

**BEFORE THE**  
**LOUISIANA PUBLIC SERVICE COMMISSION**  
**GENERAL ORDER**

**LOUISIANA PUBLIC SERVICE COMMISSION,**  
**EX PARTE.**

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**DOCKET NO. U-22252-(Subdocket-C) - In re: BellSouth Telecommunications, Inc. Service Quality Performance Measurements. (Collocation)**

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**(Decided at Business and Executive Session held on October 4, 2000)**

At the Business and Executive Session of the Louisiana Public Service Commission (the "Commission") held on October 4, the Commission considered and voted on the Staff's Final Recommendation on Issues 26 and 57 regarding collocation intervals. Issue 26 is stated as follows: *"Is it appropriate to exclude permit time from the calculation of the average time to provision a collocation arrangement?"* Issue 57 reads as follows: *"What are the appropriate analogs or benchmarks for the following Collocation Measures: (a) Percent Missed Due Dates, (b) Average Response Time; and (c) Average Arrangement Time?"*

These two issues are part of a rulemaking proceeding that arose from the General Order issued previously in this docket on August 31, 1998 ("General Order"). Intervenors in this rulemaking proceeding include, among others, BellSouth Telecommunications, Inc. ("BellSouth"), AT&T of the South Central States, Inc. ("AT&T"), Sprint Communications Company ("Sprint"), Cox Telcom LA ("Cox"), and MCI WorldCom ("MCI").

In the August 31, 1998 General Order, the Commission adopted Staff's recommendation on BellSouth Telecommunication Inc.'s ("BellSouth") Service Quality Measures. Among the Service Quality Measures adopted in that order were three measurements that concern BellSouth's provision of collocation to Competitive Local Exchange Companies ("CLECs"). These are: (1) Average Response Time; (2) Average Arrangement Time; and (3) Percent Missed Due Dates.

The General Order also identified several areas that required further evaluation, and ordered that further workshops/technical conferences be held so that BellSouth, the CLEC community and the Staff could work in a collaborative manner to resolve as many of the outstanding issues as possible. The areas where the Commission ordered further analysis included: (1) statistical testing; (2) retail analogs and benchmarks; (3) enforcement and dispute resolution; and (4) levels of disaggregation and clarification of performance measurements. Thereafter, the Commission's consultant, Ms. Kim Dismukes of Acadian Consulting Group, and the Staff conducted 9 workshops consisting of 26 days of technical discussions by BellSouth, the CLECs and Staff on performance measurements. In addition, parties to the proceeding have filed numerous rounds of comments and reply comments on issues addressed at the workshops.

Although the workshops were very productive and facilitated communication between the CLECs and BellSouth, at the conclusion of the workshops, 69 issues remained open without agreement by BellSouth and the CLEC community. After a thorough review of the information obtained throughout this rulemaking proceeding, Staff issued an Initial Recommendation and Final Notice for Comments on June 29, 2000 that addresses each of the open 69 issues. On August 7, 2000, the parties filed comments to the Staff's Initial Recommendation

On August 10, 2000, the Federal Communications Commission (the "FCC") released its Order on Reconsideration and Second Further Notice of Proposed Rulemaking in CC Docket No. 96-147 ("*Order on Reconsideration*"). The FCC stated in its Order on Reconsideration that it has previously "encouraged state commissions to ensure that incumbent LECs are given specific time intervals within which to respond to collocation requests." *Order on Reconsideration*, at ¶14. In the absence of state commission action in this area, however, the Order on Reconsideration "adopt[s] national standards for physical collocation provisioning that will apply when the state does not set its own standards or if the requesting carrier and incumbent LEC have not mutually agreed to alternative standards." *Order on Reconsideration*, at ¶22. The FCC expressly recognized that a state could set its own standards by statute, through an existing or future rulemaking order, by enforcing a state tariff, or by applying the precedent of a state arbitration decision. *Id.* The FCC's Order on Reconsideration was published on September 8, 2000 and is effective on October 10, 2000.

Because of (1) the FCC's Order on Reconsideration setting national collocation provisioning intervals in the absence of a State commission setting such intervals, and (2) the fact that Staff, BellSouth and the CLECs have spent considerable time and resources in this docket addressing the issue of appropriate collocation intervals for Louisiana and these issues are ripe for resolution, the Staff issued its Final Recommendation on Issues 26 and 57 only concerning collocation on September 21, 2000. This Final Recommendation, attached as Exhibit A, was placed on the Commission's Agenda for consideration at its October 4, 2000 Open Session. On September 28, 2000, BellSouth and AT&T only filed timely Requests for Oral Argument. On October 3, 2000, both BellSouth and AT&T withdrew their Requests for Oral Argument.

On October 4, 2000, the Commission considered and voted on the Staff's Final Recommendation on Issues 26 and 57 concerning collocation. Commissioner Jimmy Field read into the record a clarification of the Staff's Final Recommendation concerning Issue 57 and the provisioning interval for physical and virtual collocation. The Staff's Final Recommendation, as clarified, is as follows: Effective immediately, the provisioning intervals are 120 calendar days for ordinary physical collocation; 180 calendar days for extraordinary physical collocation; and 50 calendar days for virtual collocation. After 6 months, the provisioning intervals are 90 calendar days for ordinary physical collocation; 120 calendar days for extraordinary physical collocation; and 50 calendar days for virtual collocation. The intervals that take effect after six months are essentially the same as requested by the CLECs, except that the Staff recognizes that certain extraordinary circumstances as outlined in the record and Staff's Final Recommendation will warrant a longer interval. These provisioning intervals will run from the date a CLEC places a firm order for physical or virtual collocation.

With the foregoing clarification, Commissioner Field made a motion, seconded by Commissioner Irma Dixon, to adopt Staff's Final Recommendation on Issues 26 and 57 concerning collocation, with the following modifications:

Effective immediately, the collocation provisioning intervals are 120 calendar days for ordinary physical collocation; 180 calendar days for extraordinary physical collocation; and 50 days for virtual collocation. After six months, or within 90 days of standardized pricing and CLEC forecasting procedures being approved by the Commission Staff, the provisioning intervals will be 90 calendar days for ordinary physical collocation; 120 calendar days for extraordinary physical collocation; and 50 days for virtual collocation.

The Commission shall establish a distinct interval for physical cageless collocation, and the consultant shall investigate the appropriate interval for such arrangements and report back to the Commission in sufficient time to consider the issue at its December 2000 Open Session.

The Staff shall ask BellSouth to submit immediately its proposal for standardized collocation pricing in a tariff, and Staff shall begin work with the CLECs to develop forecasting procedures.

After discussion, the motion was adopted, with Commissioners Jimmy Field, Irma Dixon, and Dale Sittig voting in the affirmative, and Commissioners Jay Blossman and Don Owen voting in the negative.

Accordingly,

**IT IS ORDERED** that the Staff's Final Recommendation on Issues 26 and 57 on Collocation, attached as Exhibit A hereto, be and is hereby adopted with the following modifications:

Effective immediately, the collocation provisioning intervals are 120 calendar days for ordinary physical collocation; 180 calendar days for extraordinary physical collocation; and 50 days for virtual collocation. After six months, or within 90 days of standardized pricing and CLEC forecasting procedures being approved by the Commission Staff, the provisioning intervals will be 90 calendar days for ordinary physical collocation; 120 calendar days for extraordinary physical collocation; and 50 days for virtual collocation.

The Commission shall establish a distinct interval for physical cageless collocation, and the consultant shall investigate the appropriate interval for such arrangements and report back to the Commission in sufficient time to consider the issue at its December 2000 Open Session.

The Staff shall ask BellSouth to submit immediately its proposal for standardized collocation pricing in a tariff, and Staff shall begin work with the CLECs to develop forecasting procedures.

**IT IS FURTHER ORDERED** that this order is effective immediately, and that the intervals established in this order shall apply to BellSouth's provisioning of collocation to CLECs in Louisiana, unless BellSouth and a CLEC mutually agree otherwise in their interconnection agreement.

**BY ORDER OF THE COMMISSION  
BATON ROUGE, LOUISIANA  
October 9, 2000**

/S/ IRMA MUSE DIXON  
DISTRICT III  
CHAIRMAN IRMA MUSE DIXON

/S/ JAMES M. FIELD  
DISTRICT II  
VICE CHAIRMAN JAMES M. FIELD

DON OWEN (DISSENTS)  
DISTRICT V  
COMMISSIONER DON OWEN

/S/ C. DALE SITTIG  
DISTRICT IV  
COMMISSIONER C. DALE SITTIG

/S/ LAWRENCE C. ST. BLANC  
S E C R E T A R Y  
LAWRENCE C. ST. BLANC

JACK "JAY" A. BLOSSMAN (DISSENTS)  
DISTRICT I  
COMMISSIONER JACK "JAY" A. BLOSSMAN

## EXHIBIT-A

### Staff Final Recommendation on Issues 26 and 57 concerning Collocation

#### BACKGROUND

At the June 17, 1998 Business and Executive Session, the Commission adopted on an interim basis the Service Quality Measurements Performance Reports ("SQM") filed by BellSouth ("BST") and ordered that a rulemaking proceeding be commenced and completed to determine final SQM for presentation at the August 19, 1998 Business and Executive Session. Acadian Consulting Group was retained by the Commission to assist the rulemaking proceeding and to issue a recommendation on behalf of Staff concerning BellSouth's SQM. Acadian Consulting Group reviewed and analyzed the comments, testimony, reply comments, and supplemental comments of e.spire, BellSouth, MCI WorldCom, Cox, Intermedia Communications, AT&T, and Sprint filed with the Commission on July 10, 1999 and July 23, 1998 and July 28, 1998. Acadian Consulting Group assisted Staff with a one day technical conference held on July 23, 1998. After the technical conference, Acadian Consulting Group prepared Staff's initial recommendation filed on August 5, 1998 and comments on this initial recommendation were filed on August 10, 1998. Staff's final recommendation was filed with the Commission on August 12, 1998.

At the August 19, 1998 Business and Executive Session, the Commission voted to adopt the Staff's recommendation. The Commission issued its order adopting that recommendation ("General Order") on August 31, 1998. That recommendation contained several areas that required further evaluation and the Commission ordered that further workshops/technical conferences be held so that BellSouth, the CLEC community, and the Staff could work in a collaborative manner to resolve as many of the outstanding issues as possible. The areas where the Commission ordered further analysis included: 1) statistical testing; 2) retail analogs; 3) enforcement and dispute resolution; 4) benchmarks; and 5) levels of disaggregation and clarification of performance measurements.

Following the August 19, 1998 Business and Executive Session, Acadian Consulting Group and the Staff conducted 9 workshops consisting of 26 days of technical discussions by BellSouth, the CLECs and Staff on performance measurements.

Parties to the proceeding have filed numerous rounds of comments and reply comments on issues addressed at the workshops. All workshops were very productive with significant progress made on clarifying the performance measurements, the appropriate statistical methodology to employ, raw data issue, which measures should use a retail analog for comparison and which measures should use a benchmark for comparison, enforcement mechanisms.

In addition to filings made in Louisiana, there is also work being performed on statistical issues and enforcement mechanisms before the FCC. Formal filings and ex parte filings made with the FCC have also been filed in Louisiana. In addition, Staff has been in contact with members of the Florida Public Service Commission and the Georgia Public Service Commission concerning the proceedings underway in those two states concerning performance measurements.

Although the workshops were very productive and facilitated communication between the CLECs and BellSouth, at the conclusion of the workshops 69 issues remained open without agreement by BellSouth and the CLEC community. This Staff recommendation addresses each issue that was not resolved through the collaborative process.

On August 10, 2000 The FCC released its Order On Reconsideration And Second Further Notice Of Proposed Rulemaking In Cc Docket No. 98-147 And Fifth Further Notice Of Proposed Rulemaking In Cc Docket No. 96-98. In that Order the FCC set provisioning intervals for collocation arrangements. The FCC found that in the absence of a State commission setting intervals for the ILEC to perform these functions, that its intervals would apply. The FCC found:

Because of the critical importance of the timely provisioning of physical collocation to telecommunications carriers' ability to compete effectively, we require that, except to the extent a state sets its own standard or a requesting carrier and an incumbent LEC have agreed to an alternative standard, an incumbent LEC must provide physical collocation, including cageless collocation, no later than 90 calendar days after receiving a collocation application. (Executive Summary, pp. 5-6.)

Because of the FCC's order setting national collocation provisioning intervals, in the absence of a State commission setting such intervals, the Staff is issuing its final recommendation in this Docket for Issues 27 and 56. **This final recommendation will be considered at the Commission's October 4, 2000 Business and Executive Session.**

## STAFF'S RECOMMENDATIONS

**Issue 27: Is it appropriate to exclude permit time from the calculation of the average time to provision a collocation arrangement?**

### Parties' Basic Positions

BST Position: Yes, especially if the Commission intends to attach a self-executing remedy to a miss of any benchmark established for this measure. It would be unfair to penalize BellSouth for missing any such benchmark in circumstances where the cause for the miss is an unusually long interval for obtaining a permit. There is no basis for penalizing BellSouth for the actions of third party governmental officials over whom it has no control.

AT&T Position: No. BellSouth should be accountable for the intervals for which it is responsible for having work completed. Removing permit time removes any incentive for BellSouth to conduct parallel work activities or work with government agencies for expeditious issuance of permits.

MCI WorldCom Position: Same at AT&T.

Sprint Position: No.

Cox: No Position Stated.

### Staff Analysis and Recommendation

BellSouth believes that the permit time should be excluded from the calculation of the average time to provision a collocation arrangement. BellSouth's position is that governmental bodies control permit time intervals and thus such intervals are not within BellSouth's control. According to BellSouth, any unusual delays in the permitting process will affect the overall provisioning process for collocation arrangements. BellSouth claims that it would be unfair to hold BellSouth accountable for missing an interval in circumstances where the cause for the miss is an unusually long interval for obtaining a permit caused by third party governmental officials over whom BellSouth has no control.

In defending its position, BellSouth asserts that much of the work required to provision collocation arrangements requires building permits before construction can commence. Repeatedly, BellSouth claims that the time required to receive permits (once BellSouth has requested a permit) is largely, if not entirely, outside its control. BellSouth gives the following examples of many unexpected issues that can arise in the process of obtaining permits:

First, the FCC's rules in its First Report and Order (FCC 96-325, Released August 8, 1996), may inadvertently have created potential conflicts with state or local building code ordinances. Not all code officials will be completely familiar with the FCC's requirements pertaining to physical collocation. In the day-to-day permit request and approval process, BellSouth cannot commence certain construction work that modifies mechanical, electrical, architectural or safety factors within its central offices without first acquiring the necessary permits. While code officials at the state and local levels are implementing the FCC's rules, BellSouth is concerned that delays may be experienced as BellSouth requests necessary permits. BellSouth cannot knowingly violate applicable building and safety codes, and code officials cannot expect BellSouth to knowingly violate applicable FCC rules.

BellSouth has already experienced provisioning delays as a result of permitting and inspection intervals in certain local jurisdictions. BellSouth has also encountered delays as a result of the need to resolve local building code issues. BellSouth has experienced permitting intervals that range from 15 days to in excess of 101 days. The interval of 101 days applies to several permits obtained in Baton Rouge. It often takes at least two months to get a permit. In addition to the lengthy permit delays in Baton Rouge, BellSouth's contractors have encountered 4-6 week delays in the City of New Orleans, and the City of Shreveport. Moreover, many municipalities require BellSouth and its contractors to permit inspections at each stage of construction before the next stage can begin. This includes the sometimes-difficult task of scheduling the inspections with a limited pool of inspectors representing the municipalities. Louisiana has a unique requirement that the State Fire Marshall's office review building plans. This is a process that is in addition to the local building department review. The local building departments will not release a permit until the State Fire Marshall's office has approved proposed building plans. This review and approval process by the State Fire Marshall's office often takes two to three weeks.

Regarding building codes, not only have some municipalities in the past treated collocation as a "multi-tenant" arrangement, thus requiring the construction of fire-rated enclosures, certain municipalities have withheld certificates of occupancy until BellSouth complied with unrelated work requested by the City or County. For one location, this included replacing a sidewalk between the BellSouth central office building and the public street before a certificate of occupancy was issued for the collocators' space. Incidentally, the sidewalk did not lead to the collocators' entrance to the building. BellSouth has also experienced delays as a result of CLEC failure to obtain the appropriate business licenses required. BellSouth anticipates that it could encounter problems of this type in Louisiana as collocation is requested in additional municipalities in the state.

BellSouth has also encountered conflicts in other jurisdictions between the fire and life safety codes, and the building codes, which has resulted in significant delay (BellSouth Comments, pp. 50-53.)

BellSouth gives one extreme example of problems that can arise with the permitting and building process. However, this is only one example, and it is unclear where the event occurred. According to BellSouth, in one central office it was required to build fire-rated walls around the collocators' collocation arrangements and the common area. Also, the code officials required the construction of fire-rated corridors through equipment areas and out of the building. In providing this egress for the collocators, BellSouth had to relocate equipment, build hallways under cable racks, and cut a new door through the exterior wall. Since the new doorway was several feet above grade, a new ramp was also constructed. Additionally, the fire inspector required that strobe lights be installed on the fire alarm system at the doors. BellSouth gives other examples of fire alarm system upgrades and upgrades required to accommodate disabled employees.

BellSouth notes that it has attempted to refine its processes to accommodate the issues that

have arisen and may arise in the future as a result of various government agencies' involvement and that it has been increasingly successful in reducing the permit approval interval. BellSouth explains that it is communicating with the CLECs so that they have a good understanding of the issues faced in processing a collocation request.

BellSouth states that it does not obtain building permits. Instead, BellSouth's contractors or sub-contractors who perform the work obtain any required building permits. BellSouth's contracts require that the contractors obtain building permits as required by the local codes applicable at the site where the work is to be performed. According to BellSouth, given the requirements of the permitting process, it is entirely appropriate that the permitting interval(s) be excluded from the provisioning interval calculations.

According to AT&T, MCI WorldCom, and Sprint, BellSouth should not be allowed to exclude permit time from the collocation arrangement time. BellSouth should be accountable for the intervals for which it is responsible for having work completed. AT&T asserts that removing permit time removes any incentive for BellSouth to conduct parallel work activities or work with government agencies for expeditious issuance of permits. AT&T points out that neither the performance plan of New York or Texas allows such exclusions. In its reply comments, AT&T notes that it is unaware of any other ILEC raising this issue. However, AT&T is willing to agree to a process by which BellSouth seeks a waiver from the Commission on a case-by-case basis due to extraordinary issues regarding obtaining a specific permit.

Staff agrees with the CLECs. BellSouth should not be allowed to exclude permit time from the collocation arrangement time. Staff believes that by including the permit time, this will provide BellSouth with an incentive to conduct parallel work activities or work with government agencies for expeditious issuance of permits. As AT&T explains, neither BA-NY nor SWBT exclude permit time from their collocation provisioning standards. Like AT&T, Staff is unaware of any other ILEC raising this issue.

Furthermore, Staff has reviewed the historical collocation arrangement times and permit times experienced in Louisiana from July 1997 to March 2000. The data strongly suggest that this is now moot, except under unusual circumstances. The historical data provided by BellSouth show that during the July 1997 through August 1999, many of the collocation arrangements required permits. During this time period of the 29 collocation arrangements provisioned by BellSouth in Louisiana, 14, or 48% required a permit. However, during the more recent period from September 1999 to March 2000 of the 74 collocation arrangements provisioned in Louisiana, 5, or 7% required a building permit. These data clearly show what Staff would expect. During the early part of competition, many of BellSouth central offices required substantial changes to condition them for collocation arrangements. However, as these central offices were conditioned, future collocation arrangements did not require a building permit as the major work effort had already been largely done. Nevertheless, as competition expands into other areas of the state, it is likely that building permits will be required to allow these other central offices to accommodate collocation arrangements. Under these circumstances, Staff agrees with AT&T that BellSouth can seek a waiver from the Commission on a case-by-case basis due to extraordinary issues regarding obtaining a specific permit. If a waiver is granted by the Commission, the permit time should be excluded from the arrangement time.

#### **Parties' Replies to Staff Initial Recommendation**

BellSouth believes that Staff has drawn erroneous conclusions from the historical evidence it has examined regarding permit time. First, BellSouth does not believe, based upon the historical data that Staff reviewed, that the issue is now moot. BellSouth states that the data examined were drawn from time frames that were too short to allow one to conclude that another wave of building permits will not be necessary. There are still central offices in which no CLEC has collocated and in areas where BellSouth has no history of dealing with the local permitting agencies.

Secondly, BellSouth disagrees with Staff's conclusion that including permit time in the provisioning interval would provide any incentive to BellSouth to perform other provisioning tasks simultaneously with the permitting process. BellSouth states that the SQM provides sufficient incentives for it to perform parallel work. To include permit time in the provisioning interval so as to provide BellSouth with an incentive to do this work would be redundant.

Third, BellSouth does not believe that the BA-NY plan should be accorded so much weight in Staff's conclusions. The collocation forecasts filed by CLECs in NY provide additional months of planning time to Bell Atlantic during which permits can be obtained.

Lastly, BellSouth is concerned that a case-by-case waiver process would unnecessarily consume BellSouth, Staff, Commission and CLEC resources.

AT&T states that it supports Staff's recommendation to "exclude permit time" from provisioning times, and to provide for a case-by-case waiver process.

### **Staff Analysis of Parties' Replies and Recommendation**

Staff believes that its initial recommendation to include permit time in the provisioning time, but to allow a waiver process, is still the most appropriate treatment. It is true, as BellSouth points out in its first objection, that there are central offices where no collocation work has yet been done, and where BellSouth has no history of dealing with the appropriate permitting agencies. Staff recognizes that BellSouth may experience longer than usual permit times when it first readies these offices for collocation. These central offices, however, represent precisely the instances in which Staff has envisioned BellSouth taking advantage of the waiver process, if needed.

BellSouth also states that the SQM provides other incentives to perform parallel work, but does not indicate any specific provisions of the SQM that it believes provide these incentives. In any case, including permit time in the provisioning interval needn't be viewed as redundant to, but as supplementary to, any other incentives.

Staff agrees with BellSouth that the collocation forecasts CLECs file with BA-NY do give that company additional time in preparing and planning for collocation provisioning. In our initial discussion of Issue 56, Staff had recommended that BellSouth and the CLECs begin a collaborative process to devise and implement collocation forecasts for use in Louisiana. Staff believes these forecasts would assist BellSouth in its collocation provisioning and help BellSouth shorten its average provisioning times.

Lastly, Staff does not believe that a waiver process on a case-by-case basis will result in the needless consumption of resources. Staff envisions the waiver process being used only in exceptional situations, which will decrease in frequency as CLECs enter the market in more and more central offices throughout the state.

AT&T states that it supports Staff's recommendation, but then represents that recommendation as the exclusion of permit time from the provisioning interval. Staff's recommendation was to include permit time, in agreement with AT&T's initial recommendation on this issue. As AT&T has made no statements to change its prior position on this issue, Staff can only assume that AT&T has inadvertently misstated Staff's position, and that its reply contains a typographical error.

Staff believes that its initial recommendation, to include permit time in the calculation of average collocation provisioning times, but to allow for a case-by-case waiver process, should be adopted by the Commission.

**Issue 56: What are the appropriate analogs or benchmarks for the following Collocation Measures: (a) Percent Missed Due Dates, (b) Average Response Time, and (c) Average Arrangement Time?**

**Parties' Basic Positions**

BST Position: The appropriate analogs or benchmarks for these measures are set forth in BellSouth's SQM, Appendix D.

AT&T Position: AT&T's recommendations are found in Appendix A to its comments.

MCI WorldCom Position: MCI WorldCom's recommended benchmarks are taken from the MPS.

Sprint Position: The appropriate benchmarks for collocation measures are as follows: for physical collocation, the benchmark is 100% in 90 calendar days; for Average Response Time, the benchmark is 10 calendar days; and for Average Arrangement Time, the appropriate benchmark is 30 calendar days.

Cox Position: No Position Stated.

**Staff Analysis and Recommendation**

The table below summarizes the positions of BellSouth, AT&T, MCI WorldCom and Sprint.

MEASUREMENT	BST	AT&T	MCI WORLDCOM	SPRINT
<b>C-1 Average Response Time</b>	Benchmark: 10 business days for Space Availability 30 Business Days for full response with Price Quote	Benchmark: 95% within 10 calendar days	Benchmark: 10 calendar days	Benchmark: 10 calendar days
<b>C-2 Average Arrangement Time</b>	Benchmark: 90 Business Days - Normal* 130 Business Days - Extraordinary *	Benchmark: Physical = 90 calendar days, Virtual = 60 calendar days	Benchmark: (calendar days) Physical = 90 days Virtual = 60 days Cable Augments = 30 days More Extensive Augments = 60 days	Benchmark: Physical = 30 calendar days or 100% in 90 calendar days
<b>C-3 % of Due Dates Missed</b>	Benchmark: 90% <= Commit Date	Benchmark: 0% misses of due dates missed	Benchmark = < 2%	

**C-1 Average Response Time**

BellSouth proposes an average response time for space availability of 10 business days, and a full response with price quote of 30 business days. AT&T, MCI WorldCom, and Sprint, all recommend a 10 calendar day response time, but none differentiate between responses concerning space availability and those with price quotes. AT&T qualifies its recommendation by proposing that 95% of requests should be responded to within the allotted 10 calendar days.

In its reply comments, AT&T adds that the Florida PSC, on April 18, 2000, adopted a requirement for BellSouth to respond to collocation requests within 15 days (for 1-9 applications). Staff also notes that New York, Nevada, California, and Texas all have measurements concerning collocation response time. These states all distinguish between responses regarding space availability and full responses, including price quotes. In Nevada, Nevada Bell and Sprint both must respond to 100% of requests for space availability within 10 calendar days. Sprint must provide full responses with price and schedule quotes to 100% of requests within 30 calendar days, while Nevada Bell must

respond to 95% of requests with a full price quote within 30 days. In California, both Pacific Bell and GTE must provide responses to space availability requests within 15 days, and full price and schedule quotes in 30 days.

In New York, the benchmarks for Bell Atlantic's notification of space availability are 95% within 8 business days for physical collocation, and 95% within 14 business days for virtual collocation. In Texas, Swat's benchmark is 90% within tariffed timelines of 10 calendar days for space availability, 10 business days for a price quote for 1-5 applications, and 25 business days for a price quote for 6-20 applications.

Staff believes that BellSouth's proposal of 10 business days for space availability and 30 business days for full price quotes is generous when compared with ILECs in other states. The time required to respond to a CLEC request is dependent upon internal procedures, including access to knowledge of central office facilities, engineering review of CLEC plans, familiarity with collocation equipment, costing and pricing processes, and the coordination of the departments responsible for these different functions. BellSouth has been responding to CLEC requests in Louisiana since 1997. Performance Measurement Reports over the last 9 months show little change or improvement in BellSouth's response time from month to month. In June of 1999 the average response time for physical collocation was 40 business days, in July it was 26 business days, in August it was 38 business days. By year end, December 1999 it was 34 business day. In the first three months of this year, it was 28 business days in January, 36 in February and 32 in March.

In its comments BellSouth details the various considerations of building configurations, existing space usage, forecasted demand, building codes and regulatory requirements, fire and construction codes, heating and air conditioning, and power requirements, that must be considered in replying to a request for collocation. Staff is aware of these issues. Staff also believes that in the 2 ½ years in which BellSouth has been providing collocation arrangements it has had time to develop processes and procedures for quickly ascertaining the condition of its central offices in regard to infrastructure, current collocation arrangements, and planned expansions.

Staff finds the intervals recommended by BellSouth liberal when compared with those in other states. But the evidence in the Performance Measurement Reports is that BellSouth has difficulty in meeting these intervals, and cannot now meet the more stringent intervals proposed by AT&T and MCI WorldCom. Staff recommends that the Commission reject the response intervals proposed by BellSouth. Instead, Staff recommends 95% within 10 calendar days for space availability and 95% within 30 calendar days for a full price quote.

#### C-2 Average Arrangement Time

For C-2 Average Arrangement Time, BellSouth proposes 90 business days for normal collocation configurations, and 130 business days for extraordinary configurations.

AT&T proposes 90 calendar days for physical collocation, and 60 calendar days for virtual collocation.

MCI WorldCom distinguishes between physical and virtual collocations, and also between new collocations and augments. MCI WorldCom proposes 90 calendar days for physical collocation arrangements, 60 calendar days for virtual collocation, 30 days for cabling augments, and 60 days for more extensive augment arrangements. MCI WorldCom's recommended benchmarks are taken from the MPS. MCI WorldCom emphasizes that it believes that the interval for augments should be shorter than the time intervals for new collocation arrangements and that augments should be disaggregated for reporting purposes. They also specify that augment intervals for adding DSL equipment to collocation arrangements should be 30 days.

Sprint proposes 100% of collocation arrangements being completed within 90 calendar days.

In response to Staff discovery, BellSouth has defined "normal" collocation arrangements as those which do not require additions or updates to a central office's infrastructure. "Extraordinary" collocation arrangements are those that do entail some modifications to the central office itself, such

as upgrades to the power supply, changes to the building's HVAC systems, or changes to the building structure to comply with fire and/or building codes.

As BellSouth explains in its comments, the provisioning interval is not controlled by the time required to construct a collocation enclosure. Whether a collocation is caged or cageless, additional time is required for "extraordinary" collocation arrangements.

Staff has examined the Performance Measurement Reports for the past year, and has received further collocation interval data from BellSouth in response to discovery. The Performance Measurement Reports differentiate between virtual collocation and physical collocation, and since January 2000, also provide arrangement time data for initial collocations as distinct from augments. Data are provided for both Louisiana and BellSouth Region, although no augment arrangement times have been recorded since this reporting structure was put in place.

The Louisiana data provided in response to Staff's data requests show that the average arrangement interval for physical collocations (both initial and augments) was 113 calendar days in 1998, 108 calendar days in 1999, and 117 calendar days during the first three months of 2000. When these intervals are restated as business days, 80% of the collocations were completed in 90 days or less in 1998, 71% were completed within 90 days in 1999, and only 55% were completed within 90 days over the first three months of 2000. In the unlikely circumstance that all collocations were "extraordinary," and an interval of 130 business days applied, BellSouth's performance is much improved, but still not perfect. Under this assumption, 100% of collocations were completed within 130 business days in 1998, 97% were completed within 130 days in 1999, and 94% were completed within 130 days the first three months of 2000.

AT&T, in its reply comments, notes that the Florida PSC adopted a benchmark of 90 calendar days for physical collocation for BellSouth in that state. Staff notes that this is not entirely accurate, the Florida PSC found 90 days to be reasonable, but allowed the parties to negotiate an arrangement time. If the parties could not agree on an arrangement time, they were to petition the Commission for resolution. In Texas, intervals for collocation are defined in SWBT's local access service tariff and, for "active" collocation spaces, range from 55 days for cageless collocation where the CLEC installs its own bays, to 90 days for caged collocation. "Active" collocation space in Texas is analogous to "normal" collocation arrangements as defined by BellSouth. "Active" spaces are those central offices with sufficient infrastructure in place to allow for collocation arrangements without entailing upgrades or changes to the building's power, heating, or other facilities. In central offices that are not classified as "active," collocation intervals can be as long as 140 calendar days.

In New York, the benchmark is 95% within tariffed timelines of 76 business days for physical collocation arrangement time, and 105 days for virtual collocation. The start of the arrangement interval in New York is calculated from a start date dependent upon the receipt of the CLEC Collocation Forecast. The CLEC Collocation Forecasts, containing two years of collocation data, are due twice annually, February 1 and August 1. The Forecast Guide states that, if a CLEC is new to the market, or has significant changes to an earlier forecast, "out-of-cycle forecasts will always be accepted by Bell Atlantic and will be used for planning purposes." (Bell Atlantic, New York State Carrier-to-Carrier Guidelines, Appendix J, p. 2.) If the forecast is received 3 months prior to the collocation application date, the collocation interval is measured from the date of the application. The application date (for purposes of determining the collocation interval) is adjusted for the lateness of the forecast. In a worst case scenario, where no forecast has been received, the start of the interval is set at three months after the application date, thereby granting an additional 3 months of time to Bell Atlantic to complete the collocation provisioning.

As BellSouth does not currently have CLEC forecasts of collocation plans, Bell Atlantic's interval benchmarks and method of calculating these intervals are not suitable as a guide for arrangement intervals in Louisiana. The differentiation between active and inactive collocation spaces described in SWBT's Local Access Tariff does resemble the distinction BellSouth draws between "normal" and "extraordinary" arrangements. But Staff does not believe this resemblance is sufficient reason to adopt Texas rules for BellSouth.

Staff believes that BellSouth's proposal of 90 business days for normal configurations and 130 business days for extraordinary arrangements allows BellSouth far more time than it should need to complete these arrangements. These lengthy intervals are potentially injurious to the CLEC who is kept out of the marketplace pending the completion of the collocation arrangements. Although BellSouth has pointed out that the upgrades to the network and the building infrastructures are the time consuming elements, Staff has seen no evidence regarding the number of times upgrades to power, heating, air-conditioning and ventilation are necessary and carried out.

Staff recommends that the Commission not adopt any of the recommendations presented by BellSouth, AT&T, MCI WorldCom, or Sprint, in their entirety. Instead, Staff proposes benchmarks for collocation arrangement intervals that we believe include the best elements of each party's proposal. These are also benchmarks that we believe are now attainable by BellSouth, considering the evidence in its SQM reports. For normal physical and virtual collocation arrangements, Staff recommends that the Commission approve an initial benchmark of 90% within 120 calendar days. This is an approximate restatement in calendar days of BellSouth's proposed 90 business day interval. For extraordinary arrangements, Staff recommends a benchmark of 90% within 180 calendar days. "Normal" and "extraordinary" are used here as defined by BellSouth, above. After a period of six months, Staff recommends that the Commission increase these benchmarks to 95% on time within 90 calendar days for normal arrangements and 95% within 120 calendar day for extraordinary arrangements. Staff further recommends that MCI WorldCom's proposal of separate intervals for augments to existing arrangements be accepted, with a benchmark of 90% within 60 calendar days for augments. After a period of six months, Staff recommends that this benchmark be raised to 95% within the 60 calendar day interval.

Staff believes that these initial benchmarks are currently attainable by BellSouth. Knowing that these benchmarks will be raised to 95% and the intervals shortened after six months should provide sufficient incentive to the Company to improve its collocation provisioning performance. BellSouth and CLECs may, of course, negotiate due dates beyond these recommended arrangement intervals, at their discretion.

Finally, Staff recommends that the Commission instruct BellSouth and the CLECs to begin a collaborative process to develop CLEC collocation forecasts. These forecasts would be filed by the CLECs with BellSouth on a regular basis, to be determined by BellSouth and the CLECs. These forecasts would assist BellSouth in its network planning, particularly in meeting the collocation needs of the CLECs. Such a forecast would provide BellSouth with documented estimates of CLEC future collocation needs well before the applications for those collocation arrangements are in hand. Furthermore, such forecasts would aide BellSouth in meeting the more aggressive benchmarks recommended by Staff.

#### C-3 % of Due Dates Missed

BellSouth proposes that for C-3 % of Due Dates Missed, the benchmark be set at 90% or more collocation arrangements completed on or before the committed due date. BellSouth believes this is reasonable, in part because of the low number of collocations when compared to the volume of data for other measurements in this docket. BellSouth points out that in the last quarter of 1999, there were an average of only 8 collocation arrangements per month completed in Louisiana. With such a small number of data points, the impact of even one miss could, BellSouth states "provide a misleadingly unfavorable percentage number." (BellSouth Comments, p. 81.)

AT&T recommends a benchmark of 0% of due dates missed. AT&T provides no support for the benchmark it recommends, but does note in its reply comments that in Texas the benchmark for SWBT is 95% of collocation provisioning due dates met.

MCI WorldCom proposes a benchmark of less than 2% of committed due dates missed, which it takes from the MPS.

Staff does not believe that the Commission should be concerned that the small number of data points considered in calculating this statistic will lead to misleading results, as BellSouth suggests it

might. The statistical methodology proposed by BellSouth and recommended by Staff includes an adjustment for measurements based upon small numbers of observations. For example, for a sample of 5, if the benchmark was set at 90%, as BellSouth proposes for the percent missed due dates measurement, the small sample size adjustment results in a benchmark of 60%. For a sample of 15, the 90% benchmark is adjusted to 73.3%. The benchmark of 90% thus allows sufficient leeway to BellSouth to avoid any misleadingly low percentages because of the number of data points.

The benchmark proposed by AT&T, of 0% missed due dates, and that proposed by MCI WorldCom, of less than 2% of due dates missed, are unlikely, even with the small sample size adjustment, to be attainable by BellSouth in the near term. Staff has reviewed proprietary monthly data provided by BellSouth on regional, Florida-specific, and Louisiana-specific collocation intervals for 1997 through March 2000. In Louisiana, the intervals during 1999 ranged from a low of 10 calendar days, to 386 calendar days, with an average interval of 108 days. The wide range of provisioning times is seen both in large wire centers and in smaller central offices, in New Orleans as well as in small towns. As discussed above, BellSouth's collocation arrangement times often surpass the intervals it proposed for arrangement times. But, whatever due date is agreed upon, CLECs should have confidence that BellSouth will work to meet it. A missed due date benchmark that is too low will not provide sufficient incentive for BellSouth to meet its obligations to CLECs and complete collocation arrangements in a timely manner.

For comparison purposes, AT&T notes that the benchmark in Texas is 95% complete by the committed due date. New York also has a 95% benchmark within the stated interval, which as described above can vary by up to three months, depending upon the date of the CLEC's forecast. In Florida and Georgia, the PSC has adopted an interim benchmark for BellSouth of 90% within the committed due date.

Staff has reviewed BellSouth's Performance Measurement Reports, which allow one to compare Louisiana data with BellSouth as a whole. These show that collocation dates in Louisiana have been missed at a much higher rate than in the rest of BellSouth's territory. In January 2000, 12% of Louisiana due dates were missed, compared to 2% missed throughout BellSouth's service area. In February 2000, Louisiana misses were at 27%, compared to 3% for all of BellSouth. In March 2000, however, BellSouth missed no due dates in Louisiana, while missing 3% regionally. (It should be noted that only 2 arrangements were completed in Louisiana in March, compared with 343 in the entire BellSouth nine state region.)

Staff is concerned not only that so many collocation due dates are missed, but that the company's performance in Louisiana is generally below its performance in other states. The difference in BellSouth's performance in Louisiana and its performance in the rest of its service territory, suggests that in other states BellSouth has been able to put effective and efficient collocation procedures in place.

Therefore, Staff recommends that the Commission adopt a benchmark of 95% of collocations completed within the committed due date. The committed due date, if Staff's recommendations above are adopted, will be within 120 calendar days for a normal collocation arrangement, and within 180 calendar days for an extraordinary arrangement. After six months, Staff recommends that the benchmark be increased to 95% of collocations completed within the 90 calendar and 120 calendar committed due date.

For purposes of computing the C-3 % of Due Dates Missed statistic, collocation arrangements with negotiated due dates must also be included in the data. Where CLECs and BellSouth have negotiated a due date beyond the recommended completion interval, BellSouth will have missed the due date if it misses the negotiated date, not if it misses completing the arrangement within the benchmark interval.

## Staff Analysis of Parties' Replies and Recommendation

### C-1 Average Response Time

BellSouth objects to Staff's recommendation of benchmarks expressed in calendar days, instead of business days as BellSouth had proposed. BellSouth presents four factors that it states keep it from being able to meet the average response time benchmarks of 10 calendar days for space availability and 30 calendar days for price quotes recommended by Staff. First, in the case of the full price quote response time, BellSouth states that the Individual Case Based (ICB) pricing that is used in Louisiana is time consuming, inefficient, and, given the volumes of collocation applications in Louisiana, not an acceptable pricing method. The states in which BellSouth has a better response time than it has in Louisiana, such as Georgia and Florida, have tariffed prices or standard prices for collocation arrangements. BellSouth states that it will file a tariff for standard rates within 30 days of the Commission order in this docket, if the recommended 30 day reply for a full price quote is made contingent on tariffed rates. In cases where a CLEC insists on ICB pricing, then BellSouth believes the response interval should be negotiated and excluded from the average response time statistic.

Regarding its inability to respond to space availability requests within 10 calendar days, BellSouth cites the manual application process now in place. BellSouth states that it is developing a Web-based electronic application that will be used for both submission of the application by the CLEC, and internal distribution by BellSouth to the appropriate field teams. BellSouth is agreeable to a 10 calendar day response time for applications submitted through the Web based e-application, but requests that manual submissions be excluded from the statistic.

There are two factors that BellSouth cites regarding both the recommended 10 calendar day space availability interval and the recommended 30 calendar day price quote interval. The first of these is the concern that some CLECs might unfairly take advantage of this measurement and submit a large number of applications at one time to purposely overwhelm BellSouth's personnel. BellSouth notes that the Texas PUC has approved a volume-based sliding scale for SWBT and proposes that a similar plan be adopted in Louisiana. The intervals proposed by BellSouth are as follows:

Number of Applications by One CLEC	Space Availability Interval	Price Quotation Interval
1-5	10 calendar days	30 calendar days
6-10	15 calendar days	35 calendar days
11+	15 days plus 5 days for every 5 add'l applications	35 days plus 5 days for every 5 add'l applications

The last concern BellSouth has with Staff's recommended response times is the possibility of the calendar day intervals necessitating weekend or holiday work by employees. BellSouth requests that the benchmark be modified to allow responses that are due on a weekend or holiday to be due on the next business day. BellSouth also requests that the small sample size adjustment be applied to this benchmark.

AT&T states that "Staff recommends that CLEC requests for better performance should be rejected and BellSouth's proposal adopted." AT&T recommends, at a minimum, that Staff accept BellSouth's proposal for 6 months and then require a more rigorous interval.

Staff believes that AT&T has misunderstood Staff's recommendation. It is true that Staff did not, in this instance, propose a benchmark that increases in stringency after the initial six months. However, Staff did not accept BellSouth's recommendation, as AT&T mistakenly believes. BellSouth's initial recommendation was a response time of 10 business days for space availability requests, and 30 business days for a full response with price quote. Staff's proposal was for 10 calendar days for space availability requests, and 30 calendar days for full price quotes, considerably shorter intervals than those proposed by BellSouth.

Staff believes that its initial recommendations concerning the Average Response Time measurements are appropriate, including the use of calendar days instead of business days. Staff would note that in its Advanced Services First Report and Order, issued March 31, 1999, the FCC stated that 10 calendar days was a reasonable response time to inform CLECs of the availability of, or lack of, collocation space. In the recently released Order on Reconsideration and Second Further Notice of Proposed Rulemaking in CC Docket No. 98-147, released August 10, 2000, the FCC reaffirmed this position stating:

[B]ased on the record before us, we believe that an incumbent LEC has had ample time since the enactment of section 251(c)(6) to develop internal procedures sufficient to meet this deadline, absent the receipt of an extraordinary number of complex collocation applications within a limited timeframe. We therefore require that, where neither the state nor the parties to an interconnection agreement set a different deadline, an incumbent LEC must tell the requesting telecommunications carrier whether a collocation application has been accepted or denied within ten calendar days after receiving the application. (Order, FCC 00-297, ¶24. )

The FCC did not set a specific time interval for providing full price quotes to CLECs in this order, but did note that “an incumbent LEC should normally be able quickly to complete any necessary design, planning, and price quotation processes.” (Ibid. ¶ 27.) The FCC’s rationale for declining to specify a separate interval for price quote responses was that by setting one provisioning deadline the ILEC “will have every incentive to complete its design, planning and price quotation processes expeditiously so as to allow more time for actually provisioning collocation arrangements.” (Ibid. ¶ 25.)

While Staff stands by its initial recommendations for both space availability and price quote intervals, it does believe that some of the modifications proposed by BellSouth are appropriate. Specifically, in the matter of the full price quote response time, Staff agrees that ICB pricing takes considerably longer than selecting the appropriate rates from a tariff, and is not opposed to the creation of tariffed rates for collocation. Staff would also note that the FCC, although declining to set a separate interval for providing price quotes, also commented on the benefits of standardized rates, stating: “We note that an incumbent LEC can streamline its design, planning, and price quotation processes by developing standardized rates, terms, and conditions for different collocation arrangements.” (Ibid.) Staff agrees with BellSouth that 30 days from the issuance of a Commission order in this docket is a reasonable time for BellSouth to file such a proposed tariff of collocation rates.

Staff applauds BellSouth for developing a Web-based e-application to speed the application and response process for space availability requests. BellSouth notes in its Reply Comments that it is in the process of “rolling out” this e-application. Staff proposes that until the e-application is fully operational, and BellSouth can document that more than 95% of space requests are submitted electronically, that both paper and electronic submissions be included in the statistic measuring BellSouth’s response performance.

Staff also has no objection to BellSouth’s request that response time intervals be extended to the first business day following a weekend or holiday. Staff understands that the small sample size adjustment would apply to this statistic. Staff recommends that the Commission adopt this proposal regarding the sample size adjustment. The discussion of small sample size adjustments will be addressed in Staff’s subsequent final recommendation.

Lastly, Staff believes there may be merit in BellSouth’s concerns regarding the possibility of a CLEC deluging its offices with multiple applications filed simultaneously. In the case of the initial space availability response, Staff is not certain that a scaled benchmark is necessary. In its initial recommendation, Staff noted that BellSouth has had more than 2 ½ years since it first began providing collocation arrangements to develop a process to assist in determining the condition of central offices, the availability of space, the status of office infrastructure, and other information

pertinent to collocation. In its reply to those recommendations, BellSouth stated that the Web-based e-application it is now implementing is designed to shorten response times for space availability requests. Given the new e-application and over 2 years experience in ascertaining space availability, Staff believes its recommended 10 calendar day interval should be sufficient in the great majority of cases. But even so, Staff is aware of the possibility of BellSouth receiving applications too large to be handled in a normal timeframe.

In the case of price quote responses, Staff believes that an extended interval for multiple applications may be even more appropriate than in the case of space availability requests, as price quotes entail considerably more time and effort. BellSouth's initial space availability response and its price quote response are measured concurrently. That is, the 10 day interval for replying to the initial CLEC response is included in the total 30 calendar days of the price quote response. If BellSouth uses the entire 10 day interval to respond to the availability request, then it has only 20 remaining days in which to prepare its price quote. Extending both the space availability response interval and the full price quote response interval, will give BellSouth increased flexibility in responding to multiple application collocation requests.

However, Staff finds that the intervals that BellSouth has proposed for multiple applications are too liberal. The Texas PUC-approved intervals that BellSouth alludes to are found in SWBT's Local Access Service Tariff, Section 6.1.3.E. These sliding scale intervals are for full price quote responses only, and run concurrently with the ten day notification interval for space availability, which has not been extended for multiple applications. The SWBT intervals are shown below.

#### **SWBT Collocation Ordering and Provisioning Intervals**

Number of Applications by One CLEC	Quotation Interval
1-5	10 business days
6-20	25 business days
21+ within 5 business days	interval increased by 5 business days for every 5 applications, or fraction thereof

In comparison, BellSouth's proposed intervals for the price quote response interval are 30 calendar days for one to five applications, increasing to 35 calendar days for six to 10 applications, and an additional five calendar days for every five additional applications within a five business day period. BellSouth's proposed intervals for space availability responses also increase from 10 calendar days for one to five applications, to 15 calendar days for six to 10 applications, and an additional five calendar days for every five additional applications within a five business day period.

Staff believes that any extension to the response times already recommended for BellSouth should be less than BellSouth requested. It should be crafted only to counter the effect of an extraordinary numbers of applications on BellSouth. Staff has already concurred in BellSouth's recommendation that collocation rates be tariffed, which should result in significant time savings in preparing price quotes for CLECs. Even with tariffed rates, however, any particular price quote will consist of a number of rates that will differ with the equipment and configuration of each request, and possibly also with the individual central office.

Staff therefore proposes a sliding scale for multiple applications, but one that is more modest than BellSouth's proposal. Staff recommends that the Commission apply its recommended price quote response interval of 30 calendar days to applications containing between one and 10 applications. For 11 to 20 applications, Staff recommends increasing the price quote response interval to 35 calendar days. For requests of more than 20 applications, Staff recommends that the price quote interval be increased by five calendar days for every five applications received within five business days. Staff also recommends that its proposed space availability response interval of 10 calendar days be applied to applications of one to 10 applications, and that this be increased to 15 calendar days for 11 to 20 applications. For requests of more than 20 applications, the space availability interval should be increased by five calendar days for every five additional applications received within five business days. Staff recommends that the benchmark of 95% of responses being returned within the recommended interval apply to all applications.

## C-2 Average Provisioning Time

BellSouth's only objection to Staff's recommendations concerning this statistic is that Staff neglected to specify how negotiated due dates will be handled in computing this statistic. BellSouth recommends that negotiated due dates be excluded from the Average Provisioning Time measurement, although included in the Percent Due Dates Missed (C-3) measurement. BellSouth also wants the ability to petition the Commission in cases where attempts to negotiate dates with a CLEC are unsuccessful.

AT&T notes that in other states BellSouth has proposed a shorter arrangement time for virtual collocation than for physical arrangements. In Georgia, for example, BellSouth proposed an interval of 120 calendar days for physical collocation, and 90 calendar days for virtual. AT&T also notes that the interim performance measurements recently adopted by the Commission in Georgia include an arrangement time of 90 calendar days for ordinary physical collocation, 50 days for ordinary virtual collocation. AT&T requests that Staff revise its recommendation to provide a shorter interval for virtual collocation arrangements.

Staff is amenable to both BellSouth's and AT&T's suggested revisions to this measurement. Staff agrees with BellSouth that negotiated due dates should be excluded from the calculation of the Average Provisioning Time measurement, but that they must still be included in the C-3 % Due Dates Missed measurement. And Staff has no objection to BellSouth and the CLECs petitioning the Commission in instances where they cannot resolve a due date.

Staff also agrees with AT&T that a separate provisioning time should be distinguished for virtual collocation. Staff recommends that the provisioning interval of 50 calendar days for virtual collocation be adopted in Louisiana. Staff further recommends that the benchmark for this measurement be set initially at 90% within 50 calendar days, and increased to 95% within 50 calendar days after six months.

## C-3 Percent Due Dates Missed

BellSouth notes that Staff's recommendation on this should be consistent with its recommendations on C-2. Staff agrees that the two should be consistent, and believes that they are. As stated above, in the case of negotiated due dates, Staff recommends that these intervals be excluded from the calculation of C-2 Average Provisioning Time, but included in the calculation of C-3 Percent Due Dates Missed.