

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

IN THE MATTER OF)	
Unbundled Access to Network Elements)	WC Docket No. 04-313
Review of the Section 251 Unbundling)	
Obligations of Incumbent Local Exchange)	CC Docket No. 01-338
Carriers)	
_____)	

**REPLY COMMENTS OF THE
MICHIGAN PUBLIC SERVICE COMMISSION**

On August 20, 2004, the Federal Communications Commission (FCC) issued a Notice of Proposed Rulemaking (Notice) to solicit comments on alternative rules that will implement the obligations of section 251(c)(3) of the Communications Act of 1934, as amended, in a manner consistent with the U.S. Court of Appeals for the District of Columbia Circuit's (D.C. Circuit) decision in *United States Telecom Assn v FCC*. In par. 15 of the FCC's Notice, the FCC provides guidance on how the state commissions can provide the extensive information that the states have gathered in their own state proceedings relevant to this inquiry. The Michigan Public Service Commission filed comments in this proceeding on October 4, 2004 to which it attached a CD of the voluminous case filings and information gathered in the related TRO dockets.

The Michigan Public Service Commission respectfully submits these reply comments electronically in response to the August 20, 2004 released *Order and Notice of Proposed Rulemaking (Interim Order and NPRM)*, FCC 04-179, 69 Federal Register

55128 (September 13, 2004) seeking input on a variety of issues related to the development of final network unbundling rules.

As mentioned in our initial comment filing, the FCC in par. 15 states:

Given that our inquiry raises complex issues, and proceedings that state commissions initiated to implement the Triennial Review Order developed voluminous records containing information potentially relevant to our inquiry, we anticipate that parties might wish to submit much of that same factual evidence to support their positions here. To be sure, the state commissions' dedication in executing the difficult tasks set out for them in our Triennial Review Order was impressive, and we appreciate their efforts. To make the records from state proceedings more usable, we encourage state commissions and other parties to file summaries of the state proceedings, especially highlighting factual information that would be relevant under the guidance of USTA II. Similarly, we encourage state commissions and other parties to summarize state commission efforts to develop batch hot cut processes.

The complete record in Case No. U-13891 (Michigan's batch hot cut proceeding), containing all of the parties' filings, was transmitted as a resource to the underlying information and filings this Commission has relied on. As mentioned in our filing on October 4, 2004, the Michigan Commission stated that any subsequent orders issued in Case No. U-13891 will be forwarded when they become available.

The Michigan Commission offers the following additional information that it has gathered relevant to this docket. As mentioned in the comments filed by this Commission on October 4, 2004, this Commission has been continuing with a docket to study and issue a recommendation related to a batch hot cut process in Case No. U-13891. On June 29, 2004 the Commission issued an order adopting an interim batch hot cut process and directed the parties to participate in collaborative discussions related to developing a test plan and conducting a test prior to the Commission adopting a final

order on a batch hot cut process. This Commission on October 4, 2004 issued a further order in the batch hot cut proceeding clarifying its position on testing issues and adopted a test plan for the testing phase of the interim batch hot cut process. That order is attached to these comments for FCC consideration in formulating permanent unbundling rules.

Respectfully submitted,

MICHIGAN PUBLIC SERVICE COMMISSION

Mary Jo Kunkle, Executive Secretary

Dated: October 19, 2004

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

* * * * *

In the matter, on the Commission's own motion, to)	
investigate and to implement, if necessary, a batch)	Case No. U-13891
cut migration process.)	
_____)	

At the October 4, 2004 meeting of the Michigan Public Service Commission in Lansing, Michigan.

PRESENT: Hon. J. Peter Lark, Chair
Hon. Robert B. Nelson, Commissioner
Hon. Laura Chappelle, Commissioner

ORDER APPROVING JOINT TEST PLAN

On June 29, 2004, the Commission issued an order in this proceeding approving a temporary batch cut migration process. The order also commenced a collaborative process for all interested parties to participate in the establishment of specific modifications to the batch cut migration process.

On July 6, 2004, the Commission Staff (Staff) issued a notice for the first collaborative teleconference, which was held on July 7, 2004. Representatives of the Staff, SBC Michigan (SBC), and a variety of competitive local exchange carriers (CLECs), including MCImetro Access Transmission Services LLC, AT&T Communications of Michigan, Inc., TCG Detroit, COVAD Communications Company, and Talk America, Inc., participated in the collaborative process.

Subsequent to the initial teleconference, the parties circulated proposed joint test plans tailored to their individual needs. Further teleconferences were held on July 22 and August 6, 2004.

On August 10, 2004, the collaborators filed one submission that presented three joint test plan proposals for the Commission's consideration. One testing proposal was drafted by SBC. A second was drafted by the CLECs. The final version was drafted by the Staff.

The Staff posted a copy of the entire August 10 joint filing on the Commission's website. Pursuant to the directive contained in the June 29, 2004 order, timely supplemental comments on the three proposals were filed by the Staff and SBC.

Discussion

1. Forecasting Requirement

In the August 10, 2004 filing, the parties identify three major issues that remain to be resolved. The first of these issues involves the testing process. Specifically, the parties disagree whether on SBC should be allowed to require CLECs to provide forecasts of the transition of customers from unbundled network element-platform (UNE-P) to unbundled network element-loop (UNE-L) via the 27-month transition plan in order to test the process. Each forecast would require a certain percentage of lines to be converted every month. SBC maintains that CLECs that want to participate in testing must first develop transition schedules in conjunction with SBC, which will be filed with the Commission.

The Staff and the CLECs do not support the use of binding forecasts. They insist that the CLECs should not be obligated to develop and provide SBC with a forecast of their UNE-P migration plans as part of the testing process. According to them, it would be premature to require the CLECs to do so at this time. They believe that once the test is complete and meets successful results, the CLECs should be free to file migration plans with SBC if they are prepared to migrate their customer bases to their own switches. They also contend that the testing process requires the ability to use all of the tools that SBC has proposed in its batch hot cut plan, including the ability

to use the due date scheduler to schedule cuts without SBC project management involvement and the ability for multiple CLECs to issue orders for multiple hot cuts in multiple central offices on the same day without previous SBC planning or approval.

The Commission agrees with the Staff and the CLECs that mandatory forecasting of the transition of a CLEC's customers from UNE-P to UNE-L is not necessary and should not be required during the testing process.

2. Pseudo Testing

The second area of disagreement involves whether the testing process should include "pseudo testing," which is the use of lines that are created solely for the purpose of testing (pseudo lines) or via lines that are connected to "friendly" end-users (such as company employees or willing customers, as determined by the CLEC) in order to simulate a real environment. SBC opposes pseudo testing, which SBC maintains is wasteful, unnecessary, and inconsistent with the Commission's June 29, 2004 order that requires the joint test plan to be based on SBC's managed introduction plan (MIP). SBC insists that its MIP was premised on testing that occurs during the actual phased migration of a CLEC's embedded base of UNE-P lines and that the changes in the batch hot cut process are so few from the hot cut process that has already been tested that creating fictional accounts to test would result in a tremendous amount of costly and wasted effort. Further, SBC insists that if the Commission adopts the pseudo test approach proposed by the CLECs, the CLECs should pay for it.

The Staff and many of the CLECs contend that, while SBC's MIP may be an appropriate step in the testing process, it is not a substitute for a complete test plan that ensures that the process works as designed without putting customers in jeopardy. These parties argue that the Commission's June 29, 2004 order requires the use of simulated testing in order to "evaluate

whether SBC is capable of migrating multiple lines in a timely manner.” June 29, 2004 order, p. 22. They maintain that it is critical that the batch hot cut process move through multiple stages of testing and commercial rollout. They believe that there should be a lab test stage that evaluates the training, ability, systems, and entire process of the proposed batch hot cut process. In their opinion, the initial phase of testing should begin with the testing of pseudo lines and would progress to friendly lines, most likely employees of the companies, before moving to the MIP testing proposed by SBC, which would feature a controlled introduction of the process based on limited numbers of actual customers using the batch hot cut process developed and tested in the initial phase. After a period of time to be determined by the parties, and successful commercial use of the process, the batch hot cut process would move into general availability, which includes live customers, at full volumes throughout the state.

The Commission finds that the testing process proposed by SBC should not be approved. The Commission is persuaded that the two-step testing process proposed by the Staff and the CLECs is superior to SBC’s approach and should be utilized. However, the Commission finds that third party testing is not required and that the cost of the testing should be borne by the parties that benefit from the testing.

Rather than relying on a third party, the Commission finds that the parties should be responsible for administering the testing process themselves. The Staff should be allowed to participate in the decision-making process, but the Staff should not assume responsibility for test administration.

If a CLEC insists on the use of pseudo lines mimicking its customer base, then it should be responsible for the costs associated with those tests. If the CLEC desires testing of friendly lines of its employees, the CLEC should be responsible for those costs.

3. Additional Scenarios

The parties have been unable to agree whether the test plan should incorporate specific terms and procedures for testing the other scenarios and issues enumerated in the June 29, 2004 order, such as integrated digital loop carrier (IDLC) migrations, line sharing migrations, line splitting migrations, CLEC-to-CLEC migrations, and migrations of customers that CLECs desire to serve via enhanced extended links (EELs).

SBC opposes incorporating specific terms and procedures for testing these scenarios, which it maintains is not required at this time.

The Staff and several CLECs maintain that the joint test plan should incorporate specific terms and procedures for addressing these issues and, ultimately, testing SBC's performance in these migration scenarios. They interpret the Commission's June 29 order to include the additional migration scenarios (IDLC, CLEC-to-CLEC, EELs, line splitting/line sharing, etc.) in the testing phase. They insist that the batch hot cut process should include these additional scenarios, and they should follow the same testing process mentioned above.

The Commission agrees that the migration scenarios such as CLEC-to-CLEC, EELs, IDLC and line-sharing/line-splitting that were highlighted in the Commission's June 29 order must be included in the testing process. There are actual customers currently served under these scenarios. Therefore, these forms of migrations need to be included in the testing process. However, because of the lack of progress on this issue in the collaborative process, the Commission directs the collaborating parties to meet and determine how these migrations should be handled. The Commission is persuaded that these migration scenarios need to be discussed and included as early in the testing as possible so the Commission can evaluate the testing results of the complete batch

hot cut process. The development of the procedures for the additional migration scenarios should not delay the start of the testing of the interim batch hot cut process.

4. Adoption of a plan.

Given the determinations made in this order, the Commission concludes that the Staff's proposed joint test plan, attached as Exhibit A, should be adopted.

The Commission FINDS that:

a. Jurisdiction is pursuant to 1991 PA 179, as amended, MCL 484.2101 et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; the Commission's Rules of Practice and Procedure, as amended, 1999 AC, R 460.17101 et seq.; and 47 USC 251 and 252.

b. A joint test plan proposal consistent with the findings set forth in this order that addresses appropriate procedures for testing to ensure the successful operation of SBC's batch cut migration process should be approved.

THEREFORE, IT IS ORDERED that the joint test plan attached as Exhibit A is approved.

The Commission reserves jurisdiction and may issue further orders as necessary.

Any party desiring to appeal this order must do so in the appropriate court within 30 days after issuance and notice of this order, pursuant to MCL 462.26.

MICHIGAN PUBLIC SERVICE COMMISSION

/s/ J. Peter Lark

Chair

(S E A L)

/s/ Robert B. Nelson

Commissioner

/s/ Laura Chappelle

Commissioner

By its action of October 4, 2004.

/s/ Mary Jo Kunkle

Its Executive Secretary

The Commission reserves jurisdiction and may issue further orders as necessary.

Any party desiring to appeal this order must do so in the appropriate court within 30 days after issuance and notice of this order, pursuant to MCL 462.26.

MICHIGAN PUBLIC SERVICE COMMISSION

Chair

Commissioner

Commissioner

By its action of October 4, 2004.

Its Executive Secretary

PROPOSED “JOINT TEST PLAN”

Introduction

On June 29, 2004, the Michigan Public Service Commission (MPSC” or “Commission”) issued its “Order Establishing Batch Cut Migration Process” in Case No. U-13891 (the “Order”). The Commission approved a batch cut migration process, as described in the Order, on an interim basis. The Commission also directed interested parties to engage in collaborative discussions regarding testing of the approved interim batch cut process and to reach agreement regarding the content and testing of a final batch cut migration process. (Order at 23.)¹

In particular, the Commission found that “there must be appropriate testing” of the SBC “modified” batch hot cut processes in order “to make sure the batch cut migration processes *will work as anticipated* in a real environment.” (Order at 22, (emphasis added)). The Commission further clarified that such testing would allow the Commission (and the parties) “to evaluate” whether “SBC is capable of migrating multiple lines in a timely manner” and whether the BHC migration process “will work as anticipated in a real world environment.” In this regard, the Commission stressed that the test “should include real world examples of batch cut migrations performed by SBC.” (*Id.*) The Commission directed the parties to “submit a joint plan” for testing by August 10, 2004 “that is modeled after SBC’s managed introduction plan.” Thereafter, parties will have the opportunity to file comments on that plan within two weeks, or August 24, 2004, and “testing should begin as soon as possible.” (*Id.*)

This Joint Test Plan (“JTP”) is based on pseudo testing and commercial deployment using actual customer accounts. The collaborative discussions reached an impasse regarding the issue of whether testing should be based on commercial use or “pseudo” test lines. By submitting this JTP no party is precluded from arguing that a test plan either should, or should not, be executed in a lab environment.

¹ SBC Michigan is participating in these proceedings as required by an Order of the Michigan Public Service Commission entered on June 29, 2004 in Case No. U-13891 (the “Order”). SBC contends that the Order, and these continued proceedings, purport to implement certain requirements of the FCC’s vacated *Triennial Review Order* (“TRO”) and that the Order is in conflict with the D.C. Circuit’s decision in *United States Telecom Ass’n v. FCC*, 359 F.3d 554 (D.C. Cir. 2004). (“*USTA II*”) In that decision, the D.C. Circuit held that the federal law pursuant to which this proceeding is being conducted is unlawful. Accordingly, the MPSC’s Order is unlawful. On July 7, 2004, SBC Michigan filed its Complaint for Declaratory, Injunctive and other Relief in the United States District Court for the Eastern District of Michigan. See *Michigan Bell Telephone Company v. J Peter Lark, et al.* Civil Action No. 04-60128. (“*Michigan Bell*”). By participating in these proceedings and submitting this JTP, SBC Michigan does not waive, but expressly reserves, all rights under the D.C. Circuit’s decision in *USTA II* and in its pending action in *Michigan Bell*.

Purpose

The purpose of this Joint Test Plan (“JTP”) is to detail the roles, responsibilities and actions that will be used to jointly assess the success of implementing the MPSC-approved interim batch hot cut (“BHC”) processes in production.² The managed introduction plan uses actual in-service migrations and utilizes close monitoring by key SBC and CLEC personnel of the actual execution of orders to cut in-service UNE-P or resale lines (i.e., the embedded base) to the CLEC’s own switch or to a third party. The goal of the JTP is to ensure that Michigan’s consumers will not be harmed or lose service, for an unreasonable period of time compared to existing hot cut processes, due to failures in the BHC processes. The objective of the JTP is to ensure that the Batch Hot Cut processes and tools introduced as part of the Batch Hot Cut proceeding, as ordered by the Commission’s June 29, 2004 order in Case No. U-13891, are working correctly and that SBC is able to support the volume of batch hot cut orders that can be expected as CLECs move to their own facilities. The JTP, therefore, should allow the Commission to “evaluate whether SBC is capable of migrating multiple lines in a timely manner” assuming the volumes of BHCs that could be anticipated when UNE-L replaces UNE-P. (June 29th Order at 22).

Prerequisites

The JTP by definition will be performed on a CLEC specific basis with that CLEC’s existing UNE-P or resale customers. SBC Michigan is willing to enter into a JTP with each and every interested Michigan CLEC that has an existing embedded UNE-P base that “volunteers”. Accordingly, there are two basic prerequisites that will apply to a JTP:

First, a CLEC needs to volunteer to cut its embedded base of UNE-P/resale, in total or in part, from UNE-P/resale to its own switch or to a third party providing switching to the migrating CLEC.

Second, that CLEC would develop, and work jointly with SBC, to finalize a Joint Implementation Plan; this plan lays out the timeframe and quantities for the hot cuts to be performed.³ In addition, these plans will contain provisions detailing how a CLEC will notify this Commission that it has submitted its migration

² This JTP is limited to the BHC processes approved by the Commission on June 29, 2004.

³ SBC Michigan requests the inclusion of the following: In an Order entered on June 29, 2004 in Case No. U-13891, the MPSC implements certain requirements of the FCC’s *Triennial Review Order* (“TRO”) based on its conclusion that the FCC’s rules related to the batch cut migration process are not vacated and that the MPSC is required to implement those rules. (See MPSC Order at 18.) SBC Michigan disagrees and has sought judicial review of the Commission’s June 29, 2004 Order. See *Michigan Bell Telephone Company v. J Peter Lark, et al.* Civil Action No. 04-60128. Notwithstanding, until the Court rules, this joint test plan is based on the Commission’s understanding that the FCC’s batch cut migration rules are effective and controlling.

orders to SBC Michigan and likewise these plans will detail how SBC Michigan will notify this Commission that it has completed the migrations.⁴

For a CLEC to volunteer, it may need an executed interconnection agreement (“ICA”) amendment covering the new batch hot cut processes.⁵ Standard EDI or GUI ordering interfaces will be used to place the hot cut orders using current LSOG business rules. Therefore, the CLEC will need to be able to utilize OSS release 6.04, either on an application-to-application (EDI or CORBA) or GUI (WebLEX / Verigate) basis. It is critical that all parties fully understand the BHC processes and their responsibilities within those processes. SBC will provide self-paced, on-line training on the BHC processes by September 7, 2004. This training will include the specifics of the “what, where, when and how” related to the approved BHC processes performed by SBC. In order to cut the loops, the CLEC must have an end-office switch or have arrangements in place with a switching provider. Finally, collocation should be established in the wire centers where the loops are located, with transport established to the new switch.

Establishment of Teams

The specific JTP must be jointly developed by SBC Michigan and a CLEC, and would be performed by teams consisting of SBC Michigan and CLEC representatives. These teams will closely monitor the progress during the testing period of the batch hot cut option, and will work through any issues that might arise during pseudo testing and continuing through commercial testing. As described below, to address such issues, they would perform root cause analysis, develop corrective action plans and implement process changes that may be necessary. The teams will also furnish the Commission with monthly reports that would describe any batch hot cut problems that the team identified: explain the root cause; identify steps taken or proposed to achieve resolution; and report the status of the corrective action and the results to date.

SBC Team Members

SBC provides team members covering the operational aspects of the BHC processes:

- Local Service Center (“LSC”) (name, title, and contact information)
- Local Operations Center (“LOC”) (name, etc...)
- Local Facilities Organization – Inside (“LFO-In”) (name, etc...)
- Local Facilities Organization – Outside (“LFO-Out”) (name, etc...)
- Operations Support Systems (“OSS”) (name, etc...)
- Account Team (name, etc...)

⁴ See *TRO* at par. 531 and 319(d)(iv) (A) and (B)

⁵ As reflected in SBC’s Accessible Letter CLECALL04-112 issued July 7, 2004, any CLEC that places orders using any of the MPSC-approved BHC processes will be deemed to have agreed to all rates, terms and conditions of SBC 13-State’s offering as set forth in the proposed amendment.

SBC's team members will be assigned to participate in and/or closely monitor the progress of each stage of this early commercial usage. Each identified subject matter expert ("SME") listed above should be the main point of contact for any issues raised in their field. SBC will also appoint a "team leader" to be the overall point of contact and coordination throughout the managed introduction. Additional support personnel from each of the organizations will also be assigned to ensure that any issue raised during the implementation can be addressed in an expedited fashion.

CLEC Team Members

Each CLEC that participates in migrating its existing UNE-P or resale customers to its own switch or to a third party providing switching to the migrating CLEC, will also assign personnel involved in the operational aspects of hot cuts from the CLEC's perspective. This should include personnel with responsibility for the CLEC's OSS, service center functions, and provisioning functions. Each SME identified and assigned above should be the main point of contact for any issues raised in their field. Each CLEC should also identify a "team leader" to serve as the overall point of contact and coordination throughout the managed introduction.

SBC Michigan has no objection, if a CLEC wishes to include another CLEC (s) as a non-participating observer as a member of its team. However, SBC Michigan will only be required to participate in the JTP with the participating CLEC.

MPSC Staff Team Members

The MPSC Staff may appoint an individual(s) to monitor activity as resources and expertise are warranted.

Joint Test Administration Committee

A joint CLEC/SBC/Staff committee will be formed to administer all testing. This Joint Test Administration Committee will consist of one member from each participating CLEC, SBC Michigan and Staff. The purpose of the committee will be to oversee every step of test administration and reporting of test results and findings to the Commission.⁶

Test Approach

The overall philosophy of the joint test is to review, by monitoring commercial use, each step in the approved interim BHC processes from any pre-order inquiry to ordering to provisioning to completion, including updates being posted to the Provisioning WebSite ("PWS"). The evaluation will be to confirm and validate the availability of personnel, and the completeness, consistency and reliability of the interim BHC processes.

⁶ Assumes that the confidentiality issues surrounding a specific CLEC's test results are addressed.

General Test Process

Monitored accounts will consist of the CLEC's existing single and dual line residential accounts and multi-line business UNE-P accounts migrating to UNE-L within the scope of the interim BHC processes. The monitored accounts may include a representative sample of the central offices across the state in which the CLEC has existing UNE-P accounts. This sample may include offices that are both staffed on a regular basis and offices that are typically unstaffed and require technician dispatches to provision the hot cuts. To the extent applicable, the mix may also include a sampling of remote central offices that are served off of a host switch.

Due dates will be calculated using the Scheduling Tool based on the process selected. CLECs will issue orders using EDI and the WEB LEX GUI following the business rules and using the software provided in Release 6.04. Pre-order transactions will be via EDI, CORBA, or the Enhanced Verigate GUI as the CLEC decides. Orders status for the orders will be tracked via the PWS tool. Orders will flow through as "normal." Data will be collected and summarized by the CLEC-provided spreadsheet discussed below

The volumes to be monitored will be determined based on hot cut volume projections in a marketplace where UNE-P customers will need to be converted. These volumes must be consistent with the CLEC Joint Test Plan, that details the conversion of the CLEC's embedded base of UNE-P lines, and the limits in the Defined Batch process 100 orders/CLEC/CO will be handled each day. Testing may be conducted for consecutive working days in each central office (up to 20 days per office) based on the CLEC/SBC Joint Test Plan. Routine or normal central office activity shall continue during the JTP. Notice shall be given to that central office of potential volume increases in the same manner as would occur in a commercial environment and consistent with the interim BHC processes.

Success criteria and performance measurements for the test are defined and agreed to by the parties involved (SBC, CLECs and Commission staff) prior to the start of the test, or otherwise determined by the Commission. The existing hot cut measures can be used to track performance, modified to reflect the appropriate BHC intervals of the approved processes.

The Processes and OSS to be Reviewed

Each SBC proposed BHC process, now approved by the Commission on an interim basis, is comprised of multiple steps. Each party conducting the step is identified (whether a particular group within SBC or the CLEC). Each of these steps could be a "test point" in the review. That is, each step in the process could be a point reviewed under this Joint Test Plan to determine whether it was completed as appropriate. In addition, monitoring will include use of the OSS enhancements made available for the BHC processes, which include:

- Due Date scheduler: ensure that this tool is available to all CLECs via SBC's EDI, CORBA and Enhanced Verigate interfaces and that it provides accurate and timely responses to requests for due dates. Ensure that scheduling is available for all types in the interim approved BHC processes.
- IDLC identification tool: ensure that this tool is available to all CLECs via SBC's EDI, CORBA, and Enhanced Verigate interfaces and that it provides accurate and timely indications of the presence of IDLC on the requested loop.
- Provisioning Web Site tool: ensure that this tool provides accurate and timely updates to provisioning order status on Coordinated Hot Cuts and Frame Due Time orders, including cut status at item level, results of ANI/dial tone testing, etc.

These processes were thoroughly documented in Exhibit A-13 (CAC-1); specifically in Chapman's Exhibit CAC-1.1. Those processes are:

- Enhanced Daily Process (pp. 5-7)
- Defined Batch Process (pp. 11-13)
- Bulk Project Process (pp. 16-18)
- IDLC Process (p. 22)

Additionally, Chapman Exhibit CAC-1.1 also detailed other related processes that may be encountered:

- Pre-Cut Jeopardy Notification Process (p. 24)
- Throwback Process (p. 27)

For ease of reference, the above delineated items are included in the attachment.

JTP Stages

The review should be conducted in two stages. This approach, which involves two levels of coordination, will allow both SBC and the CLEC to first ensure their processes and systems are working as intended in a manner that is highly coordinated so that any issues raised will be immediately identified, and then to test those same processes and systems in a more "day-to-day" fashion that involves more supervisory coordination.

Stage 1: Jointly Monitored Pseudo/Commercial Deployment

During this stage, SBC and the CLEC will form a joint team and will work together at pre-designated times with both parties using a conference bridge or other means to communicate during the transactions. For example, the CLEC will execute their pre-order transactions during a designated time when the CLEC and SBC representatives are conferenced and SBC can

monitor the transactions. This way, both parties receive immediate feedback on how their systems are functioning. Similarly, SBC and the CLEC will establish communication check points during the provisioning stage to ensure both parties are prepared for the conversion and that the transition flows smoothly.

For Stage 1, which is focused and highly coordinated, SBC and the CLEC will process up to three batches of hot cuts, starting with 20 lines in each batch and working up to 100 per CLEC. Stage 1 concludes when all significant issues identified in the stage are resolved. This stage should take approximately 2-4 weeks.

Stage 2: Jointly Reviewed Pseudo/Commercial Deployment

During this stage, and consistent with the Joint Test Plan, the CLEC will determine when and how it will submit its transactions and they will be carried out per “business as usual” by both SBC and the CLEC. Analysis of the actual migrations is completed regularly to ensure that the systems and processes are continuing to function as designed by reviewing completed migrations.

For Stage 2, which is “business as usual”, SBC and the CLEC will review transactions over the four weeks following the conclusion of Stage 1. The volumes subject to this Stage will be determined by the Joint Implementation Plan. Stage 2 is complete when all significant issues identified in this stage are resolved.

Stage 3: Jointly Monitored Additional Migration Scenarios Deployment

The test status of other migration scenarios such as CLEC to CLEC, EELs, and line-sharing/line-splitting that were identified in the Commission’s Order for further collaborative discussion should be included here.

Stage 4: Jointly Reviewed Additional Migration Scenarios Deployment

The test status of other migration scenarios such as CLEC to CLEC, EELs, and line-sharing/line-splitting that were identified in the Commission’s Order for further collaborative discussion should be included here.

Test Tracking

Subject to the Joint Implementation Plan, the CLEC will determine the pre-order transactions it wishes to conduct, as well as the local service requests (“LSRs”) it needs to submit for the time period and volume covered by this Joint Test Plan. In

order to facilitate tracking for both SBC and the CLEC, the CLEC should prepare and submit to SBC's team leader a tracking spreadsheet by TXNUM (for pre-order inquiries) and PON (for LSRs).

The spreadsheet will allow both SBC and the CLEC to track the timeliness of the transactions, including pre-order response timeliness, notification timeliness, SBC's PWS update timeliness, installation timeliness, installation trouble rate, etc.

The transactions conducted under this Joint Test Plan will be subject to current wholesale performance measurements in place today and revised as new performance measures are developed.⁷

Timelines

As noted above, specific timelines and volumes will be set based on the Joint Implementation Plan between SBC and the CLEC.

The test should take place over a sufficient time period (to be determined by the parties to the JTP or the MPSC, in the event of a dispute) to be able to evaluate commercial results. The timeframes estimated above plus any additional time to resolve identified issues and analyze results should be sufficient to ensure the goals of the test are met.

Root Cause Analysis and Corrective Action

The purpose of the team(s) established, as described above, is to both closely monitor the progress of early commercial use of the batch hot cut processes and resolve any issues that might arise during early commercial use. To address such issues, the team would perform root cause analyses, develop corrective action plans and implement process changes that are deemed necessary. After any corrective action is executed, the teams then would continue their monitoring to ensure that the corrective action functions as expected. Thus, in sum, the teams' tasks under this root cause analysis and corrective action section are: find it, fix it, and ensure the fix worked.

Root cause analysis and corrective action will be performed for issues raised for both SBC and CLEC processes. That is, whether the issue is found on SBC's side of the transaction or the CLEC's side of the transaction, it should be addressed by the appropriate team members.

SBC and the participating CLEC will disclose all pertinent BHC performance/corrective action information to the other participant and the Commission Staff. In other words, the same information available to each SBC and CLEC "team" working on the JTP will be available to the other participating team. In addition, each

⁷ Since current performance measurements do not provide a disaggregation for the defined batch process, that loop installation process will be measured based on meeting the due date assigned.

participating party to the JTP must be able to identify problems with the early commercial release of the BHC process and the responsible party must be obligated to respond to those JTP-identified issues with a publicly available root cause analysis and corrective action plan(s). All corrective actions taken during the JTP will be fully disclosed by that party to the other party. If any JTP party believes that the other JTP party has failed to take proper corrective action to alleviate any BHC problem, it can raise that issue with the Joint Test Administration Committee.

Reporting

Monthly interim reports will document the progress made each month until the review period is completed with the CLEC(s) directly involved. The report shall describe the milestones achieved. It shall include quantitative data as available from what hot cuts were performed, including: quantities by type of cut and process used and performance results for the pre-order inquiries and LSRs involved. The tracking spreadsheet developed by the CLEC will serve as the basis for collecting data to be reported.

The monthly reports will also document any issues raised, the results of the root cause analysis performed, the corrective action planned if required, and the implementation of any correction action. This will summarize the issues identified on both sides of the transaction (SBC and CLEC). This portion of the reporting could be modeled after the reporting completed in 2002 and 2003 related to Line Loss Notifications.

Monthly interim reports would be shared between SBC, the involved CLEC, and the MPSC Staff. Further dissemination of the interim reports (or a form thereof) would need to be determined based on the level of confidentiality the involved CLEC needs to maintain to protect its business interests. Also, the confidentiality of any SBC information would need to be addressed. The final report would be filed with the Commission, subject to the same confidentiality safeguards.

No party may self-declare that the testing has been successfully completed in the final report. A finding of successful completion can only be made by consent of all participating parties to a JTP, or by a ruling from this Commission on a petition for dispute resolution.

Dispute Resolution Process

If dispute resolution is needed then the process as developed in Case No. U-12320 for dispute resolution will be followed, and parties may file a motion for dispute resolution in Case No. U-13891.