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FEDERAL COMMUNICATIONS COMMISSION
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Before the
Federal Communications Commission
Washington, D.C. 20554

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MAY 29 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the matter of)
Performance Measurements and) CC Docket No. 98-56
Reporting Requirements) RM-9101
for Operations Support Systems,)
Interconnection, and Operator Services)
and Directory Assistance)
_____)

COMMENTS OF THE MICHIGAN PUBLIC
SERVICE COMMISSION

June 1, 1998

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I Introduction

The Michigan Public Service Commission (Michigan) welcomes and applauds the Federal Communications Commission's (FCC) effort to provide more clarity and substance to the processes envisioned by the Telecommunications Act of 1996¹ (FTA) Sections 251 and 271. This activity will bring interested parties' positions together in a manner which can promote the establishment of performance measurements and standards which should be reasonable and predictable across the national telecommunications marketplace.

II Michigan's Consultation in CC Docket Numbers 97-1 and 97-137

In its consultative role in two applications by Ameritech Michigan pursuant to Sec. 271, CC Dockets Nos. 97-1 and 97-137, Michigan noted initially it had little information available on Ameritech Michigan's OSS system. Michigan did conclude, however, that:

"It appears Ameritech Michigan is providing OSS function that enabled at least two competitors to provide local exchange telecommunication service in Michigan."²

Subsequently, Michigan in its consultative role in Ameritech Michigan's second full application with the FCC for interLATA relief advised:

¹ 47 U.S.C. § 151 et seq.

² Comments of the Michigan Public Service Commission to the FCC in CC Docket No. 97-1 dated February 5, 1997 (February 1997 Comments), p. 25.

"In order to make that judgment (on non-discriminatory access to OSS and other interconnection components) a method or system of gauging the performance should be used. However, complete and appropriate performance standards have not as yet been adopted which would permit determination to be made regarding nondiscriminatory access to OSS and other unbundled network elements."³

Michigan had clearly determined that without some system of measurements and standards related to nondiscriminatory access to OSS and other network elements, it would be difficult, if not impossible, to ultimately judge whether an "efficient competitor (has) a meaningful opportunity to compete."⁴

III National Association of Regulatory Utility Commissioners (NARUC) Resolution No. 5 (November 11, 1997)

The NARUC's resolution on performance guidelines reinforces Michigan's advice that measurements and standards be established for OSS for effective evaluation of an applicant's compliance with the provisions of the FTA's Sections 251 and 271.

The NARUC suggested a standards setting approach to establishing technical specifications and guidelines which would ensure uniform access OSS functions. This activity would be performed with a particular due date at which time the FCC could intervene if progress was lacking.

Further, the NARUC suggested that any standards developed would be minimum standards. The State Commissions would then have the flexibility to strengthen the standards

³ Comments of the Michigan Public Service Commission to the FCC in CC Docket No. 97-137 dated June 9, 1997 (June 1997 Comments), pps. 33-34.

⁴ August 8, 1996 FCC Order in CC Docket No. 96-98, ¶1315

based on the particular local market conditions.

IV The Next Step

Michigan notes that this docket establishes a process in which necessary performance measurements and reporting requirements can be identified. Michigan reserves comment on the specifics of these measurements at this time. Michigan, however, would point out the instant process does not completely close the loop on nondiscriminatory access to OSS and other unbundled network elements. The FCC has left to the states the matter of determining levels of acceptable performance within the measurements categories. The FCC has also focused solely on EDI OSS interfaces. Michigan further notes the first generation of interconnection agreements reached following the enactment of the FTA appear to be more theoretical than practical. As parties to those agreements begin to implement the various features of the interconnection agreements, they are finding often performance related provisions are either ill-defined or not defined at all.

The challenge facing the industry, incumbents, competitors and regulators alike is to recognize that performance measurements and standards are an evolving phenomenon. What should work today may not work tomorrow. What incumbents think competitors need may be too much or too little. Finally, a potpourri of measurements and standards across a national telecommunications marketplace and infrastructure may inhibit, rather than encourage, the competitive marketplace envisioned by the FTA.