 100 | | 100 | | 100 | |
| PO-2-02-6030 | OSS Interf. Avail. – Prime Time – CORBA | | 100 | | 99.96 | | 100 | | 100 | | 100 | 2 |
| PO-2-02-6040 | OSS Interf. Avail. – Prime Time – Maint. Web GUI (RETAS) | | 100 | | 99.93 | | 99.8 | | | | | 2,3 |
| PO-2-02-6050 | OSS Interf. Avail. – Prime Time – Pre-order/Order WEB GUI | | 100 | | 99.93 | | 99.8 | | | | | 2,3 |

| Metric Number | Metric Name | November | | December | | January | | February | | March | | Notes |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | |
| PO-2-02-6080 | OSS Interf. Avail. – Prime Time – Maint./Web GUI/Pre-Order/Ordering WEB GUI | | | | | | | | 99.8 | | 99.69 | 4,5 |
| PO-2-02-6060 | OSS Interf. Avail. – Prime Time – Electronic Bonding | | 100 | | 100 | | 100 | | 100 | | 100 | |
| PO-2-03-6020 | OSS Interf. Avail. – Non-Prime – EDI | | 100 | | 99.71 | | 99.9 | | 99.7 | | 99.2 | 2,3,4,5 |
| PO-2-03-6030 | OSS Interf. Avail. – Non-Prime – CORBA | | 99.89 | | 99.13 | | 99.9 | | 99.8 | | 99.78 | 1,2,3,4,5 |
| PO-2-03-6040 | OSS Interf. Avail. – Non-Prime – Maint. Web GUI (RETAS) | | 99.59 | | 98.43 | | 99.8 | | 99.1 | | 99.78 | 1,2,3,4,5 |
| PO-2-03-6050 | OSS Interf. Avail. – Non-Prime – Pre-order/Order WEB GUI | | 99.59 | | 98.43 | | 99.8 | | 99.1 | | 99.78 | 1,2,3,4,5 |
| 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 | % On Time - Manual Loop Qualification | | UD | | UD | | UD | | 100 | | 100 | 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-4-01-6660 | % Notices Sent on Time - Industry Standard, Verizon Orig. & CLEC Orig. | | NA | | 100 | | NA | | 100 | | NA | 4 |
| PO-4-01-6671 | % Notices Sent on Time - Emergency Maint. & Regulatory | | 100 | | 100 | | 100 | | 100 | | 100 | 3,4,5 |
| **PO-4 - Timeliness of Change Management Notice** | | | | | | | | | | | | |
| PO-4-01-6622 | % Notices Sent on Time - Regulatory | | NA | | NA | | 100 | | NA | | NA | 3 |
| PO-4-01-6662 | % Notices Sent on Time - Ind. Std., Verizon Orig. & CLEC Orig. | | NA | | NA | | 100 | | NA | | NA | 3 |
| PO-4-02-6622 | Change Mgmt. Notice - Delay 1-7 Days - Regulatory | | NA | | NA | | NA | | NA | | NA | |
| PO-4-02-6662 | Change Mgmt. Notice - Delay 1-7 Days - Ind. Std., Verizon Orig. & CLEC Orig. | | NA | | NA | | NA | | NA | | NA | |

| Metric Number | Metric Name | November VZ | November CLEC | December VZ | December CLEC | January VZ | January CLEC | February VZ | February CLEC | March VZ | March CLEC | Notes |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **TROUBLE REPORTING (OSS)** | | | | | | | | | | | | |
| **MR-1 - Response Time OSS Maintenance Interface** | | | | | | | | | | | | |
| MR-1-01-2000 | Create Trouble | 5.97 | 3.92 | 5.72 | 3.69 | 6.22 | 3.6 | 7.75 | 3.54 | 8.11 | 3.47 | |
| MR-1-02-2000 | Status Trouble | 5.56 | 0.45 | 5.57 | 0.45 | 5.43 | 0.39 | 4.65 | 3.42 | 4.63 | 5.14 | |
| MR-1-03-2000 | Modify Trouble | 5.9 | 8.62 | 5.67 | 0.46 | 6.24 | NA | 7.51 | NA | 7.82 | NA | 1,2 |
| MR-1-04-2000 | Request Cancellation of Trouble | 7.14 | 6.02 | 6.76 | 2.42 | 7.43 | 2.22 | 9.01 | 6.15 | 9.34 | 4.28 | 2,5 |
| MR-1-05-2000 | Trouble Report History (by TN/Circuit) | 0.33 | 1.01 | 0.32 | 1.16 | 0.52 | 0.99 | 0.32 | 0.98 | 0.29 | 0.92 | |
| MR-1-06-2000 | Test Trouble (POTS Only) - RETAIL only | 56.04 | 44.96 | 56.2 | 44 | 56.9 | 46.3 | 55.3 | 45.6 | 54 | 45.72 | |
| ***BILLING*** | | | | | | | | | | | | |
| **BI-1 - Timeliness of Daily Usage Feed** | | | | | | | | | | | | |
| BI-1-02-2030 | % DUF in 4 Business Days | | 99.87 | | 99.75 | | 99.9 | | 99.8 | | 99.41 | |
| **BI-2 - Timeliness of Carrier Bill** | | | | | | | | | | | | |
| BI-2-01-2030 | Timeliness of Carrier Bill | | 99.09 | | 99.32 | | 95.5 | | 99.5 | | 98.29 | |
| **BI-3 - Billing Accuracy** | | | | | | | | | | | | |
| BI-3-04-2030 | % CLEC Billing Claims Acknowledged within 2 Business Days | | UD | | 35.94 | | 85.2 | | 62.8 | | 98.61 | |
| BI-3-05-2030 | % CLEC Billing Claims Resolved within 28 Calendar Days After Acknowledgment | | UD | | 81.82 | | 38.3 | | 63.1 | | 91.23 | |
| ***Resale (Ordering) - POTS/Special Services*** | | | | | | | | | | | | |
| **POTS & Pre-qualified Complex - Electronically Submitted** | | | | | | | | | | | | |
| **OR-1 - Order Confirmation Timeliness** | | | | | | | | | | | | |

| Metric Number | Metric Name | November | | December | | January | | February | | March | | Notes |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | |
| OR-1-02-2320 | % On Time LSRC – Flow Through | | 99.61 | | 99.87 | | 99.9 | | 99.9 | | 99.72 | |
| OR-1-04-2100 | % On Time LSRC No Facility Check | | 99.41 | | 99.29 | | 99.3 | | 99.3 | | 99.53 | |
| OR-1-06-2320 | % On Time LSRC/ASRC Facility Check | | 99.73 | | 99.68 | | 100 | | 99.7 | | 100 | |
| **OR-2 - Reject Timeliness** | | | | | | | | | | | | |
| OR-2-02-2320 | % On Time LSR Reject – Flow Through | | 99.78 | | 99.9 | | 100 | | 100 | | 99.86 | |
| OR-2-04-2320 | % On Time LSR Reject No Facility Check | | 99.88 | | 99.26 | | 99.6 | | 98.5 | | 99.54 | |
| OR-2-06-2320 | % On Time LSR/ASR Reject Facility Check | | 100 | | 100 | | 100 | | 100 | | 100 | |
| **2 Wire Digital Services** | | | | | | | | | | | | |
| **OR-1 - Order Confirmation Timeliness - Requiring Loop Qualification** | | | | | | | | | | | | |
| OR-1-04-2341 | % On Time LSRC No Facility Check | | 100 | | 99.31 | | 100 | | 98.2 | | 100 | |
| OR-1-06-2341 | % On Time LSRC/ASRC Facility Check | | 100 | | 100 | | 100 | | 100 | | 100 | |
| **OR-2 - Reject Timeliness - Requiring Loop Qualification** | | | | | | | | | | | | |
| OR-2-04-2341 | % On Time LSR 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 | 2,4 |
| **POTS / Special Services - Aggregate** | | | | | | | | | | | | |
| **OR-3 - Percent Rejects** | | | | | | | | | | | | |
| OR-3-01-2000 | % Rejects | | 34.94 | | 32.87 | | 32 | | 29.7 | | 31.19 | |
| **OR-4 - Timeliness of Completion Notification** | | | | | | | | | | | | |
| OR-4-16-2000 | % Provisioning Completion Notifiers sent within one (1) Business Day | | UD | | UD | | UD | | UD | | 74.1 | |
| OR-4-17-2000 | % Billing Completion Notifier sent within two (2) Business Days | | UD | | UD | | UD | | UD | | 95.25 | |
| **OR-5 - Percent Flow-Through** | | | | | | | | | | | | |

| Metric Number | Metric Name | November | | December | | January | | February | | March | | Notes |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | |
| OR-5-01-2000 | % Flow Through - Total | | 48.48 | | 43.16 | | 48.3 | | 54 | | 50.7 | |
| OR-5-03-2000 | % Flow Through Achieved | | 96.64 | | 93.78 | | 95 | | 94.7 | | 95.94 | |
| **OR-6 - Order Accuracy** | | | | | | | | | | | | |
| OR-6-01-2000 | % Accuracy – Orders | | 90.29 | | 92.98 | | 96.6 | | 96.8 | | 95.98 | |
| OR-6-03-2000 | % Accuracy – LSRC | | 0.1 | | 0.17 | | 0.13 | | 0.04 | | 0.1 | |
| **OR-7 - Order Completeness** | | | | | | | | | | | | |
| OR-7-01-2000 | % Order Confirmation/Rejects sent within 3 Business Days | | 99.46 | | 99.45 | | 99.6 | | 99.5 | | 99.63 | |
| **Special Services - Electronically Submitted** | | | | | | | | | | | | |
| **OR-1 - Order Confirmation Timeliness** | | | | | | | | | | | | |
| OR-1-04-2210 | % On Time LSRC No Facility Check DS0 | | NA | | NA | | NA | | NA | | NA | |
| OR-1-04-2211 | % On Time LSRC No Facility Check DS1 | | NA | | NA | | NA | | NA | | NA | |
| OR-1-04-2213 | % On Time LSRC No Facility Check DS3 | | NA | | NA | | NA | | NA | | NA | |
| OR-1-04-2214 | % On Time LSRC No Facility Check (Non DS0, DS1, & DS3) | | 99.18 | | 100 | | 99.4 | | 100 | | 99.12 | |
| 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) | | 94.44 | | 94.59 | | 97.1 | | 100 | | 100 | |
| **OR-2 - Reject Timeliness** | | | | | | | | | | | | |
| OR-2-04-2200 | % On Time LSR Reject No Facility Check | | 100 | | 100 | | 100 | | 100 | | 100 | |
| OR-2-06-2200 | % On Time LSR/ASR Reject Facility Check | | 100 | | 96.97 | | 100 | | 100 | | 100 | |
| **POTS - Provisioning - Total** | | | | | | | | | | | | |
| **PR-4 - Missed Appointments** | | | | | | | | | | | | |

| Metric Number | Metric Name | November | | December | | January | | February | | March | | Notes |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | |
| PR-4-02-2100 | Average Delay Days – Total | 2.83 | 2.5 | 2.74 | 4.17 | 3.07 | 2.22 | 2.65 | 1.82 | 2.6 | 2.68 | |
| PR-4-04-2100 | % Missed Appointment – Verizon – Dispatch | 5.17 | 3.58 | 5.03 | 3.81 | 5.07 | 4.66 | 4.93 | 3.89 | 5.36 | 3.83 | |
| PR-4-05-2100 | % Missed Appointment – Verizon – No Dispatch | 0.01 | 0 | 0.01 | 0 | 0.01 | 0 | 0.01 | 0 | 0.01 | 0.05 | |
| **PR-6 - Installation Quality** | | | | | | | | | | | | |
| PR-6-01-2100 | % Installation Troubles reported within 30 Days | 3.12 | 2.45 | 3.06 | 1.65 | 2.66 | 2.31 | 2.89 | 2.06 | 2.75 | 2.17 | |
| PR-6-03-2100 | % Inst. Troubles reported w/ in 30 Days - FOK/TOK/CPE | 2.53 | 1.92 | | 1.34 | | 1.65 | | 1.57 | | 1.59 | |
| **PR-8 - Open Orders in a Hold Status** | | | | | | | | | | | | |
| PR-8-01-2100 | Open Orders in a Hold Status > 30 Days | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| PR-8-02-2100 | Open Orders in a Hold Status > 90 Days | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| **2-Wire Digital Services** | | | | | | | | | | | | |
| **PR-4 - Missed Appointments** | | | | | | | | | | | | |
| PR-4-02-2341 | Average Delay Days – Total | 4.31 | 3.5 | 4.62 | NA | 4.74 | 85.7 | 3.45 | 1 | 3.3 | NA | 1,3,4 |
| PR-4-04-2341 | % Missed Appointment – Verizon – Dispatch | 5.46 | 10 | 12.2 | 0 | 5.29 | 0 | 9.04 | 3.64 | 4.31 | 0 | |
| PR-4-05-2341 | % Missed Appointment – Verizon – No Dispatch | 0 | 1.69 | 0 | 0 | 0 | 2.04 | 0 | 0 | 0 | 0 | |
| **PR-6 - Installation Quality** | | | | | | | | | | | | |
| PR-6-01-2341 | % Install. Troubles Reported within 30 Days | 1.3 | 1.18 | 1.04 | 0 | 0.61 | 1 | 1.11 | 1.21 | 1.54 | 2.13 | |
| PR-6-03-2341 | % Install. Troubles Reported w/in 30 Days - FOK/TOK/CPE | 2.44 | 0.59 | | 1.46 | | 2.67 | | 1.21 | | 1.7 | |
| **PR-8 - Open Orders in a Hold Status** | | | | | | | | | | | | |
| PR-8-01-2341 | Open Orders in a Hold Status > 30 Days | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| PR-8-02-2341 | Open Orders in a Hold Status > 90 Days | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| **Special Services - Provisioning** | | | | | | | | | | | | |

| Metric Number | Metric Name | November | | December | | January | | February | | March | | Notes |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | |
| **PR-1 - Average Interval Offered** | | | | | | | | | | | | |
| **PR-4 - Missed Appointments** | | | | | | | | | | | | |
| PR-4-01-2210 | % Missed Appointment – Verizon – DS0 | 3.49 | 5 | 2.22 | 0 | 4.63 | 0 | 3.89 | 0 | 5.03 | 0 | |
| PR-4-01-2211 | % Missed Appointment – Verizon – DS1 | 14.88 | 0 | 11.6 | 0 | 15.7 | 0 | 7.19 | 0 | 12.7 | 0 | 2,4 |
| PR-4-01-2213 | % Missed Appointment – Verizon – DS3 | 57.14 | NA | 85.7 | NA | 83.3 | NA | 60 | NA | 41.7 | NA | |
| PR-4-01-2214 | % Missed Appointment – Verizon – Special Other | 7.32 | 0 | 10.3 | 0 | 1.56 | 0 | 0 | 0 | 0 | 0 | 1,2,4,5 |
| PR-4-02-2200 | Average Delay Days – Total | 10.45 | 16 | 14.9 | NA | 10.7 | NA | 7.71 | NA | 14.2 | NA | 1 |
| **PR-6- Installation Quality** | | | | | | | | | | | | |
| PR-6-01-2200 | % Installation Troubles reported within 30 Days | 1.81 | 4.01 | 2.75 | 1.68 | 1.65 | 1.95 | 2.76 | 1.99 | 2.8 | 3.21 | |
| PR-6-03-2200 | % Inst. Troubles reported w/ in 30 Days - FOK/TOK/CPE | 1.86 | 2.19 | | 0.72 | | 0.65 | | 1.66 | | 0.53 | |
| **PR-8 - Open Orders in a Hold Status** | | | | | | | | | | | | |
| PR-8-01-2200 | Open Orders in a Hold Status > 30 Days | 0.66 | 0 | 0.44 | 0 | 0.21 | 0 | 0.26 | 0 | 0.37 | 0 | |
| PR-8-02-2200 | Open Orders in a Hold Status > 90 Days | 0.16 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0.18 | 0 | |
| **POTS - Maintenance** | | | | | | | | | | | | |
| **MR-2 - Trouble Report Rate** | | | | | | | | | | | | |
| MR-2-02-2100 | Network Trouble Report Rate – Loop | 0.8 | 0.34 | 0.91 | 0.3 | 0.84 | 0.33 | 0.76 | 0.32 | 0.94 | 0.4 | |
| MR-2-03-2100 | Network Trouble Report Rate – Central Office | 0.09 | 0.05 | 0.08 | 0.04 | 0.09 | 0.06 | 0.08 | 0.05 | 0.09 | 0.06 | |
| MR-2-04-2100 | % Subsequent Reports | 15.06 | 8.72 | | 7.67 | | 6.86 | | 7.94 | | 12.76 | |
| MR-2-05-2100 | % CPE/TOK/FOK Trouble Report Rate | 0.65 | 0.29 | | 0.27 | | 0.3 | | 0.27 | | 0.33 | |

| Metric Number | Metric Name | November | | December | | January | | February | | March | | Notes |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | |
| **MR-3 - Missed Repair Appointments** | | | | | | | | | | | | |
| MR-3-01-2110 | % Missed Repair Appointment – Loop Bus. | 9.59 | 9.83 | 13.1 | 10.74 | 12.2 | 7.51 | 12.8 | 10.2 | 15.1 | 11.71 | |
| MR-3-01-2120 | % Missed Repair Appointment – Loop Res. | 8.29 | 4.78 | 9.07 | 6.64 | 7.61 | 6.22 | 8.51 | 4.69 | 10.9 | 6.84 | |
| MR-3-02-2110 | % Missed Repair Appointment – Central Office Bus. | 14.51 | 13.04 | 9.04 | 8.08 | 9.64 | 8.53 | 12.3 | 6.14 | 13.4 | 14.53 | |
| MR-3-02-2120 | % Missed Repair Appointment – Central Office Res. | 8.73 | 11.11 | 6.59 | 0 | 5.73 | 14.3 | 6.79 | 5.26 | 5.74 | 3.45 | |
| MR-3-03-2100 | % CPE/TOK/FOK - Missed Appointment | 5.89 | 7.31 | | 4.2 | | 4.73 | | 5.3 | | 5.76 | |
| **MR-4 - Trouble Duration Intervals** | | | | | | | | | | | | |
| MR-4-01-2100 | Mean Time To Repair – Total | 17.12 | 12.96 | 18.3 | 13.1 | 16.7 | 12.3 | 18 | 11.3 | 19 | 13.31 | |
| MR-4-02-2110 | Mean Time To Repair – Loop Trouble - Bus. | 12.01 | 12.88 | 13.1 | 12.38 | 12.2 | 10.9 | 12.1 | 10.4 | 12.6 | 12.48 | |
| MR-4-02-2120 | Mean Time To Repair – Loop Trouble - Res. | 19.03 | 15.36 | 20 | 16.53 | 18.7 | 19.2 | 20.4 | 17.1 | 21.5 | 18.57 | |
| MR-4-03-2110 | Mean Time To Repair – Central Office Trouble - Bus. | 9.15 | 9.6 | 8.69 | 9.01 | 6.78 | 8.9 | 8 | 5.99 | 8.36 | 7.8 | |
| MR-4-03-2120 | Mean Time To Repair – Central Office Trouble - Res. | 10.83 | 6.44 | 10.5 | 8.05 | 9.03 | 7.11 | 9.61 | 6.04 | 9.13 | 8.83 | |
| MR-4-04-2100 | % Cleared (all troubles) within 24 Hours | 78.44 | 87.32 | 75.6 | 87.84 | 79.8 | 89.2 | 77 | 90.6 | 74.6 | 86.43 | |
| MR-4-06-2100 | % Out of Service > 4 Hours | 77.11 | 68.84 | 78.2 | 66.42 | 76.3 | 62.6 | 77.2 | 62.1 | 79 | 63.32 | |
| MR-4-07-2100 | % Out of Service > 12 Hours | 55.55 | 41.26 | 56.9 | 43.48 | 54.3 | 39.5 | 57.2 | 36.7 | 57.8 | 38.26 | |
| MR-4-08-2110 | % Out of Service > 24 Hours - Bus. | 10.44 | 10.83 | 13.1 | 9.93 | 11.5 | 8.52 | 11.5 | 6.1 | 12.2 | 9.6 | |
| MR-4-08-2120 | % Out of Service > 24 Hours - Res. | 23.73 | 16.98 | 26.2 | 16.82 | 21.9 | 22.6 | 25.3 | 16.8 | 27.7 | 17.5 | |
| **MR-5 - Repeat Trouble Reports** | | | | | | | | | | | | |

| Metric Number | Metric Name | November | | December | | January | | February | | March | | Notes |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | |
| MR-5-01-2100 | % Repeat Reports within 30 Days | 16.97 | 18.01 | 18.9 | 16.96 | 17.7 | 15.4 | 18.6 | 16.5 | 17.9 | 15.24 | |
| **2-Wire Digital Services - Maintenance** | | | | | | | | | | | | |
| **MR-2 - Trouble Report Rate** | | | | | | | | | | | | |
| MR-2-02-2341 | Network Trouble Report Rate – Loop | 0.21 | 0.53 | 0.17 | 0.23 | 0.22 | 0.53 | 0.2 | 0.69 | 0.22 | 0.43 | |
| MR-2-03-2341 | Network Trouble Report Rate – Central Office | 0.16 | 0.23 | 0.08 | 0.12 | 0.1 | 0.38 | 0.12 | 0.15 | 0.11 | 0.31 | |
| MR-2-04-2341 | % Subsequent Reports | 31.16 | 0 | | 18.18 | | 20 | | 15.4 | | 9.52 | |
| MR-2-05-2341 | % CPE/TOK/FOK Trouble Report Rate | 0.75 | 0.94 | | 0.58 | | 1.85 | | 2.47 | | 1.09 | |
| **MR-3 - Missed Repair Appointments** | | | | | | | | | | | | |
| MR-3-01-2341 | % Missed Repair Appointment – Loop | 48.09 | 21.43 | 28.6 | 16.67 | 41 | 42.9 | 33.6 | 44.4 | 35.8 | 63.64 | 2 |
| MR-3-02-2341 | % Missed Repair Appointment – Central Office | 22.77 | 33.33 | 27.7 | 33.33 | 44.4 | 30 | 32.9 | 0 | 22.9 | 50 | 1,2,4,5 |
| MR-3-03-2341 | % CPE/TOK/FOK - Missed Appointment | 17.24 | 12 | | 13.33 | | 12.2 | | 28.1 | | 14.29 | |
| **MR-4 - Trouble Duration Intervals** | | | | | | | | | | | | |
| MR-4-01-2341 | Mean Time To Repair – Total | 24.94 | 35.63 | 25.6 | 42.4 | 29 | 21.1 | 28.2 | 25.5 | 62.6 | 45.59 | |
| MR-4-02-2341 | Mean Time To Repair – Loop Trouble | 30.45 | 25.52 | 28.8 | 46.34 | 30.9 | 26.8 | 30.6 | 28.5 | 29.9 | 31.9 | 2 |
| MR-4-03-2341 | Mean Time To Repair – Central Office Trouble | 17.78 | 59.22 | 18.4 | 34.5 | 24.9 | 13.3 | 24.5 | 12.2 | 125 | 64.41 | 1,2,4,5 |
| MR-4-04-2341 | % Cleared (all troubles) within 24 Hours | 68.1 | 65 | 69.1 | 55.56 | 57.9 | 66.7 | 65.7 | 68.2 | 70.6 | 42.11 | |
| MR-4-07-2341 | % Out of Service > 12 Hours | 45.65 | 66.67 | 32.2 | 50 | 48 | 88.9 | 45.1 | 66.7 | 40.5 | 63.64 | 1,2,4 |
| MR-4-08-2341 | % Out of Service > 24 Hours | 20.65 | 66.67 | 22 | 25 | 34.3 | 22.2 | 28.1 | 50 | 18.9 | 63.64 | 1,2,4 |

| Metric Number | Metric Name | November | | December | | January | | February | | March | | Notes |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | |
| **MR-5 - Repeat Trouble Reports** | | | | | | | | | | | | |
| MR-5-01-2341 | % Repeat Reports within 30 Days | 19.83 | 5 | 13.8 | 22.22 | 16.2 | 16.7 | 16.2 | 13.6 | 14.2 | 10.53 | |
| **Special Services - Maintenance** | | | | | | | | | | | | |
| **MR-2 - Trouble Report Rate** | | | | | | | | | | | | |
| MR-2-01-2200 | Network Trouble Report Rate | 0.2 | 0.16 | 0.21 | 0.17 | 0.21 | 0.14 | 0.21 | 0.12 | 0.23 | 0.24 | |
| MR-2-05-2200 | % CPE/TOK/FOK Trouble Report Rate | 0.27 | 0.23 | | 0.23 | | 0.26 | | 0.24 | | 0.23 | |
| **MR-4 - Trouble Duration Intervals** | | | | | | | | | | | | |
| MR-4-01-2216 | Mean Time To Repair – Total - Non DS0 & DS0 | 6.52 | 8.01 | 5.77 | 6.11 | 6.45 | 6.16 | 6.42 | 8.53 | 6.48 | 7.91 | |
| MR-4-01-2217 | Mean Time To Repair – Total - DS1 & DS3 | 6.99 | 6.67 | 6.68 | 4.31 | 5.99 | 8.02 | 6.38 | 7.38 | 7.98 | 8.23 | 4 |
| MR-4-04-2216 | % Cleared (all troubles) within 24 Hours - Non DS0 & DS0 | 97.99 | 95.12 | 98.1 | 100 | 97.9 | 95.6 | 97.2 | 89.5 | 98.1 | 100 | |
| MR-4-04-2217 | % Cleared (all troubles) within 24 Hours - DS1 & DS3 | 97.4 | 100 | 97 | 100 | 98.2 | 100 | 97.3 | 100 | 95.6 | 100 | 4 |
| MR-4-06-2216 | % Out of Service > 4 Hours - Non DS0 & DS0 | 57.42 | 75 | 50.8 | 62.5 | 59.8 | 52.6 | 53.7 | 75.8 | 57.6 | 81.82 | |
| MR-4-06-2217 | % Out of Service > 4 Hours - DS1 & DS3 | 61.78 | 57.89 | 59.7 | 46.67 | 53.2 | 87.5 | 59.5 | 66.7 | 67.7 | 84 | 3,4 |
| MR-4-08-2216 | % Out of Service > 24 Hours - Non DS0 & DS0 | 1.96 | 6.25 | 1.89 | 0 | 2.07 | 2.63 | 2.86 | 12.1 | 1.9 | 0 | |
| MR-4-08-2217 | % Out of Service > 24 Hours - DS1 & DS3 | 2.62 | 0 | 2.99 | 0 | 1.82 | 0 | 2.79 | 0 | 4.48 | 0 | 3,4 |
| **MR-5 - Repeat Trouble Reports** | | | | | | | | | | | | |
| MR-5-01-2200 | % Repeat Reports within 30 Days | 18.25 | 22.58 | 13.4 | 22.39 | 17.8 | 13 | 18 | 17.4 | 18 | 23.91 | |
| ***UNBUNDLED NETWORK ELEMENTS (UNEs)*** | | | | | | | | | | | | |
| **Platform** | | | | | | | | | | | | |
| **OR-1 - Order Confirmation Timeliness** | | | | | | | | | | | | |

| Metric Number | Metric Name | November | | December | | January | | February | | March | | Notes |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | |
| OR-1-02-3143 | % On Time LSRC – Flow Through | | 97.4 | | 99.76 | | 99.9 | | 99.9 | | 99.85 | |
| OR-1-04-3143 | % On Time LSRC No Facility Check | | 98.02 | | 95.79 | | 96.7 | | 98.5 | | 99.75 | |
| OR-1-06-3143 | % On Time LSRC/ASRC Facility Check | | 99.4 | | 99.17 | | 99 | | 100 | | 100 | |
| **OR-2 - Reject Timeliness** | | | | | | | | | | | | |
| OR-2-02-3143 | % On Time LSR Reject – Flow Through | | 99.34 | | 99.72 | | 99.9 | | 99.9 | | 100 | |
| OR-2-04-3143 | % On Time LSR Reject No Facility Check | | 99.79 | | 99.75 | | 99.8 | | 99.2 | | 98.18 | |
| OR-2-06-3143 | % On Time LSR/ASR Reject Facility Check | | 100 | | 100 | | 100 | | 100 | | 100 | |
| **OR-6 - Order Accuracy** | | | | | | | | | | | | |
| OR-6-01-3143 | % Accuracy - Orders | | 90.28 | | 100 | | UR | | UR | | 99.75 | 2 |
| OR-6-03-3143 | % Accuracy – LSRC | | 0 | | 0 | | 0.11 | | 0 | | 0 | |
| **OR-7 - Order Completeness** | | | | | | | | | | | | |
| OR-7-01-3143 | % Order Confirmation/Rejects sent within 3 Business Days | | 99.87 | | 99.6 | | 99.8 | | 99.9 | | 99.73 | |
| **Loop/Pre-qualified Complex/LNP** | | | | | | | | | | | | |
| **OR-1 - Order Confirmation Timeliness** | | | | | | | | | | | | |
| OR-1-02-3331 | % On Time LSRC – Flow Through | | 99.73 | | 99.88 | | 99.9 | | 99.9 | | 99.87 | |
| OR-1-04-3331 | % On Time LSRC No Facility Check | | 99.32 | | 99.26 | | 99.5 | | 99.1 | | 99.09 | |
| OR-1-06-3331 | % On Time LSRC/ASRC Facility Check | | 99.24 | | 99.63 | | 99.6 | | 98.8 | | 99.21 | |
| **OR-2 - Reject Timeliness** | | | | | | | | | | | | |
| OR-2-02-3331 | % On Time LSR Reject – Flow Through | | 99.83 | | 99.88 | | 100 | | 100 | | 100 | |

| Metric Number | Metric Name | November VZ | November CLEC | December VZ | December CLEC | January VZ | January CLEC | February VZ | February CLEC | March VZ | March CLEC | Notes |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| OR-2-04-3331 | % On Time LSR Reject No Facility Check | | 99.64 | | 99.37 | | 99.5 | | 99.9 | | 99.03 | |
| OR-2-06-3331 | % On Time LSR/ASR Reject Facility Check | | 100 | | 100 | | 100 | | 100 | | 100 | |
| **OR-6 - Order Accuracy** | | | | | | | | | | | | |
| OR-6-01-3331 | % Accuracy - Orders | | 95.47 | | 99.26 | | 98.4 | | 98.2 | | 99.01 | |
| OR-6-03-3331 | % Accuracy – LSRC | | 0.58 | | 0.5 | | 0.38 | | 0.36 | | 0.28 | |
| **OR-7 - Order Completeness** | | | | | | | | | | | | |
| OR-7-01-3331 | % Order Confirmation/Rejects sent within 3 Business Days | | 99.83 | | 99.87 | | 99.9 | | 99.8 | | 99.84 | |
| **2 Wire Digital Services** | | | | | | | | | | | | |
| **OR-1 - Order Confirmation Timeliness - Requiring Loop Qualification** | | | | | | | | | | | | |
| OR-1-04-3341 | % On Time LSRC No Facility Check | | 99.44 | | 100 | | 98.7 | | 100 | | 98.94 | |
| OR-1-06-3341 | % On Time LSRC/ASRC Facility Check | | NA | | NA | | NA | | NA | | 100 | 5 |
| **OR-2 - Reject Timeliness - Requiring Loop Qualification** | | | | | | | | | | | | |
| OR-2-04-3341 | % On Time LSR Reject No Facility Check | | 100 | | 100 | | 98.3 | | 100 | | 100 | |
| OR-2-06-3341 | % On Time LSR/ASR Reject Facility Check | | NA | | NA | | NA | | NA | | 100 | 5 |
| **2 Wire xDSL Loops** | | | | | | | | | | | | |
| **OR-1 - Order Confirmation Timeliness - Requiring Loop Qualification** | | | | | | | | | | | | |
| OR-1-04-3342 | % On Time LSRC No Facility Check | | 98.98 | | 98.96 | | 100 | | 100 | | 99.33 | |
| OR-1-06-3342 | % On Time LSRC/ASRC - Facility Check | | NA | | NA | | NA | | NA | | NA | |
| **OR-2 - Reject Timeliness - Requiring Loop Qualification** | | | | | | | | | | | | |
| OR-2-04-3342 | % On Time LSR Reject No Facility Check | | 100 | | 100 | | 100 | | 100 | | 100 | |
| OR-2-06-3342 | % On Time LSR/ASR Reject Facility Check | | NA | | NA | | NA | | NA | | NA | |
| **2 Wire xDSL Line Sharing & Line Splitting** | | | | | | | | | | | | |
| OR-1-04-3340 | % On Time LSRC No Facility Check | | 100 | | 100 | | 100 | | 100 | | 100 | |
| OR-1-06-3340 | % On Time LSRC/ASRC - Facility Check | | NA | | NA | | NA | | NA | | NA | |

| Metric Number | Metric Name | November | | December | | January | | February | | March | | Notes |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | |
| OR-2-04-3340 | % On Time LSR Reject No Facility Check | | 100 | | 100 | | 100 | | 100 | | 100 | 1,3,4 |
| OR-2-06-3340 | % On Time LSR/ASR Reject Facility Check | | NA | | NA | | NA | | NA | | NA | |
| **2 Wire xDSL Line Sharing** | | | | | | | | | | | | |
| OR-1-04-3343 | % On Time LSRC/ASRC- No Facility Check | | | | | | | | | | | |
| OR-1-06-3343 | % On Time LSRC/ASRC - Facility Check | | | | | | | | | | | |
| OR-2-04-3343 | % On Time LSR/ASR Reject- No Facility Check | | | | | | | | | | | |
| OR-2-06-3343 | % On Time LSR/ASR Reject Facility Check | | | | | | | | | | | |
| **POTS / Special Services - Aggregate** | | | | | | | | | | | | |
| **OR-3 - Percent Rejects** | | | | | | | | | | | | |
| OR-3-01-3000 | % Rejects (ASRs + LSRs) | | 19.9 | | 18.25 | | 18.7 | | 19.1 | | 18.13 | |
| **OR-4 - Timeliness of Completion Notification** | | | | | | | | | | | | |
| OR-4-16-3000 | % Provisioning Completion Notifiers sent within one (1) Business Day | | UD | | UD | | UD | | UD | | 74.1 | |
| OR-4-17-3000 | % Billing Completion Notifier sent within two (2) Business Days | | UD | | UD | | UD | | UD | | 95.25 | |
| **OR-5 - Percent Flow-Through** | | | | | | | | | | | | |
| OR-5-01-3000 | % Flow Through - Total | | 72.89 | | 72.64 | | 74 | | 74.3 | | 75.38 | |
| OR-5-03-3000 | % Flow Through Achieved | | 97.52 | | 96.73 | | 96.9 | | 96 | | 97.21 | |
| **Special Services - Electronically Submitted** | | | | | | | | | | | | |
| **OR-1 - Order Confirmation Timeliness (ASRs + LSRs)** | | | | | | | | | | | | |
| OR-1-04-3210 | % On Time LSRC No Facility Check DS0 | | NA | | NA | | NA | | NA | | NA | |
| OR-1-04-3211 | % On Time LSRC No Facility Check DS1 | | NA | | NA | | NA | | | | | |
| OR-1-04-3213 | % On Time LSRC No Facility Check DS3 | | NA | | NA | | NA | | | | | |
| OR-1-04-3214 | % On Time LSRC No Facility Check (Non DS0, Non DS1, & Non DS3) | | 98.82 | | 99.4 | | 99.1 | | | | | |
| OR-1-06-3210 | % On Time LSRC/ASRC Facility Check DS0 | | NA | | NA | | NA | | NA | | NA | |

| Metric Number | Metric Name | November | | December | | January | | February | | March | | Notes |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | |
| OR-1-06-3211 | % On Time LSRC/ASRC Facility Check DS1 | | 91.19 | | 93.2 | | 81.1 | | 88.4 | | 93.9 | |
| OR-1-06-3213 | % On Time LSRC/ASRC Facility Check DS3 | | 83.33 | | 75 | | 80 | | 93.8 | | 96.72 | 1,2 |
| OR-1-06-3214 | % On Time LSRC/ASRC Facility Check (Non DS0, Non DS1, & Non DS3) | | 98.2 | | 94.9 | | 98.7 | | 100 | | 100 | 4,5 |
| **OR-2 - Reject Timeliness (ASRs + LSRs)** | | | | | | | | | | | | |
| OR-2-04-3200 | % On Time LSR Reject No Facility Check | | 100 | | 100 | | 99.2 | | 100 | | 100 | 4,5 |
| OR-2-06-3200 | % On Time LSR/ASR Reject Facility Check | | 96.49 | | 96.67 | | 99.4 | | 92.8 | | 98.97 | |
| **Special Services - FAX/MAIL Submitted** | | | | | | | | | | | | |
| **OR-1 - Order Confirmation Timeliness** | | | | | | | | | | | | |
| OR-1-08-3210 | % On Time ASRC No Facility Check DS0 | | NA | | NA | | NA | | NA | | NA | |
| OR-1-10-3211 | % On Time ASRC Facility Check DS1 | | NA | | NA | | 100 | | 100 | | NA | 3,4 |
| OR-1-10-3213 | % On Time ASRC Facility Check DS3 | | NA | | NA | | NA | | 100 | | NA | 4 |
| OR-1-10-3214 | % On Time ASRC Facility Check (Non DS0, Non DS1, & Non 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-4 - Missed Appointments** | | | | | | | | | | | | |
| PR-4-02-3100 | Average Delay Days – Total | 2.83 | 2.31 | 2.74 | 2.86 | 3.07 | 2.2 | 2.65 | 1.7 | 2.6 | 2.25 | 5 |
| PR-4-04-3113 | % Missed Appt. – Verizon – Dispatch - Loop New | 5.17 | 0.72 | 5.03 | 0.66 | 5.07 | 1.56 | 4.93 | 0.4 | 5.36 | 0.87 | |
| PR-4-04-3140 | % Missed Appt. – Verizon – Dispatch - Platform | 5.17 | 4.26 | 5.03 | 7.48 | 5.07 | 5.28 | 4.93 | 4.27 | 5.36 | 0.67 | |

| Metric Number | Metric Name | November | | December | | January | | February | | March | | Notes |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | |
| PR-4-05-3140 | % Missed Appt. – Verizon – No Dispatch - Platform | 0.01 | 0 | 0.01 | 0 | 0.01 | 0 | 0.01 | 0 | 0.01 | 0 | |
| **PR-6 - Installation Quality** | | | | | | | | | | | | |
| PR-6-01-3112 | % Installation Troubles reported within 30 Days - Loop | 3.12 | 1.73 | 3.06 | 1.93 | 2.66 | 2.01 | 2.89 | 1.84 | 2.75 | 2.28 | |
| PR-6-01-3121 | % Installation Troubles reported within 30 Days - Platform | 3.12 | 1.06 | 3.06 | 1.41 | 2.66 | 1.07 | 2.89 | 1.35 | 2.75 | 1.34 | |
| PR-6-02-3520 | % Installation Troubles reported within 7 Days - Hot Cut Loop | | 0.44 | | 0.73 | | 0.49 | | 0.4 | | 0.81 | |
| PR-6-03-3112 | % Installation Troubles reported within 30 Days - FOK/TOK/CPE – Loop | 2.53 | 2.16 | | 2.14 | | 2.15 | | 2.09 | | 1.81 | |
| PR-6-03-3121 | % Installation Troubles reported within 30 Days - FOK/TOK/CPE – Platform | 2.53 | 0.82 | | 1.16 | | 0.88 | | 0.91 | | 1.31 | |
| **PR-8 - Open Orders in a Hold Status** | | | | | | | | | | | | |
| PR-8-01-3100 | Open Orders in a Hold Status > 30 Days | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| PR-8-02-3100 | Open Orders in a Hold Status > 90 Days | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| **PR-9 - Hot Cuts Loops** | | | | | | | | | | | | |
| PR-9-01-3520 | % On Time Performance – Hot Cut | | 98.28 | | 98.81 | | 99.3 | | 99.7 | | 99.51 | |
| PR-9-08-3520 | Average Duration of Service Interruption | | 13.8 | | 12.98 | | 11.5 | | 15.9 | | 21.2 | |
| **2-Wire Digital Services** | | | | | | | | | | | | |
| **PR-4 - Missed Appointments** | | | | | | | | | | | | |
| PR-4-02-3341 | Average Delay Days – Total | 4.31 | 2.33 | 4.62 | 3 | 4.74 | NA | 3.45 | 2 | 3.3 | 2 | 1,2,4,5 |
| PR-4-04-3341 | % Missed Appointment – Verizon – Dispatch | 5.46 | 0 | 12.2 | 0 | 5.29 | 0 | 9.04 | 0 | 4.31 | 0 | |
| PR-4-05-3341 | % Missed Appointment – Verizon – No Dispatch | 0 | NA | 0 | NA | 0 | 0 | 0 | 0 | 0 | 0 | 3,4,5 |
| **PR-6 - Installation Quality** | | | | | | | | | | | | |
| PR-6-01-3341 | % Install. Troubles Reported within 30 Days | 6.21 | 26.58 | 6.05 | 11.54 | 5.59 | 15.6 | 5.43 | 7.87 | 5.44 | 13.64 | |

| Metric Number | Metric Name | November | | December | | January | | February | | March | | Notes |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | |
| PR-6-03-3341 | % Install. Troubles Reported within 30 Days - FOK/TOK/CPE | 2.44 | 11.39 | | 6.41 | | 21.9 | | 15.7 | | 19.32 | |
| **PR-8 - Open Orders in a Hold Status** | | | | | | | | | | | | |
| PR-8-01-3341 | Open Orders in a Hold Status > 30 Days | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 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-4 - Missed Appointments** | | | | | | | | | | | | |
| PR-4-02-3342 | Average Delay Days – Total | 5.33 | 2.75 | 8.25 | 1.83 | 5.7 | 4.67 | 4.57 | 2.5 | 5.3 | 3.13 | 1,2,3,4,5 |
| PR-4-04-3342 | % Missed Appointment – Verizon – Dispatch | | 0.56 | | 0.53 | | 0 | | 0.25 | | 0.2 | |
| PR-4-14-3342 | % Completed On Time (with Serial Number) | | 98.51 | | 97.44 | | 98.6 | | 97.2 | | 98.41 | |
| **PR-6 - Installation Quality** | | | | | | | | | | | | |
| PR-6-01-3342 | % Install. Troubles Reported within 30 Days | 6.21 | 6.97 | 6.05 | 5.15 | 5.59 | 3.81 | 5.43 | 6 | 5.44 | 3.86 | |
| PR-6-03-3342 | % Install. Troubles Reported within 30 Days - FOK/TOK/CPE | 2.85 | 8.31 | | 6.96 | | 8.21 | | 7.67 | | 7.53 | |
| **PR-8 - Open Orders in a Hold Status** | | | | | | | | | | | | |
| PR-8-01-3342 | Open Orders in a Hold Status > 30 Days | 0 | 0 | 0.56 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| PR-8-02-3342 | Open Orders in a Hold Status > 90 Days | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| **2-Wire xDSL Line Sharing** | | | | | | | | | | | | |
| **PR-4 - Missed Appointments** | | | | | | | | | | | | |
| PR-4-02-3343 | Average Delay Days – Total | 3.54 | NA | 1.5 | NA | 1.64 | NA | 2.2 | 3 | 3.36 | NA | 4 |
| PR-4-04-3343 | % Missed Appointment – Verizon – Dispatch | 1.2 | 0 | 1.68 | 0 | 1.94 | 0 | 1.49 | 4.76 | 1.36 | 0 | 1 |
| PR-4-05-3343 | % Missed Appointment – Verizon – No Dispatch | 0.36 | 0 | 0.04 | 0 | 0.05 | 0 | 0.1 | 0 | 0.06 | 0 | |
| **PR-6 - Installation Quality** | | | | | | | | | | | | |

| Metric Number | Metric Name | November | | December | | January | | February | | March | | Notes |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | |
| PR-6-01-3343 | % Install. Troubles Reported within 30 Days | 0.67 | 1.24 | 0.61 | 1.8 | 0.47 | 1.04 | 0.51 | 0.57 | 0.54 | 0.53 | |
| PR-6-03-3343 | % Install. Troubles Reported within 30 Days - FOK/TOK/CPE | 3.51 | 8.07 | | 6.59 | | 6.25 | | 6.29 | | 3.19 | |
| **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** | | | | | | | | | | | | |
| **PR-4 - Missed Appointments** | | | | | | | | | | | | |
| PR-4-02-3345 | Average Delay Days – Total | 3.54 | NA | 1.5 | NA | 1.64 | NA | 2.2 | NA | 3.36 | NA | |
| PR-4-04-3345 | % Missed Appointment – Verizon – Dispatch | 1.2 | NA | 1.68 | NA | 1.94 | NA | 1.49 | NA | 1.36 | NA | |
| PR-4-05-3345 | % Missed Appointment – Verizon – No Dispatch | 0.36 | NA | 0.04 | NA | 0.05 | NA | 0.1 | NA | 0.06 | NA | |
| **PR-6 - Installation Quality** | | | | | | | | | | | | |
| PR-6-01-3345 | % Install. Troubles Reported within 30 Days | 0.67 | NA | 0.61 | NA | 0.47 | NA | 0.51 | NA | 0.54 | NA | |
| PR-6-03-3345 | % Install. Troubles Reported within 30 Days - FOK/TOK/CPE | 3.51 | NA | | NA | | NA | | NA | | NA | |
| **PR-8 - Open Orders in a Hold Status** | | | | | | | | | | | | |
| PR-8-01-3345 | Open Orders in a Hold Status > 30 Days | 0 | NA | 0 | NA | 0 | NA | 0 | NA | 0 | NA | |
| PR-8-02-3345 | Open Orders in a Hold Status > 90 Days | 0 | NA | 0 | NA | 0 | NA | 0 | NA | 0 | NA | |
| **Special Services - Provisioning** | | | | | | | | | | | | |
| **PR-4 - Missed Appointments** | | | | | | | | | | | | |
| PR-4-01-3210 | % Missed Appointment – Verizon – DS0 | 3.49 | 0 | 2.22 | NA | 4.63 | NA | 3.89 | NA | 5.03 | NA | |
| PR-4-01-3211 | % Missed Appointment – Verizon – DS1 | 14.88 | 0.89 | 11.6 | 1.94 | 15.7 | 1.56 | 7.19 | 6.73 | 12.7 | 3.16 | |

| Metric Number | Metric Name | November | | December | | January | | February | | March | | Notes |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | |
| PR-4-01-3213 | % Missed Appointment – Verizon – DS3 | 57.14 | NA | 85.7 | NA | 83.3 | NA | 60 | NA | 41.7 | NA | |
| PR-4-01-3214 | % Missed Appointment – Verizon – Special Other | 7.32 | NA | 10.3 | NA | 1.56 | 0 | 0 | 0 | 0 | NA | 3,4 |
| PR-4-01-3510 | % Missed Appointment – Verizon – Total - EEL | 14.88 | 7.69 | 11.6 | 0 | 15.7 | 6.94 | 7.19 | 0 | 12.7 | 8.33 | |
| PR-4-01-3530 | % Missed Appointment – Verizon – Total- IOF | 57.14 | 16.67 | 85.7 | 28.57 | 83.3 | 0 | 60 | 0 | 41.7 | 8.7 | 2 |
| PR-4-02-3200 | Average Delay Days – Total | 10.45 | 3 | 14.9 | 5 | 10.7 | 19.5 | 7.71 | 27.7 | 14.2 | 8.8 | 1,2,3,4,5 |
| PR-4-02-3510 | Average Delay Days – Total - EEL | 9.19 | 16.33 | 12 | NA | 9.28 | 13.2 | 5.55 | NA | 15.7 | 5 | 1,3,5 |
| PR-4-02-3530 | Average Delay Days – Total - IOF | 37.75 | 63 | 38.5 | 28.5 | 30.8 | NA | 23 | NA | 20.2 | 18 | 1,2,5 |
| **PR-6 - Installation Quality** | | | | | | | | | | | | |
| PR-6-01-3200 | % Installation Troubles reported within 30 Days | 1.81 | 6.98 | 2.75 | 4.71 | 1.65 | 2.74 | 2.76 | 8.78 | 2.8 | 3.95 | |
| PR-6-03-3200 | % Inst. Troubles reported w/ in 30 Days - FOK/TOK/CPE | 1.86 | 1.16 | | 0 | | 0 | | 0 | | 0 | |
| **PR-8 - Open Orders in a Hold Status** | | | | | | | | | | | | |
| PR-8-01-3200 | Open Orders in a Hold Status > 30 Days | 0.66 | 0 | 0.44 | 0 | 0.21 | 0 | 0.26 | 0 | 0.37 | 0 | |
| PR-8-02-3200 | Open Orders in a Hold Status > 90 Days | 0.16 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0.18 | 0 | |
| **UNE (Maintenance) - POTS/Special Services** | | | | | | | | | | | | |
| **Maintenance - POTS Loop** | | | | | | | | | | | | |
| **MR-2 - Trouble Report Rate** | | | | | | | | | | | | |
| MR-2-02-3550 | Network Trouble Report Rate – Loop | 0.8 | 0.5 | 0.91 | 0.51 | 0.84 | 0.49 | 0.76 | 0.42 | 0.94 | 0.53 | |
| MR-2-03-3550 | Network Trouble Report Rate – Central Office | 0.09 | 0.04 | 0.08 | 0.05 | 0.09 | 0.06 | 0.08 | 0.04 | 0.09 | 0.08 | |

| Metric Number | Metric Name | November | | December | | January | | February | | March | | Notes |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | |
| **MR-3 - Missed Repair Appointments** | | | | | | | | | | | | |
| MR-3-01-3550 | % Missed Repair Appointment – Loop | 8.51 | 2.52 | 9.65 | 4.28 | 8.42 | 2.71 | 9.22 | 2.42 | 11.6 | 5.37 | |
| MR-3-02-3550 | % Missed Repair Appointment – Central Office | 10.47 | 4.65 | 7.34 | 10.71 | 6.9 | 12.9 | 8.34 | 12.5 | 7.77 | 4.76 | |
| **MR-4 - Trouble Duration Intervals** | | | | | | | | | | | | |
| MR-4-01-3550 | Mean Time To Repair – Total | 17.12 | 12.35 | 18.3 | 13.62 | 16.7 | 13.2 | 18 | 13.5 | 19 | 13.49 | |
| MR-4-02-3550 | Mean Time To Repair – Loop Trouble | 17.84 | 12.72 | 19.1 | 14.29 | 17.6 | 13.7 | 19 | 13.8 | 20 | 14.17 | |
| MR-4-03-3550 | Mean Time To Repair – Central Office Trouble | 10.36 | 7.87 | 10 | 7.19 | 8.38 | 8.71 | 9.17 | 9.39 | 8.93 | 8.99 | |
| MR-4-07-3550 | % Out of Service > 12 Hours | 55.55 | 44.81 | 56.9 | 44.19 | 54.3 | 48.1 | 57.2 | 48.1 | 57.8 | 48.09 | |
| MR-4-08-3550 | % Out of Service > 24 Hours | 21.27 | 8.2 | 24.2 | 9.53 | 20 | 12.4 | 22.9 | 12.1 | 24.9 | 10.85 | |
| **MR-5 - Repeat Trouble Reports** | | | | | | | | | | | | |
| MR-5-01-3550 | % Repeat Reports within 30 Days | 16.97 | 17.2 | 18.9 | 16.5 | 17.7 | 17.8 | 18.6 | 15.4 | 17.9 | 11.35 | |
| **Maintenance - POTS Platform** | | | | | | | | | | | | |
| **MR-2 - Trouble Report Rate** | | | | | | | | | | | | |
| MR-2-02-3140 | Network Trouble Report Rate – Platform | 0.8 | 0.63 | 0.91 | 0.61 | 0.84 | 0.79 | 0.76 | 0.73 | 0.94 | 0.78 | |
| MR-2-03-3140 | Network Trouble Report Rate – Central Office | 0.09 | 0.17 | 0.08 | 0.14 | 0.09 | 0.16 | 0.08 | 0.13 | 0.09 | 0.15 | |
| MR-2-04-3140 | % Subsequent Reports | 15.06 | 8.42 | | 9.09 | | 6.08 | | 6.98 | | 4.82 | |
| MR-2-05-3140 | % CPE/TOK/FOK Trouble Report Rate | 0.65 | 0.64 | | 0.62 | | 0.7 | | 0.61 | | 0.79 | |
| **MR-3 - Missed Repair Appointments** | | | | | | | | | | | | |
| MR-3-01-3144 | % Missed Repair Appointment – Platform Bus. | 9.59 | 11.94 | 13.1 | 8.57 | 12.2 | 12.5 | 12.8 | 12.2 | 15.1 | 13.71 | |

| Metric Number | Metric Name | November | | December | | January | | February | | March | | Notes |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | |
| MR-3-01-3145 | % Missed Repair Appointment – Platform Res. | 8.29 | 6.45 | 9.07 | 3.7 | 7.61 | 2.78 | 8.51 | 7.58 | 10.9 | 11.54 | |
| MR-3-02-3144 | % Missed Repair Appointment – Central Office Bus. | 14.51 | 13.95 | 9.04 | 12.2 | 9.64 | 11.1 | 12.3 | 2.63 | 13.4 | 13.16 | |
| MR-3-02-3145 | % Missed Repair Appointment – Central Office Res. | 8.73 | 0 | 6.59 | 0 | 5.73 | 0 | 6.79 | 0 | 5.74 | 0 | 2,3,4 |
| MR-3-03-3140 | % CPE/TOK/FOK - Missed Appointment - Platform | 5.89 | 6.5 | | 7.11 | | 8.77 | | 6.5 | | 6.8 | |
| **MR-4 - Trouble Duration Intervals** | | | | | | | | | | | | |
| MR-4-01-3140 | Mean Time To Repair – Total | 17.12 | 13.13 | 18.3 | 10.71 | 16.7 | 11.9 | 18 | 12.1 | 19 | 13.16 | |
| MR-4-02-3144 | Mean Time To Repair – Loop Trouble - Platform - Bus. | 12.01 | 11.72 | 13.1 | 11.11 | 12.2 | 11.3 | 12.1 | 11.2 | 12.6 | 12.43 | |
| MR-4-02-3145 | Mean Time To Repair – Loop Trouble - Platform - Res. | 19.03 | 17.85 | 20 | 11.34 | 18.7 | 17 | 20.4 | 18.1 | 21.5 | 20.98 | |
| MR-4-03-3144 | Mean Time To Repair – Central Office Trouble - Bus. | 9.15 | 10.82 | 8.69 | 8.44 | 6.78 | 7.23 | 8 | 6.05 | 8.36 | 8.24 | |
| MR-4-03-3145 | Mean Time To Repair – Central Office Trouble - Res. | 10.83 | 12.82 | 10.5 | 11.29 | 9.03 | 6.67 | 9.61 | 9.48 | 9.13 | 4.85 | 2,3,4 |
| MR-4-04-3140 | % Cleared (all troubles) within 24 Hours | 78.44 | 86.8 | 75.6 | 93.75 | 79.8 | 90.6 | 77 | 90.4 | 74.6 | 86.82 | |
| MR-4-06-3140 | % Out of Service > 4 Hours | 77.11 | 72.11 | 78.2 | 59.06 | 76.3 | 69.2 | 77.2 | 64.7 | 79 | 66.67 | |
| MR-4-07-3140 | % Out of Service > 12 Hours | 55.55 | 49.47 | 56.9 | 35.67 | 54.3 | 41 | 57.2 | 41.9 | 57.8 | 44.44 | |
| MR-4-08-3144 | % Out of Service > 24 Hours - Bus. | 10.44 | 13.85 | 13.1 | 4.88 | 11.5 | 7.88 | 11.5 | 6.9 | 12.2 | 9.66 | |
| MR-4-08-3145 | % Out of Service > 24 Hours - Res. | 23.73 | 23.33 | 26.2 | 6.25 | 21.9 | 12.9 | 25.3 | 17 | 27.7 | 24.49 | |
| **MR-5 - Repeat Trouble Reports** | | | | | | | | | | | | |
| MR-5-01-3140 | % Repeat Reports within 30 Days | 16.97 | 22.4 | 18.9 | 14.17 | 17.7 | 17.8 | 18.6 | 18.6 | 17.9 | 15.2 | |

| Metric Number | Metric Name | November | | December | | January | | February | | March | | Notes |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 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 | 0.79 | 1.52 | 0.9 | 0.62 | 0.83 | 0.97 | 0.75 | 0.85 | 0.93 | 1.11 | |
| MR-2-03-3341 | Network Trouble Report Rate - Central Office | 0.09 | 0.1 | 0.08 | 0.23 | 0.09 | 0.29 | 0.08 | 0.13 | 0.09 | 0.28 | |
| MR-2-04-3341 | % Subsequent Reports | 15.19 | 11.11 | | 17.5 | | 20 | | 11.6 | | 22.86 | |
| **MR-3 - Missed Repair Appointments** | | | | | | | | | | | | |
| MR-3-01-3341 | % Missed Repair Appointment – Loop | 8.68 | 3.33 | 9.71 | 0 | 8.55 | 5.41 | 9.32 | 12.1 | 11.7 | 2.33 | |
| MR-3-02-3341 | % Missed Repair Appointment – Central Office | 10.84 | 0 | 7.64 | 0 | 7.6 | 0 | 8.95 | 0 | 8.07 | 9.09 | 1,4 |
| **MR-4 - Trouble Duration Intervals** | | | | | | | | | | | | |
| MR-4-01-3341 | Mean Time To Repair - Total | 17.17 | 10.5 | 18.3 | 10.81 | 16.8 | 8.56 | 18.1 | 15.5 | 19.3 | 11.48 | |
| MR-4-02-3341 | Mean Time To Repair - Loop Trouble | 17.9 | 11.04 | 19.1 | 13.96 | 17.7 | 10.4 | 19 | 17.3 | 20.1 | 13.06 | |
| MR-4-03-3341 | Mean Time To Repair - Central Office Trouble | 10.58 | 2.42 | 10.2 | 2.4 | 8.69 | 2.46 | 9.55 | 3.99 | 11.2 | 5.29 | 1,4 |
| MR-4-07-3341 | % Out of Service > 12 Hours | 55.51 | 35.29 | 56.8 | 34.48 | 54.3 | 22.9 | 57.2 | 54.8 | 57.8 | 36.59 | |
| MR-4-08-3341 | % Out of Service > 24 Hours | 21.27 | 11.76 | 24.2 | 10.34 | 20 | 5.71 | 22.9 | 25.8 | 24.9 | 7.32 | |
| **MR-5 - Repeat Trouble Reports** | | | | | | | | | | | | |
| MR-5-01-3341 | % Repeat Reports within 30 Days | 16.99 | 21.88 | 18.9 | 9.09 | 17.7 | 20.8 | 18.6 | 21.1 | 17.9 | 16.67 | |
| **2-Wire xDSL Loops - Maintenance** | | | | | | | | | | | | |
| **MR-2 - Trouble Report Rate** | | | | | | | | | | | | |
| MR-2-02-3342 | Network Trouble Report Rate - Loop | 0.79 | 0.58 | 0.9 | 0.42 | 0.83 | 0.64 | 0.75 | 0.54 | 0.93 | 0.56 | |

| Metric Number | Metric Name | November | | December | | January | | February | | March | | Notes |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | |
| MR-2-03-3342 | Network Trouble Report Rate - Central Office | 0.09 | 0.06 | 0.08 | 0.04 | 0.09 | 0.07 | 0.08 | 0.04 | 0.09 | 0.09 | |
| **MR-3 - Missed Repair Appointments** | | | | | | | | | | | | |
| MR-3-01-3342 | % Missed Repair Appointment – Loop | 8.68 | 8.49 | 9.71 | 6.67 | 8.55 | 5.94 | 9.32 | 5.43 | 11.7 | 7.61 | |
| MR-3-02-3342 | % Missed Repair Appointment – Central Office | 10.84 | 0 | 7.64 | 0 | 7.6 | 0 | 8.95 | 0 | 8.07 | 0 | |
| **MR-4 - Trouble Duration Intervals** | | | | | | | | | | | | |
| MR-4-02-3342 | Mean Time To Repair - Loop Trouble | 17.9 | 16.17 | 19.1 | 14.87 | 17.7 | 12.7 | 19 | 12.6 | 20.1 | 13.59 | |
| MR-4-03-3342 | Mean Time To Repair - Central Office Trouble | 10.58 | 2.54 | 10.2 | 3.71 | 8.69 | 3.53 | 9.55 | 4.81 | 11.2 | 3.07 | |
| MR-4-07-3342 | % Out of Service > 12 Hours | 55.51 | 46 | 56.8 | 38.89 | 54.3 | 39.6 | 57.2 | 33.3 | 57.8 | 36.17 | |
| MR-4-08-3342 | % Out of Service > 24 Hours | 21.27 | 15 | 24.2 | 8.33 | 20 | 11.9 | 22.9 | 14.9 | 24.9 | 15.96 | |
| **MR-5 - Repeat Trouble Reports** | | | | | | | | | | | | |
| MR-5-01-3342 | % Repeat Reports within 30 Days | 16.99 | 15.25 | 18.9 | 12.94 | 17.7 | 12.4 | 18.6 | 14.2 | 17.9 | 14.29 | |
| **2-Wire xDSL Line Sharing - Maintenance** | | | | | | | | | | | | |
| **MR-2 - Trouble Report Rate** | | | | | | | | | | | | |
| MR-2-02-3343 | Network Trouble Report Rate - Loop | 0.2 | 0 | 0.19 | 0 | 0.18 | 0.11 | 0.15 | 0.07 | 0.19 | 0.04 | |
| MR-2-03-3343 | Network Trouble Report Rate - Central Office | 0.04 | 0.12 | 0.04 | 0.04 | 0.03 | 0.11 | 0.04 | 0.11 | 0.04 | 0 | |
| **MR-3 - Missed Repair Appointments** | | | | | | | | | | | | |
| MR-3-01-3343 | % Missed Repair Appointment – Loop | 17.83 | NA | 18.6 | NA | 19.3 | 33.3 | 22.5 | 50 | 17.6 | 0 | 3,4,5 |
| MR-3-02-3343 | % Missed Repair Appointment – Central Office | 11.38 | 0 | 6.6 | 0 | 8.05 | 0 | 8.25 | 25 | 6.19 | 0 | 1,2,3,4,5 |
| **MR-4 - Trouble Duration Intervals** | | | | | | | | | | | | |

| Metric Number | Metric Name | November | | December | | January | | February | | March | | Notes |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | |
| MR-4-02-3343 | Mean Time To Repair - Loop Trouble | 25.41 | NA | 26.9 | NA | 24.8 | 23.4 | 24.5 | 37.3 | 22.6 | 8.5 | 3,4,5 |
| MR-4-03-3343 | Mean Time To Repair - Central Office Trouble | 12.21 | 10.84 | 11.6 | 2.27 | 10.3 | 7.22 | 11.4 | 6.63 | 9.77 | 5.87 | 1,2,3,4,5 |
| MR-4-04-3343 | % Cleared (all troubles) within 24 Hours | 75.64 | 80 | 74.7 | 100 | 72.1 | 87.5 | 70.5 | 83.3 | 74.7 | 100 | 1,2,3,4,5 |
| MR-4-07-3343 | % Out of Service > 12 Hours | 64.45 | 20 | 73.7 | 0 | 68.6 | 50 | 64 | 16.7 | 59.4 | 0 | 1,2,3,4,5 |
| MR-4-08-3343 | % Out of Service > 24 Hours | 24.86 | 20 | 25.4 | 0 | 27.6 | 12.5 | 29 | 16.7 | 25.1 | 0 | 1,2,3,4,5 |
| **MR-5 - Repeat Trouble Reports** | | | | | | | | | | | | |
| MR-5-01-3343 | % Repeat Reports within 30 Days | 55.52 | 20 | 57.5 | 25 | 56.8 | 50 | 55.6 | 16.7 | 62.1 | 50 | 1,2,3,4,5 |
| **2-Wire xDSL Line Splitting - Maintenance** | | | | | | | | | | | | |
| **MR-2 - Trouble Report Rate** | | | | | | | | | | | | |
| MR-2-02-3345 | Network Trouble Report Rate - Loop | 0.2 | NA | 0.19 | NA | 0.18 | NA | 0.15 | NA | 0.19 | NA | |
| MR-2-03-3345 | Network Trouble Report Rate - Central Office | 0.04 | NA | 0.04 | NA | 0.03 | NA | 0.04 | NA | 0.04 | NA | |
| **MR-3 - Missed Repair Appointments** | | | | | | | | | | | | |
| MR-3-01-3345 | % Missed Repair Appointment – Loop | 17.83 | NA | 18.6 | NA | 19.3 | NA | 22.5 | NA | 17.6 | NA | |
| MR-3-02-3345 | % Missed Repair Appointment – Central Office | 11.38 | NA | 6.6 | NA | 8.05 | NA | 8.25 | NA | 6.19 | NA | |
| **MR-4 - Trouble Duration Intervals** | | | | | | | | | | | | |
| MR-4-02-3345 | Mean Time To Repair - Loop Trouble | 25.41 | NA | 26.9 | NA | 24.8 | NA | 24.5 | NA | 22.6 | NA | |
| MR-4-03-3345 | Mean Time To Repair - Central Office Trouble | 12.21 | NA | 11.6 | NA | 10.3 | NA | 11.4 | NA | 9.77 | NA | |
| MR-4-04-3345 | % Cleared (all troubles) within 24 Hours | 75.64 | NA | 74.7 | NA | 72.1 | NA | 70.5 | NA | 74.7 | NA | |

| Metric Number | Metric Name | November | | December | | January | | February | | March | | Notes |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | |
| MR-4-07-3345 | % Out of Service > 12 Hours | 64.45 | NA | 73.7 | NA | 68.6 | NA | 64 | NA | 59.4 | NA | |
| MR-4-08-3345 | % Out of Service > 24 Hours | 24.86 | NA | 25.4 | NA | 27.6 | NA | 29 | NA | 25.1 | NA | |
| **MR-5 - Repeat Trouble Reports** | | | | | | | | | | | | |
| MR-5-01-3345 | % Repeat Reports within 30 Days | 55.52 | NA | 57.5 | NA | 56.8 | NA | 55.6 | NA | 62.1 | NA | |
| **Special Services - Maintenance** | | | | | | | | | | | | |
| **MR-2 - Trouble Report Rate** | | | | | | | | | | | | |
| MR-2-01-3200 | Network Trouble Report Rate | 0.2 | 1.62 | 0.21 | 1.8 | 0.21 | 1.54 | 0.21 | 1.26 | 0.23 | 1.65 | |
| MR-2-05-3200 | % CPE/TOK/FOK Trouble Report Rate | 0.27 | 2.63 | | 2.57 | | 2.94 | | 1.85 | | 1.84 | |
| **MR-4 - Trouble Duration Intervals** | | | | | | | | | | | | |
| MR-4-01-3216 | Mean Time To Repair – Total - Non DS0 & DS0 | 6.52 | NA | 5.77 | NA | 6.45 | 2.25 | 6.42 | NA | 6.48 | NA | 3 |
| MR-4-01-3217 | Mean Time To Repair – Total - DS1 & DS3 | 6.99 | 7.13 | 6.68 | 6.82 | 5.99 | 6.61 | 6.38 | 6.43 | 7.98 | 6.66 | |
| MR-4-04-3216 | % Cleared (all troubles) within 24 Hours - Non DS0 & DS0 | 97.99 | NA | 98.1 | NA | 97.9 | 100 | 97.2 | NA | 98.1 | NA | 3 |
| MR-4-04-3217 | % Cleared (all troubles) within 24 Hours - DS1 & DS3 | 97.4 | 100 | 97 | 100 | 98.2 | 98.2 | 97.3 | 95.9 | 95.6 | 98.55 | |
| MR-4-06-3216 | % Out of Service > 4 Hours - Non DS0 & DS0 | 57.42 | NA | 50.8 | NA | 59.8 | 0 | 53.7 | NA | 57.6 | NA | 3 |
| MR-4-06-3217 | % Out of Service > 4 Hours - DS1 & DS3 | 61.78 | 63.79 | 59.7 | 79.37 | 53.2 | 68.5 | 59.5 | 55 | 67.7 | 54.24 | |
| MR-4-08-3216 | % Out of Service > 24 Hours - Non DS0 & DS0 | 1.96 | NA | 1.89 | NA | 2.07 | 0 | 2.86 | NA | 1.9 | NA | 3 |
| MR-4-08-3217 | % Out of Service > 24 Hours - DS1 & DS3 | 2.62 | 0 | 2.99 | 0 | 1.82 | 1.85 | 2.79 | 2.5 | 4.48 | 1.69 | |
| **MR-5 - Repeat Trouble Reports** | | | | | | | | | | | | |

| Metric Number | Metric Name | November | | December | | January | | February | | March | | Notes |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | |
| MR-5-01-3200 | % Repeat Reports within 30 Days | 18.25 | 6.9 | 13.4 | 12.31 | 17.8 | 17.5 | 18 | 14.3 | 18 | 10.14 | |
| ***TRUNKS (Aggregate) - POTS/Special Services*** | | | | | | | | | | | | |
| **ORDERING** | | | | | | | | | | | | |
| **OR 1 - Order Confirmation Timeliness** | | | | | | | | | | | | |
| OR-1-12-5020 | % On Time FOC (<= 192 Forecasted Trunks) | | 90.91 | | 60 | | 100 | | 100 | | 100 | 2,3,4 |
| OR-1-12-5030 | % On Time FOC (> 192 and Unforecasted Trunks) | | 85.39 | | 96.15 | | 59.1 | | 88.9 | | 89.09 | |
| OR-1-13-5020 | % On Time Design Layout Record (DLR) | | 100 | | 100 | | 100 | | 100 | | 100 | |
| OR-1-19-5020 | % On Time Resp. - Request for Inbound Augment Trunks (<= 192 Forecasted Trunks) | | 100 | | 100 | | 100 | | 100 | | 100 | 3,4,5 |
| OR-1-19-5030 | % On Time Resp. - Request for Inbound Augment Trunks (> 192 Forecasted Trunks) | | 100 | | 100 | | NA | | 100 | | NA | 1,2,4 |
| **OR-2 - Reject Timeliness** | | | | | | | | | | | | |
| OR-2-12-5000 | % On Time Trunk ASR Reject (<= 192 Forecasted Trunks) | | 100 | | 100 | | 100 | | 100 | | 100 | 1,2,3,4,5 |
| **PROVISIONING** | | | | | | | | | | | | |
| **PR-1 - Average Interval Offered** | | | | | | | | | | | | |
| PR-1-09-5020 | Av. Interval Offered – Total (<= 192 Forecasted Trunks) | 23.21 | 18.75 | 17.3 | 34 | 22.6 | 19 | 23.9 | 15.2 | 16.1 | 18.33 | 1,2,3,4 |
| PR-1-09-5030 | Av. Interval Offered – Total (> 192 & Unforecasted Trunks) | 16.09 | 21.56 | 34.8 | 18.27 | 18 | 13.9 | 17.8 | 17.2 | 26.6 | 18.83 | 3 |
| **PR-4 - Missed Appointment** | | | | | | | | | | | | |
| PR-4-01-5000 | % Missed Appointment – Verizon – Total | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| PR-4-02-5000 | Average Delay Days - Total | NA | NA | NA | NA | NA | NA | NA | NA | NA | NA | |
| PR-4-07-3540 | % On Time Performance – LNP Only | | 99.5 | | 99.32 | | 99.8 | | 99.8 | | 99.84 | |
| **PR-5 - Facility Missed Orders** | | | | | | | | | | | | |

| Metric Number | Metric Name | November | | December | | January | | February | | March | | Notes |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | |
| 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 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| PR-6-03-5000 | % Inst. Troubles reported within 30 Days - FOK/TOK/CPE | 0.05 | 0 | | 0.02 | | 0 | | 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 | 0 | 0 | 0 | 0.04 | 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 | 0 | 0 | 0 | 0 | 0 | 0.01 | 0 | 0 | 0 | |
| **MR-4 - Trouble Duration Intervals** | | | | | | | | | | | | |
| MR-4-01-5000 | Mean Time To Repair – Total | 1.66 | 1.56 | 0.98 | 0.82 | 1.29 | 1.08 | 1.34 | 1.17 | 1 | 0.93 | 1,2 |
| MR-4-04-5000 | % Cleared (all troubles) within 24 Hours | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 1,2 |
| MR-4-05-5000 | % Out of Service > 2 Hours | 14.29 | 16.67 | 0 | 0 | 0 | 6.25 | 6.67 | 0 | 0 | 0 | 1,2 |
| MR-4-06-5000 | % Out of Service > 4 Hours | 14.29 | 16.67 | 0 | 0 | 0 | 0 | 6.67 | 0 | 0 | 0 | 1,2 |
| MR-4-07-5000 | % Out of Service > 12 Hours | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1,2 |
| MR-4-08-5000 | % Out of Service > 24 Hours | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1,2 |
| **MR-5 - Repeat Trouble Report Rates** | | | | | | | | | | | | |
| MR-5-01-5000 | % Repeat Reports within 30 Days | 0 | 0 | 20 | 0 | 10 | 6.25 | 6.67 | 0 | 27.3 | 12.5 | 1,2 |
| ***NETWORK PERFORMANCE*** | | | | | | | | | | | | |
| **NP-1 - Percent Final Trunk Group Blockage** | | | | | | | | | | | | |

| Metric Number | Metric Name | November | | December | | January | | February | | March | | Notes |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | |
| NP-1-01-5000 | % Final Trunk Groups Exceeding Blocking Standard | 0.62 | 0 | 0.31 | 0 | 0.65 | 0 | 0.65 | 0 | 1.96 | 0 | |
| NP-1-02-5000 | % FTG Exceeding Blocking Std. –(No Exceptions) | 0.62 | 1.69 | 0.31 | 1.65 | 0.65 | 1.71 | 0.65 | 1.41 | 1.96 | 3.07 | |
| NP-1-03-5000 | Number FTG Exceeding Blocking Std. – 2 Months | | 0 | | 0 | | 0 | | 0 | | 0 | |
| NP-1-04-5000 | Number FTG Exceeding Blocking Std. – 3 Months | | 0 | | 0 | | 0 | | 0 | | 0 | |
| **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 | | NA | | NA | | NA | |
| NP-2-03-6701 | Average Interval – Physical Collocation | | 76 | | 105 | | 166 | | 76 | | 67.5 | |
| NP-2-04-6701 | Average Interval – Virtual Collocation | | NA | | NA | | NA | | 103 | | 128 | |
| NP-2-05-6701 | % On Time – Physical Collocation | | 100 | | 100 | | 100 | | 100 | | 100 | 1,2,3,4,5 |
| NP-2-06-6701 | % On Time – Virtual Collocation | | NA | | NA | | NA | | 100 | | 100 | 4,5 |
| 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 |
| NP-2-02-6702 | % On Time Response to Request for Virtual Collocation | | 100 | | NA | | NA | | NA | | 100 | 1,5 |
| NP-2-03-6702 | Average Interval – Physical Collocation - 76 Days | | 64.6 | | 60.38 | | 60.6 | | 64.7 | | 47.18 | |
| NP-2-03-6712 | Average Interval – Physical Collocation - 45 Days | | NA | | NA | | NA | | 40 | | NA | |
| NP-2-04-6702 | Average Interval – Virtual Collocation | | 59 | | 36.5 | | NA | | 67 | | 70 | |
| NP-2-05-6702 | % On Time – Physical Collocation - 76 Days | | 100 | | 100 | | 100 | | 100 | | 100 | 1,2 |
| NP-2-05-6712 | % On Time – Physical Collocation - 45 Days | | NA | | NA | | NA | | 100 | | NA | 4 |
| NP-2-06-6702 | % On Time – Virtual Collocation | | 100 | | 100 | | NA | | 100 | | 100 | 1,2,4,5 |
| NP-2-07-6702 | Average Delay Days – Physical Collocation | | NA | | NA | | NA | | NA | | NA | |

| Metric Number | Metric Name | November | | December | | January | | February | | March | | Notes |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | VZ | CLEC | |
| 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 November 2001.
2 = Sample Size under 10 for December 2001.
3 = Sample Size under 10 for January 2002.
4 = Sample Size under 10 for February 2002.
5 = Sample Size under 10 for March 2002.

## Appendix D
## 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.[279] BOCs must apply to the Federal Communications Commission (Commission or FCC) for authorization to provide interLATA services originating in any in-region state.[280] The Commission must issue a written determination on each application no later than 90 days after receiving such application.[281] 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."[282]

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."[283] 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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[279] 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).

[280] 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).

[281] 47 U.S.C. § 271(d)(3).

[282] *Id*. § 271(d)(2)(A).

[283] *Id*. § 271(d)(2)(B).

determine the amount of weight to accord the state commission's verification.[284] 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.[285]

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).[286] 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);[287] (2) the requested authorization will be carried out in accordance with the requirements of section 272;[288] and (3) the BOC's entry into the in-region interLATA market is "consistent with the public interest, convenience, and necessity."[289] The statute specifies that, unless the Commission finds that these criteria have been satisfied, the Commission "shall not approve" the requested authorization.[290]

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[284] *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).

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

[286] 47 U.S.C. § 271(d)(3)(A). See Section III, *infra*, for a complete discussion of Track A and Track B requirements.

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

[288] *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).

[289] 47 U.S.C. § 271(d)(3)(C).

[290] *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.[291] In the context of section 271's adjudicatory framework, the Commission has established certain procedural rules governing BOC section 271 applications.[292] The Commission has explained in prior orders the procedural rules it has developed to facilitate the review process.[293] 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.[294] 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.[295] In particular, the BOC must

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[291] *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).

[292] *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").

[293] *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.

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

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

demonstrate that it is offering interconnection and access to network elements on a nondiscriminatory basis.[296] Previous Commission orders addressing section 271 applications have elaborated on this statutory standard.[297] 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.[298] 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.[299] 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."[300]

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.[301] 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."[302] 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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296 *See* 47 U.S.C. § 271(c)(2)(B)(i), (ii).

297 *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.

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

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

300 *Id.*

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

302 *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.[303] 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.[304] 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

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

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

measurements as a whole. Accordingly, a disparity in performance for one measure, by itself, 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.[305] 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

[305] 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)).

of the BOC's compliance with the section 271 requirements while avoiding, for all parties 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.[306] 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).[307] 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."[308] The Act states that "such telephone service may be offered . . . either exclusively over [the competitor's]

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

307 *See* 47 U.S.C. § 271(d)(3)(A).

308 *Id*.

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."[309] 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.[310]

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."[311] 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.[312]

## 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)."[313] 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."[314] In the *Local Competition First Report and Order*, the Commission

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309 *Id*.

310 *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.

311 47 U.S.C. § 271(d)(3)(A)(ii).

312 *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.

313 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.

314 47 U.S.C. § 251(c)(2)(A).

concluded that interconnection referred "only to the physical linking of two networks for the mutual exchange of traffic."[315] 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."[316] Second, an incumbent LEC must provide interconnection that is "at least equal in quality to that provided by the local exchange carrier to itself."[317] 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."[318]

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.[319] 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.[320] 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.[321]

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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315 *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.*

316 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.

317 47 U.S.C. § 251(c)(2)(C).

318 *Id*. § 251(c)(2)(D).

319 *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.

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

321 *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.[322] The Commission's rules interpret this obligation to include, among other things, the incumbent LEC's installation time for interconnection service[323] and its provisioning of two-way trunking arrangements.[324] 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.[325]

20. Competing carriers may choose any method of technically feasible interconnection at a particular point on the incumbent LEC's network.[326] 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.[327] The provision of collocation is an essential prerequisite to demonstrating compliance with item 1 of the competitive checklist.[328] 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.[329] 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 collocated carriers, and establishing principles for physical collocation space and

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[322] *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.

[323] 47 C.F.R. § 51.305(a)(5).

[324] 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.

[325] 47 C.F.R. § 51.305(a)(5).

[326] *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.

[327] 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.

[328] 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.

[329] *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*.

configuration.[330] 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.[331] 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.[332]

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)."[333] 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.[334] 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.[335]

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.[336] 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.[337]

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

331 *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.

332 *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.

333 47 U.S.C. § 271(c)(2)(B)(i) (emphasis added).

334 *Id*. § 252(d)(1).

335 *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.

336 *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*.).

337 *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.[338] 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.[339]

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.[340] 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[341]

### 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.[342] The Commission consistently has found that nondiscriminatory access to OSS is a prerequisite to the development of meaningful

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338 *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).

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

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

341 We note that the United States Court of Appeals for the District of Columbia Circuit recently issued an opinion remanding 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) 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 Docket No. 98-147 and Fourth Report and Order in CC Docket No. 96-98, 14 FCC Rcd 20912 (1999). *USTA v. FCC*, 2002 WL 1040574 (D.C. Cir. issued May 24, 2002). The Commission is currently reviewing its unbundled network elements rules, *Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, 16 FCC Rcd 2278 (2001), and recently extended the reply comment date to allow parties to incorporate their review and analysis of the D.C. Circuit's recent decision. *Wireline Competition Bureau Extends Reply Comment Deadline for Wireline Broadband and Triennial Review Proceedings*, Public Notice, DA 02-1284 (May 29, 2002).

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

local competition.[343] 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.[344] 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.[345]

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)."[346] 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.[347] The Commission must therefore examine a BOC's OSS performance to evaluate compliance with section 271(c)(2)(B)(ii) and (xiv).[348] 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.[349] 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.[350]

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.[351]

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[343] *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.

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

[345] *Id.*

[346] 47 U.S.C. § 271(c)(2)(B)(ii).

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

[348] *Id.*

[349] *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*.

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

[351] *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.[352] The BOC must provide access that permits competing carriers to perform these functions in "substantially the same time and manner" as the BOC.[353] 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.[354]

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."[355] 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.[356] 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.[357] 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.[358]

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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[352] *Id.*

[353] *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.

[354] *See id.*

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

[356] *Id.*

[357] *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.

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

them."[359] The Commission next assesses "whether the OSS functions that the BOC has deployed are operationally ready, as a practical matter."[360]

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.[361] 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.[362] In addition, a BOC must disclose to competing carriers any internal business rules[363] and other formatting information necessary to ensure that a carrier's requests and orders are processed efficiently.[364] 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.[365] 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.[366]

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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[359] *Id.* at 3992, para. 87; *Ameritech Michigan Order*, 12 FCC Rcd at 20616; s*ee 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; s*ee also Second BellSouth Louisiana Order*, 13 FCC Rcd at 20654 n.241.

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

[361] *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.*

[362] *Id.*

[363] 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.

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

[365] *Id.*

[366] *See id.*

current demand and will be able to handle reasonably foreseeable future volumes.[367] The most probative evidence that OSS functions are operationally ready is actual commercial usage.[368] 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.[369] 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.[370] 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.[371] 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.[372] 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.[373] 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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[367] *Id.* at 3993, para. 89.

[368] *Id.*

[369] *Id.*

[370] *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).

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

[372] *See id*. at 6286-91, paras. 107-18

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

systems and, in many instances, even personnel.[374] 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.[375] Finally, where a BOC has discernibly separate OSS, it must demonstrate that its OSS reasonably can be expected to behave in the same manner.[376] 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;[377] 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.[378]

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.[379] Given that pre-ordering represents the first exposure that a prospective customer has to a competing carrier, it is

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[374] 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.

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

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

[377] 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.

[378] 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.

[379] *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.[380] 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.[381] 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.[382] 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.[383]

### (i) Access to Loop Qualification Information

35. In accordance with the *UNE Remand Order*,[384] 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,[385] 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.[386] 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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[380] *Bell Atlantic New York Order*, 15 FCC Rcd at 4014, para. 129.

[381] *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).

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

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

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

[385] *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.*

[386] 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.[387] 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.[388] 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.[389] 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."[390]

### 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.[391]

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[387] *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.").

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

[389] *Id.*

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

[391] *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.[392] 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).[393]

### 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.[394] 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.[395] 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.[396] 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.[397]

### 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.[398] In making this determination, the Commission assesses a BOC's billing processes and systems,

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[392] *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.

[393] *Id.*

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

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

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

[397] *Id*.

[398] *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.[399]

### 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.[400] 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."[401] 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.[402] 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.[403]

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.[404] 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.[405] 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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399 *See id.*; *SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6316-17, at para. 163.

400 *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.

401 *Bell Atlantic New York Order*, 15 FCC Rcd at 3999, para. 102.

402 *Id.* at 3999-4000, para. 102

403 *Id.* at 4000, para. 102.

404 *Id.* at 4000, para. 103.

405 *Id.*

notice and documentation of the changes.[406] 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).[407]

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;[408] (2) that competing carriers had substantial input in the design and continued operation of the change management process;[409] (3) that the change management plan defines a procedure for the timely resolution of change management disputes;[410] (4) the availability of a stable testing environment that mirrors production;[411] and (5) the efficacy of the documentation the BOC makes available for the purpose of building an electronic gateway.[412] 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.[413]

### 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)."[414] 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."[415] Section 251(c)(3) of the Act also requires incumbent

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406 *Id.* at 4000, para. 103.

407 *Id.*

408 *Id.* at 4002, para. 107.

409 *Id.* at 4000, para. 104.

410 *Id.* at 4002, para. 108.

411 *Id.* at 4002-03, paras. 109-10.

412 *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.*

413 *Id.* at 3999, para. 101, 4004-05, para. 112.

414 47 U.S.C. § 271(c)(2)(B)(ii).

415 *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.[416]

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.[417] 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.[418] 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.[419] 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.[420]

### 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.[421] 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."[422] Section 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.[423] Pursuant to this statutory mandate, the Commission has determined that prices for UNEs must be based on the total element long

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[416] *Id.*

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

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

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

[420] *Id.* The Supreme Court, on May 13, 2002, upheld the Commission's combination rules finding that the requirement "is consistent with the Act's goals of competition and nondiscrimination, and imposing it is a sensible way to reach the result the statute requires." *Verizon Communications, Inc. v. FCC*, 122 S.Ct. 1646, 1687 (2002) (*Verizon v. FCC*).

[421] 47 U.S.C. § 271(c)(2)(B)(ii).

[422] *Id*. § 251(c)(3).

[423] 47 U.S.C. § 252(d)(1).

run incremental cost (TELRIC) of providing those elements.[424] 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.[425] 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."[426]

46. Although the U.S. Court of Appeals for the Eighth Circuit stayed the Commission's pricing rules in 1996,[427] 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.[428] 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.[429] The Eighth Circuit stayed the issuance of its mandate pending review by the Supreme Court.[430] 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

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[424] *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).

[425] *See* 47 C.F.R. § 51.315(b).

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

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

[428] *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*.

[429] *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).

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

insofar as it invalidated TELRIC as a method for setting rates under the Act."[431] 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."[432] 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."[433] 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."[434] Section 224 also contains two separate provisions governing the maximum rates that a utility may charge for "pole attachments."[435] Section 224(b)(1) states that the Commission shall regulate the rates, terms, and conditions governing pole attachments to ensure that they are "just and reasonable."[436] 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

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[431] *Verizon v. FCC,* 122 S.Ct. at 1679.

[432] 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.

[433] 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).

[434] 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.

[435] 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).

[436] 47 U.S.C. § 224(b)(1).

attachments in any case where such matters are regulated by a State."[437] As of 1992, nineteen states, including Connecticut, had certified to the Commission that they regulated the rates, terms, and conditions for pole attachments.[438]

### 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."[439] 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.[440]

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.[441] Specifically, the BOC must provide access to any functionality of the loop requested by a competing carrier unless it is not technically feasible 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

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[437] *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.

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

[439] 47 U.S.C. § 271(c)(2)(B)(iv).

[440] *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).

[441] *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.

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).[442] 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.[443]

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.[444] 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 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

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442 *See Line Sharing Order*, 14 FCC Rcd at 20924-27, paras. 20-27; *see also* n.63 at D-12 *supra*.

443 *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).

444 *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").

loop terminated to a collocated splitter and DSLAM equipment, and combine it with unbundled switching and shared transport.[445]

### 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."[446] The Commission has required that BOCs provide both dedicated and shared transport to requesting carriers.[447] 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.[448] 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.[449]

### 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."[450] In the *Second*

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

[446] 47 U.S.C. § 271(c)(2)(B)(v).

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

[448] *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.

[449] *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.

[450] 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 (continued….)

*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.[451] 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.[452] Additionally, local switching includes all vertical features that the switch is capable of providing, as well as any technically feasible customized routing functions.[453]

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.[454] 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.[455] 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.[456] Thus, there is an overlap between the provision of unbundled local switching and the provision of the OSS billing function.[457]

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.[458] In addition, a BOC may not limit 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.[459]

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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.

451 *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20722, para. 207.

452 *Id*.

453 *Id.* at 20722-23, para. 207.

454 *Id.* at 20723, para. 208.

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

456 *Id.*

457 *Id.*

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

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

### 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."[460] 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."[461] 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."[462] 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."[463] 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.[464] 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."[465] The Commission concluded in the *Second BellSouth 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).[466] In the *Local Competition Second Report and Order*, the Commission

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[460] 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.

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

[462] *Id.*

[463] *Id.*

[464] 47 U.S.C. §§ 271(c)(2)(B)(vii)(II), (III).

[465] *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*).

[466] 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. (continued….)

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."[467] 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.[468] The Commission specifically held that the phrase "nondiscriminatory access to operator services" means that "a telephone service customer, regardless of the identity of his 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."[469]

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

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§§ 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.

[467] 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*.

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

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

LECs wishing to resell the BOC's operator services and directory assistance to request the BOC to brand their calls.[470] 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.[471] 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*.[472] 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.[473] 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.[474]

### 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."[475] Section 251(b)(3) of the 1996 Act obligates all LECs to permit competitive providers of

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[470] 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).

[471] 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).

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

[473] *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").

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

[475] 47 U.S.C. § 271(c)(2)(B)(viii).

telephone exchange service and telephone toll service to have nondiscriminatory access to directory listing.[476]

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."[477] 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."[478] 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.[479]

## 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."[480] The checklist mandates compliance with "such guidelines, plan, or rules" after they have been established.[481] A BOC must demonstrate that it adheres to industry numbering administration guidelines and Commission rules.[482]

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[476] *Id*. § 251(b)(3).

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

[478] *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).

[479] *Id.*

[480] 47 U.S.C. § 271(c)(2)(B)(ix).

[481] *Id.*

[482] *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* (continued….)

### 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."[483] 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)."[484] 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).[485] 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.[486] 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.[487] 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."[488]

### 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.[489] Section 251(b)(2) requires all LECs "to provide, to the extent technically feasible, number portability in

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*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).

483 47 U.S.C. § 271(c)(2)(B)(x).

484 *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20753, para. 267.

485 *Id.* at 20755-56, para. 272.

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

487 *Id*. at 15741-42, para. 484.

488 *UNE Remand Order*, 15 FCC Rcd at 3875, para. 403.

489 47 U.S.C. § 271(c)(2)(B)(xii).

accordance with requirements prescribed by the Commission."[490] 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."[491] 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."[492] Pursuant to these statutory provisions, the Commission requires LECs to offer interim number portability "to the extent technically feasible."[493] The Commission also requires LECs to gradually replace interim number portability with permanent number portability.[494] The Commission has established guidelines for states to follow in mandating a competitively neutral cost-recovery mechanism for interim number portability,[495] and created a competitively neural cost-recovery mechanism for long-term number portability.[496]

### 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)."[497] Section

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[490] *Id.* at § 251(b)(2).

[491] *Id.* at § 153(30).

[492] *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*).

[493] *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).

[494] *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.

[495] *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.

[496] *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.

[497] 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* (continued….)

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."[498] 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.[499]

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.[500] Moreover, customers of competing carriers must not otherwise suffer inferior quality service, such as unreasonable dialing delays, compared to the BOC's customers.[501]

### 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)."[502] 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 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."[503]

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*and Commercial Mobile Radio Service Providers*, CC Docket No. 95-185, Further Order On Reconsideration, FCC 99-170 (rel. July 19, 1999).

498 47 U.S.C. § 251(b)(3).

499 *Id.* § 153(15).

500 47 C.F.R §§ 51.205, 51.207.

501 *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.

502 47 U.S.C. § 271(c)(2)(B)(xiii).

503 *Id*. § 252(d)(2)(A).

### 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)."[504] 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."[505] 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."[506] Section 251(c)(4)(B) prohibits "unreasonable or discriminatory conditions or limitations" on service resold under section 251(c)(4)(A).[507] 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.[508] 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.[509] If a state creates such a limitation, it must do so consistent with requirements established by the Federal Communications Commission.[510] 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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504 *Id*. § 271(c)(2)(B)(xiv).

505 *Id*. § 251(c)(4)(A).

506 *Id*. § 252(d)(3).

507 *Id*. § 251(c)(4)(B).

508 *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.

509 47 U.S.C. § 251(c)(4)(B).

510 *Id.*

telecommunications services.[511] The obligations of section 251(c)(4) apply to the retail telecommunications services offered by a BOC's advanced services affiliate.[512]

## 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."[513] The Commission set standards for compliance with section 272 in the *Accounting Safeguards Order* and the *Non-Accounting Safeguards Order*.[514] Together, these safeguards discourage and facilitate the detection of improper cost allocation and cross-subsidization between the BOC and its section 272 affiliate.[515] In addition, these safeguards ensure that BOCs do not discriminate in favor of their section 272 affiliates.[516]

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.[517] The Commission's findings regarding section 272 compliance constitute

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[511] *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).

[512] *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).

[513] 47 U.S.C. § 271(d)(3)(B).

[514] *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*).

[515] *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.

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

[517] *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.[518] 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."[519]

## 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.[520] 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.[521] 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.[522] 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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[518] *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20785-86, para. 322; *Bell Atlantic New York Order*, 15 FCC Rcd at 4153, para. 402.

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

[520] 47 U.S.C. § 271(d)(3)(C).

[521] 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).

[522] *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").