

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter on the Commission's
 on motion, to consider AMERITECH
 MICHIGAN'S compliance with the
 competitive checklist in Section 271
 of the Federal Telecommunications
 Act of 1996.

Case No. U-12320

Proceedings had in the above-entitled matter
 at the Michigan Public Service Commission, 6545
 Mercantile Way, Lansing, Michigan.

SESSION OF MONDAY, OCTOBER 9, 2000

VOLUME 32

BEFORE: JOHN KERN, Facilitator, via telephone

PARTICIPANTS

MPSC

ANN SCHNEIDEWIND, MPSC Communications Staff

AMERITECH MICHIGAN

CRAIG ANDERSON, Legal, via telephone
 KELLY FENNELL, Director, via telephone
 SUSAN FRENTZ, Director - Regulatory, via telephone
 DONALD CALAMIA, Manager, Regulatory, via telephone
 JACK DEMPSEY, via telephone
 SAL FIORETTI, via telephone
 RANDY HAPPEL, via telephone
 JAMES METROPOULOS, via telephone

LINDA DEDOLPH, via telephone
YVETTE PUGH, via telephone

AT&T COMMUNICATIONS

KAREN MOORE, via telephone
DOUG TRABARIS, via telephone

MCI WORLDCOM

JAMES R. DENNISTON, Legal, via telephone
JANEEN SANDERS, via telephone

CORECOMM

TOM O'BRIEN, via telephone
MARY CEGELSKI, via telephone

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TODD McNALLY, via telephone

LDMI

TERRY FLANAGAN, via telephone

Z-TEL

CLAUDIA EARLS, via telephone

- - -

1 No, I did not. When did those go out?

2 MS. SANDERS: This is Janeen with
3 WorldCom.

4 I sent them out on Friday, I believe.
5 They did reply to all of Ameritech's documents.

6 MR. KERN: I'm sorry, Janeen -- this is
7 John Kern -- I didn't get them.

8 MS. SANDERS: This is Janeen with
9 WorldCom.

10 Should I read our comments or how shall
11 we handle this?

12 MR. KERN: Actually, it was sent to the
13 entire distribution list. So I'm assuming parties have
14 had an opportunity to review them.

15 MR. ANDERSON: John, this is Craig
16 Anderson.

17 From Ameritech's perspective, we have a
18 concern about the proposed modification that WorldCom has
19 suggested here. It is inserting the issue that we have
20 talked about in this collaborative on parity with the
21 floor.

22 I think the purpose of this joint motion
23 attempts to pin down the Phase II changes that we had, as
24 I understand it, agreed upon and finalized. And that we
25 were presenting the finalized versions to the Commission
26 for their approval of the agreed-upon changes.

1 And I agree, Karen, as far as I know, the open issues out
2 there not resolved are the two categories you mentioned:
3 The parity with the floor issue and then the remedy plans.

4 MS. MOORE: There are probably other
5 ones.

6 MR. ANDERSON: There may be other ones,
7 sure. But I'm not sure at this point that they have been
8 identified or categorized or put on the lists for us, so
9 we make sure we have done the full effort of the
10 collaborative on it to get them resolved.

11 But the remedy plan part, I think, we
12 have set a process in place and a schedule for getting
13 that filed and the respective parties' positions before
14 the Commission. I did not understand that to be the case
15 with this aspect.

16 MS. MOORE: Okay. This is Karen Moore.
17 Let me make sure I understand what you just said, Craig.

18 There is a schedule set for the remedy
19 plan issue?

20 MR. ANDERSON: Yes.

21 MS. MOORE: But not for the other issues?

22 MR. ANDERSON: Right. And maybe somebody
23 can help out on -- I thought the discussion was the last
24 time that we needed to see what was going to happen in
25 some of the service quality proceedings before the
26 Commission on this issue.

1 I wasn't on the call but, Ann, that was
2 attributed to you. So --

3 MS. SCHNEIDEWIND: Well, I certainly did
4 suggest that there were other quality hearings where those
5 issues might be raised. I don't think I ruled out that we
6 would consider it here. But we do have at least two
7 proceedings going before the Commission right now in
8 regard to Ameritech's quality of service.

9 MR. TRABARIS: This is Doug Trabaris from
10 AT&T.

11 Ann, I guess our thinking was at AT&T is
12 that parity with a floor is an integral part of a
13 determination about whether the remedy, what remedy plan
14 should be adopted since this is part of the joint CLEC
15 remedy plan.

16 So our thinking was if we tee up the
17 joint CLEC remedy plan, we would need to tee up this issue
18 as well at the same time.

19 MS. SCHNEIDEWIND: Doug, this is Ann.

20 But what you are really proposing here is
21 to change benchmarks. And I did not understand that the
22 remedy plan would be discussing benchmarks, but rather
23 what happens if you don't need that benchmark, whether it
24 be parity or a specific benchmark that we had established.

25 I mean, I didn't understand that that was
26 going to be an issue that would be raised in the remedy

1 plan.

2 MR. TRABARIS: This is Doug Trabaris from
3 AT&T.

4 We are not really proposing to change the
5 benchmarks because the benchmarks are what they are in the
6 performance measurements or for changing the parity
7 standard.

8 What we are doing is, we are seeking a
9 floor wherein situations where there's parity, Ameritech's
10 service still, if it's in parity with bad -- well, you
11 know the issue -- so I guess it's not really technically a
12 changing of the benchmark or parity in the measures that
13 we have. I think it would be when the remedy is
14 (unintelligible) in under the joint CLEC remedy plan

15 MR. ANDERSON: Well, Doug -- this is
16 Craig -- I especially disagree with you. I think that it
17 is changing the parity. It is essentially saying, even
18 where parity is a rule, we're going to insert a floor in
19 its place. And I don't think it really relates, as you
20 are suggesting, to the remedy plan because it is a
21 determination, as is the case with any other measurement
22 when you have missed it. It is the benchmark or the
23 parity standard.

24 MR. KERN: This is Kern. Let me jump in
25 here a minute.

26 I'm going to go back to the joint motion

1 for a minute. I think we understand that there's going to
2 be a dispute about parity with the floor concept. And
3 let's hold that for a minute. Let's get back to the joint
4 motion, though, as it has been drafted, with the parity
5 with the floor issue set aside.

6 Do parties have any comments, questions
7 or changes to the joint motion other than the parity with
8 the floor?

9 MS. MOORE: Yes.

10 MR. KERN: Okay. Let's go through those
11 comments first and then let's follow up with what we do
12 with issues that are in dispute which would include the
13 parity of floor concept. And it's also my understanding
14 that there's still some measures out there that are still
15 being negotiated or may be in dispute. And we need to
16 find a way to tee those up to the Commission as well.

17 But for those things that we are in
18 agreement on, let's get the document finalized. And then
19 we'll come back to the issues where we don't have
20 agreement.

21 Does that sound reasonable?

22 MS. SCHNEIDEWIND: Well, John, this is
23 Ann.

24 I think from staff's perspective I'm not
25 sure whether this is ready to tee up at this point anyhow.
26 Some of the measures that were delineated on the matrix,

1 the pending issues, were apparently discussed in Wisconsin
2 on October 4th. And I don't know what the resolution of
3 those was or if they are resolved. But it seems like
4 there are still issues being worked.

5 And my understanding, frankly, of what we
6 were going to tee up to the Commission, or what was going
7 to be resolved by September 15th, was new measures that
8 would be proposed to bring Ameritech into compliance or to
9 be able to measure Ameritech's compliance with line
10 sharing issues and UNE remand.

11 And I see a lot of the measures have been
12 amended to incorporate line sharing matters. I didn't see
13 anything specifically on UNE remand. And I don't know if
14 that's still outstanding or what.

15 But I think that staff really feels that
16 we should not be in a position of bringing a new petition
17 to the Commission every month to ask them to resolve or to
18 adopt new measures or new variations of measures that we
19 just adopted last month. I think we see that more as a
20 six-month review kind of thing.

21 And so, if we are truly finished here
22 with everything that we can reach consensus on, then fine.
23 Let's proceed with asking the Commission to adopt the
24 measures where there's agreement and resolve issues where
25 there is never going to be agreement.

26 But I sort of feel like there are still

1 discussions going on and especially because the motion is
2 drafted in such a way where implementation dates have not
3 even been proposed. And I think either we have to propose
4 that or the Commission will adopt implementation measures.
5 Because I don't think it's fair to ask the Commission to
6 adopt a measure that may not even be utilized for two
7 years.

8 I mean, we are already telling KPMG to go
9 forward with those July measures and they are going to
10 begin getting data on them within the week, I guess.

11 I just don't have a good sense right now
12 whether or not there is still ongoing discussions
13 regarding some of these measures and whether we should be
14 sending something up if there is an intention to have
15 further things to send up within another month.

16 MR. FIORETTI: And this is Sal Fioretti
17 from Ameritech.

18 I do have a sense of implementation date
19 and I think it's my fault for not communicating that in
20 the joint petition. But I do have a date in mind that we
21 could propose as implementation date.

22 At this late date we are still making
23 changes to your points. So that pushes my implementation
24 date out fairly far. But I believe I can have all of
25 these implemented by 2/1.

26 MS. SCHNEIDEWIND: Well, Sal, this is

1 Ann.

2 But are there still again ongoing
3 discussions where agreement appears to be near on some
4 changes to measures that we adopted in July?

5 MR. FIORETTI: It's kind of hard to tell,
6 Ann, as to whether agreement is near. I think on some
7 measures we potentially will have agreement in the near
8 future. On others we probably -- in terms of what I
9 documented here in several different forums when we talked
10 together, the SMEs -- we wanted to list as many of the
11 open issues as we could. And that was really my intent
12 here where most of these, I think it's fair to say, we
13 would expect to resolve at a six-month review.

14 Is that correct or incorrect from the
15 other CLECs' perspective? I think that is agreement.

16 MS. SCHNEIDEWIND: Well, Sal, for
17 example, I think I counted up about -- this is Ann
18 again -- I counted up, I think, maybe about 11 of your
19 issues that you had highlighted as being ones you want to
20 take up for a six-month review. But there were, like, 14
21 that were going to be discussed in Wisconsin on October
22 4th. And there's about half a dozen where there is no
23 time frame to resolve the issues at all.

24 So I'm just not clear whether we are
25 finished or --

26 MS. MOORE: This is Karen Moore from

1 AT&T.

2 Sal, I'm looking at the Michigan issues
3 list you sent out on the 4th, I believe. It seems to me
4 that while there are a few things I question, we have
5 resolved the majority of our outstanding issues.

6 MR. FIORETTI: Right. The only
7 intention -- this is Sal Fioretti again -- was to identify
8 all those things that we wanted to leave some trail as to
9 what we were talking about.

10 The things, Ann, that I documented with
11 the 10/4 date really were the things that came up for the
12 first time on 10/4 or resurfaced on 10/4 after I thought
13 we had had plenty of discussion on.

14 So I mean, again, maybe my fault for not
15 describing that accurately. But those are relatively new.
16 And I just felt like I had to include them here.

17 MS. SCHNEIDEWIND: But, Sal -- this is
18 Ann -- I mean, are we going to next month come back to the
19 Commission with those 14 measures and ask possibly for
20 them to amend yet again what we adopted in July and what
21 we are proposing that they adopt now?

22 MR. FIORETTI: That would not be my
23 intention, Ann. My intention would be to move those that
24 we agreed could, to six months review. And my assessment
25 would be that if CLECs could not agree to that, they would
26 dispute those issues.

1 MR. ANDERSON: Ann, this is Craig
2 Anderson.

3 I thought I recalled we had a discussion
4 on that subject in early -- one of the post -- last set of
5 approvals on how we would go about this. And that we said
6 we would get the next set of measurements in and then from
7 there on it would go to the six-month review.

8 MS. SCHNEIDEWIND: Yes. And this is Ann.

9 And that was my understanding. That we
10 were going to put in place measures, again, having to do
11 with line sharing and UNE remand.

12 But, again, there are -- I think I
13 counted half of the measures are being revised here. And
14 some of them are being revised because of additional
15 categories having to do with line sharing. But
16 nevertheless, there are a lot of other changes too.

17 But I also see when I read Sal's list of
18 pending issues that there are still a lot of issues
19 pending on these measures where we just had changes
20 adopted in July.

21 And I guess what I'm trying to make sure
22 of is that whatever we submit to the Commission now, that
23 parties are comfortable that other than perhaps with a new
24 service offering, where Ameritech has committed to
25 implement a performance measure within a certain time
26 frame for a new service, that these existing measures

1 people are comfortable with having the Commission adopt
2 changes and leaving them set then for six months. And I'm
3 not sure I get this.

4 MS. MOORE: This is Karen Moore from
5 AT&T.

6 What is your proposal on the measures,
7 provisions and measures that we don't agree on?

8 MS. SCHNEIDEWIND: This is Ann.

9 I mean, if there really is no resolution,
10 then it's time to have the Commission resolve the issue.
11 I think that's what I would propose.

12 But again, if this is -- I'm just not
13 clear on -- we just proposed that they adopt certain
14 measures in July. And now if there's controversy about
15 those measures, I guess that's not what I anticipated
16 happening at this point.

17 MR. DENNISTON: Just to follow up on a
18 comment that was made.

19 I thought that in the July measures that
20 were adopted, it was by a petition where --the reason
21 WorldCom agreed to the petition at that time is that we
22 had raised the parity floor concept and were pretty much
23 talked into deferring this to the next round which would
24 be the upcoming filing, in order to just allow what had
25 been agreed to so far be put on the record and be approved
26 by the Commission.

1 So it was my understanding that parity
2 with floor would be discussed in the next round. And I
3 don't know whether or not the parties thought that we
4 would have agreement on the concept. But I think that the
5 efforts to resolve it will be made at about this time.

6 MR. ANDERSON: Well, Ann, excuse me.
7 This is Craig Anderson.

8 I didn't think we were talking about
9 parity with floor here. That we put that aside for now.

10 MS. SCHNEIDEWIND: This is Ann.

11 The issues I was raising were not related
12 to that, Jim.

13 MR. DENNISTON: Okay. Sorry. Okay.

14 MR. KERN: This is Kern.

15 The whole reason for filing this petition
16 at this time, at least it's my understanding, was that the
17 parties were working on some of these open performance
18 measures in Illinois and Ohio and the parties thought they
19 would have agreement on all the issues by this time.

20 Karen and Sal, am I correct in assuming
21 that not all issues have been closed yet? Or have all
22 issues that can be closed, are closed, and we now have a
23 list of performance measures that need Commission action?

24 MR. FIORETTI: Well, let me start, John.
25 This is Sal Fioretti.

26 I believe that all issues that can be

1 closed are closed. And that the majority of these issues
2 that we have documented here are subjects for six-month
3 review.

4 Some of the issues that are listed here
5 really are brand new and there could be no expectation
6 that we could resolve them immediately. Some, maybe the
7 parties would want them to go to some sort of dispute
8 resolution.

9 MR. KERN: This is Kern,
10 Karen from AT&T, do you agree with that?

11 MS. MOORE: Generally speaking, yes.

12 As far as AT&T's concern, and the issues
13 that concern us the most, there are no open issues left
14 where it's likely we'll come to agreement. So I think
15 it's probably an appropriate time for us to ask the
16 Commission to resolve those issues.

17 We're making a filing in Ohio this week
18 that does exactly that. So we're in the midst of
19 preparing our positions on those open issues.

20 MR. KERN: This is Kern again.

21 So would it make sense for us to draft
22 the joint motion and specifically articulate those issues
23 that we have agreement on and want the Commission to adopt
24 and have a separate section on those issues where we have
25 a disagreement on and we expect the Commission to consider
26 them?

1 MS. MOORE: Yes.

2 MR. KERN: Ann, did that sound
3 reasonable?

4 MS. SCHNEIDEWIND: That sounds fine with
5 me as long as the ones that there is agreement that the
6 Commission adopt include an implementation date, or else
7 we leave it out and let the Commission name it.

8 Right now Section 4 of the draft pleading
9 just says Ameritech will advise CLECs a month prior to
10 when they will implement these measures. And I think we
11 need to have a date certain.

12 But if every other issue has been defined
13 by both parties as something that needs to be resolved,
14 then we bring it forward.

15 MR. KERN: This is Kern again. Let me
16 ask the next question then.

17 KPMG has already begun their audit of the
18 performance measures. Is that correct, Ann?

19 MS. SCHNEIDEWIND: That's my
20 understanding.

21 MR. KERN: And my sense is that they need
22 a stable environment to do that audit.

23 Is it the parties' understanding that
24 there will be no more changes? After we make this filing,
25 there would be no more changes to the performance measures
26 from KPMG's testing perspective?

1 MS. MOORE: No. Because if we file open
2 issues, you mean? My expectation is -- this is Karen
3 Moore from AT&T -- my expectation is that if we file open
4 issues regarding performance measures with the Commission,
5 that the Commission will decide on what the appropriate
6 measures should be and that would be included in the test.

7 MR. KERN: Karen, this is John Kern
8 again. And maybe I wasn't very clear.

9 When we filed this second motion which
10 has new measures everybody agreed upon and issues that we
11 need the Commission to resolve, after that happens, would
12 parties agree that the environment would be stable for
13 KPMG to complete their audit of the performance measures?

14 MS. MOORE: I believe so.

15 MS. SCHNEIDEWIND: And, John, this is
16 Ann.

17 I would also understand that at this
18 point what KPMG is looking at is data again that they will
19 receive in a couple weeks that is based on the performance
20 measures that the Commission adopted in July.

21 And so if we make a filing with the
22 Commission now and the Commission, let's say, doesn't act
23 until December and these things aren't going to be
24 implemented until the 1st of the year, KPMG in the
25 meantime is going to be testing according to the July
26 standards. And then I believe there would be some testing

1 of their change management process or Ameritech's change
2 management process to incorporate the new standards.

3 MR. KERN: This is Kern.

4 Yes, I think you're right, Ann. It
5 almost sounds like when KPMG does testing of the July
6 performance measures, and if we change them in this round,
7 there would be some retesting or recollection of data and
8 do the audit against the new measures or the new
9 disaggregations that we would be proposing in this round.

10 MR. ANDERSON: This is Craig Anderson.

11 Maybe this isn't the right place to
12 discuss it, but it seems we may be confusing the
13 performance measures audit part of the KPMG work with the
14 actual testing.

15 MR. KERN: Craig, this is Kern.

16 I don't think so. My understanding of
17 the audit for the performance measures is that KPMG goes
18 in and looks at how Ameritech collects the data, looks at
19 how Ameritech stores the data and pretty much reviews the
20 data against the various business rules and benchmarks and
21 what have not. Isn't that what audit is all about?

22 MR. FIORETTI: John, this is Sal
23 Fioretti.

24 That's my understanding. But it's not my
25 understanding that KPMG could not accommodate some changes
26 in the process over that period of time, especially in

1 that they may or may not have gotten to testing particular
2 measures or may feel that there's only some incremental
3 additional testing required to look at the change, for
4 example.

5 MR. KERN: Sal, this is Kern again.

6 I understand. I'm not exactly sure where
7 KPMG is in the testing process. What I have heard from
8 KPMG repeatedly is that they need a stable environment to
9 conduct all their tests, whether it be the performance
10 measures or OSS or what have you.

11 And all I'm suggesting is at some point
12 in time we have to give KPMG that stable environment that
13 they are looking for.

14 MR. SCHNEIDEWIND: And, John, this is
15 Ann.

16 And it's my belief that that's what we
17 were doing in July. And we authorized them to begin their
18 test according to those measures. And, again, I'm not
19 sure when these new ones would go into effect. But let's
20 say it's not until January.

21 If they have completed some of the
22 testing on the July measures, I don't think that goes out
23 the window just because now we have adopted new measures.

24 MR. FIORETTI: This is Sal Fioretti.

25 I think they just do the incremental
26 testing to accommodate the changes.

1 MS. SCHNEIDEWIND: This is Ann.

2 Or if they have not tested certain of the
3 measures at all and they have changed, then perhaps they
4 only use the new business rules or whatever.

5 But I mean to the extent that we are
6 changing business rules here and everything, I mean, they
7 are in Michigan, as opposed to the rest of the Ameritech
8 states -- KPMG is going forward it is my understanding.

9 MS. MOORE: This is Karen Moore from
10 AT&T.

11 I thought the intent of this test that we
12 had agreed on was that they could begin. But that they
13 couldn't end until we had resolution to all of this. Am I
14 in error?

15 I think Sal's assessment is right, that
16 they will go in and if we make changes or come up with new
17 measures that need to be included that we have not yet
18 resolved, that they will go ahead and test them when they
19 are done. If that's January, then it's January. And if
20 it's March, then it's March.

21 MR. ANDERSON: This is Craig Anderson,
22 Karen.

23 I think, again, that there's the
24 performance measures audit in which they have to audit the
25 performance measurements as they exist as of a certain
26 time.

1 There are certain things that have to be
2 tested in the OSS test that may implicate performance
3 measurements and the performance measurements may change.
4 But I don't think the performance measurements audit part
5 of the process is redone as such.

6 MR. TRABARIS: This is Doug Trabaris from
7 AT&T.

8 I guess, Craig, I'm having a disconnect
9 here. Is what you're saying, to the extent that they are
10 auditing measures that are being changed, then they are
11 auditing something that's incorrect for testing purposes?

12 So the question is, do we want an audit
13 that's going to have a great number of inaccuracies based
14 upon measurements that are not the measures to be subject
15 to the test? Does that make sense?

16 MR. ANDERSON: Wel, Doug, I don't know if
17 you recall, but going back to the original performance
18 measurements order in this case, in U-11831, the
19 Commission requested that there be an audit done of the
20 performance measurements. And subsequently it was agreed
21 that that audit would take place, be conducted by KPMG and
22 be done as part of the OSS, but really as a separate part.

23 There is the OSS testing. And I guess
24 what I'm saying is there is the audit that looks at how we
25 are doing the performance measurements and measuring them
26 and testing them. And then there is the OSS test. And I

1 think those are really two different things. And I think
2 all your points are going to the OSS testing.

3 MR. KERN: This is Kern. Let's do this.

4 I'll give KPMG a call and find out how
5 this would, or if this would seriously or materially
6 affect their performance measures audit.

7 I mean, it could be that these changes
8 that we're proposing in this round is something they have
9 not gotten to or if they have gotten to it, would have to
10 make some minor changes to their audit, pending the
11 outcome of a Commission order.

12 MR. TRABARIS: This is Doug Trabaris from
13 AT&T.

14 John, I think that's a good idea. I
15 guess my only additional thought is, it sounds like we may
16 have a new area of disagreement.

17 It was our understanding at AT&T that the
18 test couldn't complete until the measurements themselves
19 were in place. And it sounds like Ameritech is backing
20 off of that position that I thought was an agreement we
21 made earlier in this proceeding.

22 Is it Ameritech's position that
23 completion of the performance measurements, the
24 appropriate audit and their implementation, is no longer
25 an extra criteria for this test?

26 MR. ANDERSON: Doug, that's not what I

1 said at all. And I know you are striving to find and
2 create disputes wherever you can, but that's a total
3 mischaracterization of what I said.

4 MR. TRABARIS: Well -- this is Doug
5 Trabaris again -- I have to take issue with your assertion
6 that we're trying to create a dispute wherever we can. It
7 looks like it's Ameritech that's trying to create a
8 dispute about the performance measurements audit where
9 none existed earlier.

10 In fact, Craig, I recommend you talk to
11 Sal Fioretti. He was saying from our perspective what we
12 agreed with. And you're disagreeing with him.

13 MR. KERN: This is Kern. Let's do this.
14 Let me talk to KPMG, find out what the
15 status is.

16 I think this petition needs to be
17 redrafted and have two sections. The first section would
18 be those performance measures that we have agreed to,
19 which would include line sharing, UNE remands and the
20 things specifically identified in the Commission's July
21 17th order.

22 The second section would include any
23 performance measures or other open issues that we need
24 Commission action on.

25 And my understanding is that you're
26 preparing a similar filing in Ohio for this week. And my

1 hope is that we can do some plagiarism and use the Ohio
2 work here in Michigan. And then possibly that second part
3 of the filing would include disputed issues.

4 Would parties agree that we should have
5 the parity with floor concept teed up at that point?

6 MR. TRABARIS: Yes. This is Doug
7 Trabaris from AT&T.

8 It is our position that what WorldCom is
9 proposing is an appropriate thing to do in this filing.

10 MR. KERN: Ann, does staff have an
11 opinion about that?

12 MS. SCHNEIDEWIND: I think there's fine.
13 If it's an unresolved issue, then we can address it in
14 that filing.

15 MR. KERN: And Craig, I know we haven't
16 talked about this to any great extent in the
17 collaborative, but let me just give you my opinion that
18 every time this has come up, it's kind of like remedy
19 plans. We're going to disagree at the outset that this
20 concept is even appropriate.

21 MR. ANDERSON: I agree, John and I think
22 yes, if that's the right place to get this done, let's get
23 it done.

24 MR. KERN: Okay.

25 MS. SANDERS: This is Janeen with
26 WorldCom.

1 I just wanted to say we support the
2 revision of this document as just described.

3 MR. KERN: Claudia from -- this is
4 Kern -- Claudia from Z-Tel and Terry from LDMI, do you
5 have a problem with that proposal?

6 MS. EARLS: This is Claudia from Z-Tel.
7 No, I don't.

8 MR. KERN: This is Kern again.

9 Craig Anderson and Jack Dempsey, could I
10 ask you folks to take another crack at this and split out
11 into two sections, one where we have resolution and the
12 second piece would be those items that are in dispute.

13 I would encourage you to work with
14 WorldCom and AT&T representatives who are also doing this
15 exercise in Ohio, so that we can properly characterize
16 those issues that are in dispute.

17 And then thirdly, we would include the
18 parity to floor concept in that disputed section. And I
19 think WorldCom has already articulated what I think the
20 CLEC position is. So I think all we would need is an
21 Ameritech position.

22 MR. ANDERSON: John, may I suggest
23 something. Since this is intended to be a joint motion,
24 at least on that part of it, that in the motion itself
25 that is a joint motion, that it justify the issue in
26 relatively neutral terms.

1 We'll take a shot at that and comments.
2 And then attach as maybe an appendix each of the parties'
3 positions so that -- it's a little different than a joint
4 motion.

5 MR. KERN: That's a fair point.

6 MR. TRABARIS: This is Doug Trabaris from
7 AT&T.

8 Are we going to be -- we're going to be
9 filing comments subsequent to this joint filing flushing
10 out our positions? And the appendix would be just a
11 paragraph of each party's position or what?

12 Craig, actually I'm not disagreeing with
13 what you're saying. Can you flush out what your thinking
14 is.

15 MR. ANDERSON: Well, actually, Doug, no.
16 I anticipated we would each state our position and surface
17 it. But we hadn't really talked about it.

18 MR. TRABARIS: This is Doug Trabaris.

19 On many of these performance measurement
20 issues, those few that are still in disagreement, I would
21 agree with that approach.

22 Parity with a floor though is something
23 that usually occupies more space than disagreement over
24 whether an action should occur with 99 percent reliability
25 instead of 98 percent.

26 Do you know what I mean?

1 MR. ANDERSON: Well, here's the concern.
2 And I guess this is why in the first place we were kind of
3 concerned -- this was included in the joint motion -- is
4 because I guess the concept of the joint motion is that it
5 is complete as sent to the Commission and asks them for
6 resolution.

7 Whereas what you're suggesting now is
8 there would be this joint motion and then we would have
9 replies to motions and additional comments on motions or
10 replies to that.

11 I guess I think that almost demonstrates
12 the point. I think this is more appropriate perhaps for a
13 dispute resolution process like the one we have set up for
14 the remedy plan, if we're going to have additional rounds.

15 MR. TRABARIS: Craig, this is Doug
16 Trabaris.

17 I understand where you're coming from.
18 Is it possible then -- I don't recall the time frame for
19 this document. I want this to be expedited also because I
20 think the parity with the floor issue is something the
21 Commission should decide whether or not it's a good idea
22 upfront, I think, like you do. Should it be then?

23 Because I would think then our position
24 papers could be rather lengthy. I wouldn't oppose
25 attaching it to the joint motion. I'm just trying to
26 think when we should be getting that to the Commission.

1 Ann, do you have any ideas on that?
2 Since it looks like the parties are agreeing to tee this
3 up, do you have any thoughts on that?

4 MS. SCHNEIDEWIND: You mean in terms of
5 time frames?

6 MR. TRABARIS: Yes. Because if we tee it
7 up, obviously it's not something that I could today get
8 out an exhaustive document on this proposal.

9 What are you looking for or do you have
10 any thoughts? Or any of the other parties. This is my
11 way of saying I need help on what should be the time frame
12 for this. Anyone have thoughts on this?

13 MR. KERN: This is Kern.

14 I mean -- shoot!

15 MR. ANDERSON: John, this is Craig.

16 Let me throw this out and see if this
17 works. Maybe this parity with a floor is kind of the way
18 it's been teed up. I think we have each stated our
19 respective positions on that and I don't know why we
20 couldn't just include that in the joint motion, as was
21 suggested, in a separate section with an attachment and
22 send it up to the Commission for resolution.

23 I don't know that there's a lot more that
24 needs to be said. We can all have our shot of stating our
25 arguments and put it in. It doesn't have to be lengthy.

26 And the process envisioned by the

1 Commission in the dispute resolution process outlined in
2 the order in U-12320 in this case said send it to the
3 Commission via a joint motion, i.e., not repeated rounds
4 of comments.

5 MR. KERN: Craig, this is Kern.

6 I agree with that. The question I have
7 in my mind is how long do people need to put their
8 respective pieces together for the disputed part of the
9 joint motion.

10 MR. ANDERSON: We can have it in a week.

11 MR. KERN: Doug Trabaris, can you do your
12 piece in a week? Or could AT&T and WorldCom or anybody
13 else who is interested jointly put together a piece in a
14 week?

15 MR. TRABARIS: I think we could surely
16 put together a piece.

17 Is McLeod on this call? I guess -- this
18 is Doug Trabaris again. I forgot to identify myself a
19 second ago.

20 This is a McLeod proposal and we have
21 some language from WorldCom here. I guess I don't recall
22 how active McLeod was in this collaborative. I recall
23 them showing up.

24 But since this is a McLeod proposal, of
25 course I'm not going to dump work on someone not on the
26 call. We would act together with McLeod, CoreComm, the

1 other CLECs such as Z-Tel, I think, supports this concept
2 and do something?

3 We might be able to do it in a week and a
4 half. I've got a personal time conflict with a bunch of
5 briefs over the next week and a half. But if the parties
6 do it jointly, maybe we could do it in about ten days. Is
7 that acceptable?

8 MR. ANDERSON: Doug, this is Craig.

9 I recognize your concerns in the timing.
10 But realistically, this came up in the collaborative. We
11 each were requested to state our position. And this
12 statement was already represented from the last
13 collaborative to be the CLEC position. And we were
14 required to put our position out there.

15 I can't see why, you know, a week, yes.
16 But 10 days longer restating positions again and again, I
17 just don't see why we have to take additional time.

18 MS. SCHNEIDEWIND: Well, Craig, this is
19 Ann Schneidewind.

20 And I think staff is going to want to put
21 something in on this issue too. So we need some time
22 because it's all the same people working on all of these
23 same petitions. And we've got remedies up in a couple of
24 weeks. We've got UNE platforms up in a couple weeks.

25 MR. KERN: This is Kern again.

26 Let's do this. Anybody who wants to put

1 a section into the joint petition on the parity with floor
2 or anything else that's in dispute, let's get those
3 circulated no later than October 18th.

4 MR. ANDERSON: Well, John -- Craig
5 Anderson again -- just to clarify. When you say
6 "circulated," I mean, we're not sending each position out
7 for the other parties. That would be when we have them in
8 and they are ready to go to the Commission, right?

9 MR. KERN: Well, I'm sorry. Let me be
10 clear about this. I wanted parties to have their
11 positions completed by the 18th. And my hope would be
12 they would be cut and pasted into the joint petition.

13 MR. ANDERSON: Right.

14 MR. KERN: Now that all assumes that no
15 one has any problems with the agreed-upon language that
16 you have already sent out. So all we would be -- is that
17 a correct assumption, that the agreed-upon language we
18 have no problem with?

19 MR. ANDERSON: You mean other than what
20 was red-lined in Janeen's?

21 MR. KERN: Right.

22 MS. MOORE: This is Karen Moore.

23 I have a couple -- nothing terribly
24 substantive -- but a couple things I wanted to talk about.

25 MR. KERN: Then we should do that today.

26 MS. MOORE: We definitely can do that at

1 that time. It's nothing earth shattering at all.

2 MR. KERN: Okay. If the parties get
3 their positions done by the 18th, we can cut and paste
4 them into a joint petition.

5 MS. SCHNEIDEWIND: John, this is Ann
6 Schneidewind.

7 And I reiterate, this is one petition
8 that's going to say, Commission, adopt these measures,
9 resolve these disputes on these measures. And amongst the
10 issues we're asking them to resolve would be this parity
11 at a floor issue, right? I mean, we're not talking about
12 making three more proposals. And then this is it for six
13 months?

14 MR. ANDERSON: Ann, this is Craig.

15 Absolutely. We're doing one final
16 pleading to the Commission.

17 MR. DENNISTON: John, Jim Denniston.

18 Don't we have to -- are you asking that
19 we also address the changes to the business rules that are
20 necessitated if we go to parity plus a floor? I mean,
21 what type of work is required of us by October 18th?

22 Is it just that the Commission should
23 order parity with a floor and mandate it back to the
24 collaboratives to work out the changes in the business
25 rules? Because if the Commission does grant parity with a
26 floor, we have to meet together to see how the business

1 rules should change.

2 MR. ANDERSON: Jim, this is Craig
3 Anderson.

4 I agree that once the Commission
5 addresses the principle and gives us direction on that,
6 there will be additional work necessary. But as you point
7 out, I think they would be matters of business rules, not
8 necessarily changes to the measurements themselves. That
9 would have to necessitate another filing.

10 MR. TRABARIS: This is Doug Trabaris from
11 AT&T.

12 I guess the question is also the impact
13 of the parity with a floor proposal on the remedy plan
14 submissions. Because the joint CLEC remedy plan -- we
15 don't have a parity with a floor section, since obviously
16 the parity with a floor concept, if adopted by the
17 Commission, would be a trigger for awarding penalties.

18 Now, it's unlikely, I think, given what
19 we're hearing today, that we're going to get a decision on
20 this issue. It seems to me we're going to be including
21 that issue in our remedy plan.

22 Should we perhaps just include it in
23 there? And if the Commission goes with Ameritech's
24 position, we could delete it. And if they go with our
25 position, then they will decide our proposal for parity
26 with floor versus a counter-proposal?

1 What do the parties think about that?

2 MS. SCHNEIDEWIND: Well, Doug -- this is
3 Ann Schneidewind -- you mean because you would be
4 proposing different types of remedies, if they did not
5 comply with parity, then you would -- if they did not
6 comply with the floor --

7 MR. TRABARIS: This is Doug Trabaris.

8 It would be a different triggering event.
9 In other words, remedies would be applicable
10 (unintelligible), but with parity at a floor at a
11 different time than whether it's just parity. Because
12 there could be parity. But let's say Ameritech Michigan
13 does not meet the particular floor measurements. Then
14 while there is parity, the payment of remedies would be
15 triggered by the existence of this floor.

16 MR. ANDERSON: Doug, this is Craig
17 Anderson.

18 In essence, what parity with a floor
19 would do would insert a fixed benchmark in place of the
20 parity measurements.

21 Sal, is that correct?

22 MR. FIORETTI: It would do that as a
23 minimum, as I understand the proposal.

24 MR. ANDERSON: Right. So I don't think
25 that's really remedy plan affecting. It's just when the
26 remedy -- that doesn't decide the remedy plan in any way.

1 MR. TRABARIS: This is Doug Trabaris
2 again.

3 I guess the point I'm making is it really
4 wouldn't insert a benchmark. Because if Ameritech's
5 performance is at or above certain minimum standards, then
6 the parity standard applies.

7 I would agree with Sal's characterization
8 of this more than yours, Craig. But in any event, it
9 seems to me that --

10 MR. McNALLY: Sal, this is Todd McNally
11 with McLeod. I apologize. I just now joined.

12 MS. MOORE: Karen Moore with AT&T.

13 The parity with a floor concept impacts
14 the remedy plan to the extent that it impacts payments to
15 the state. So it's part and parcel of a remedy plan.

16 If we address the parity with a floor
17 issue outside of the remedy plan, we would almost have to
18 explain how the remedy plan works to a certain extent to
19 explain how parity with a floor would work.

20 Do you understand what I'm saying? Does
21 that make sense?

22 MR. ANDERSON: This is Craig.

23 No. But let me suggest -- I guess if
24 we're going to tee this up as part of this joint motion,
25 the parity with a floor issue, and then we have a separate
26 schedule for a remedy plan, we know this parity with a

1 floor issue is not going to be decided, I guess we should
2 each put our proposals in for our remedy plan and it
3 either includes or doesn't include the parity with a
4 floor.

5 MR. TRABARIS: This is Doug Trabaris
6 again.

7 What if we were to take out the parity
8 with a floor issue in this joint submission and just make
9 it part of the remedy plan arbitration?

10 MR. McNALLY: This is Todd McNally with
11 McLeod.

12 It's really just a part of the parity
13 penalty plan as it is anyway.

14 MR. KERN: This is Kern.

15 Doug, that approach would simplify this
16 filing quite a bit.

17 MR. ANDERSON: Sal, are you okay with
18 that approach?

19 MR. FIORETTI: This is Sal Fioretti.

20 Yes. Except I think you could adopt or
21 not adopt the parity with the floor independently of
22 either remedy plan. So I mean, yeah, as another issue in
23 the remedy plan dispute, I would say yes if it could be
24 potentially separate and distinct in terms of the issues
25 to be decided on.

26 MR. ANDERSON: From Ameritech's

1 perspective I think we would prefer to do that as the
2 remedy plan. Make the parity with the floor issue there
3 in terms of getting these issues that are the updates to
4 the performance measurements that are not in dispute, I
5 think, is a cleaner way to get them up to the Commission,
6 get them resolved in a time frame that will lend itself to
7 KPMG further stabilizing the environment.

8 MR. TRABARIS: This is Doug Trabaris from
9 AT&T.

10 I agree with Craig.

11 MR. KERN: This is Kern.

12 So we are still going to have a section
13 of disputed issues in the joint motion. And those would
14 be limited to the performance measures that parties are
15 still not in agreement on, is that correct? And that
16 would be based on the Ohio document that you are
17 preparing?

18 MR. FIORETTI: That document has to do,
19 though, with -- really, those that are disputed have to
20 come from the CLECs. Because from my perspective I can
21 tell you which ones are disputed and which ones I believe
22 we have agreed to hold to the six-month review. But any
23 CLEC can dispute whatever they want and I may not know of
24 it.

25 MR. KERN: Karen, you indicated that
26 there were some performance measures that are clearly in

1 dispute in Ohio and that you would like to raise those
2 here in Michigan, is that correct?

3 MS. MOORE: I'm sorry, John. I couldn't
4 hear you. This is Karen Moore. Would you please repeat
5 what you just said.

6 MR. KERN: Do you have -- this is Kern
7 again -- the performance measures that you are in dispute
8 with in Ohio that you would like to raise to the Michigan
9 Commission in this filing?

10 MS. MOORE: Yes. And I believe the DLECs
11 also have issues that they would like to raise as well.

12 MR. KERN: Okay. Well, I guess I'm
13 suggesting we need to tee those up in this joint motion.

14 And I guess -- how long would it take
15 parties to get their respective positions together on what
16 those performance measures are and how they should be
17 resolved by the Commission?

18 MS. FRENTZ: And, John Kern, Karen just
19 mentioned DLECs -- this is Susan Frentz -- I don't recall
20 any DLECs participating here in Michigan. Karen just
21 mentioned DLECs also have issues. They may for Ohio, but
22 we don't have any here.

23 MS. MOORE: Well, to the extent that I'm
24 thinking about Ohio, there is a significant number of
25 performance measure issues from DSL perspective that are
26 being raised there. And I would assume that DSL providers

1 in Michigan would want to raise them in Michigan. But I
2 can't speak for them.

3 MR. KERN: This is Kern again.

4 Let's do this. The joint petition would
5 have a section on disputed issues. And each carrier
6 that's got a performance measure that they believe is in
7 dispute should have a write-up and have it prepared by the
8 18th of October. If a data CLEC has an issue, they can
9 write it up and bring it to us.

10 MS. MOORE: I think that's reasonable.

11 MR. KERN: And if we don't hear from
12 them, then my assumption is they don't have any issues in
13 the State of Michigan.

14 MR. FIORETTTI: John, this is Sal
15 Fioretti.

16 Can I ask that they, prior to submitting
17 it, they at least touch base with me so that we can be
18 fully apprised if it's something that we feel like we can
19 resolve ahead of that.

20 You know, part of the difficulties that
21 we're having in Ohio is that the DLECs did not attend most
22 of the meetings. And those things that I noted with 10/4,
23 although we possibly had some discussion on early on, I
24 felt that most of those were not issues, or I thought we
25 had addressed them. And so therefore that's where we are
26 in Ohio.

1 MR. KERN: This is Kern again.

2 Again, parties are free to talk amongst
3 themselves. But come October 18th, if they have a
4 performance measure they want to tee up to the Commission,
5 it would be this joint motion that they would use to
6 accomplish that goal.

7 So if parties are able to take some of
8 these issues off the table before the 18th, that's
9 fantastic. If not, this would be the process of teeing
10 up. Okay.

11 I think we're in agreement that the
12 parity to floor, that is put off into the remedy plan
13 portion of the procedures schedule. We will file a joint
14 motion -- a date to be determined, I might add -- which
15 would include agreed-upon measures and those measures that
16 are still in dispute. And parties have until the 18th to
17 put together their respective sections on those pieces
18 that are in dispute.

19 MS. MOORE: This is Karen Moore with
20 AT&T.

21 The remedy plan filing is due October
22 16th, is that correct?

23 MS. SCHNEIDEWIND: Yes. That's right.
24 This is Ann.

25 MS. MOORE: Thank you.

26 MS. FRENTZ: This is Susan Frentz.

1 And just real quick, speaking to the
2 remedy plan. Have we seen an updated CLEC draft lately?

3 I think on our last call, last remedy
4 plan call, we were supposed to see something. I thought
5 it was the CLEC version and also a Z-Tel version.

6 MS. MOORE: This is Karen Moore with
7 AT&T.

8 I cannot recall off the top of my head
9 when the last version went out. But since we're getting
10 ready to file one in Ohio, I will copy the Michigan
11 collaborative list on that version of the remedy plan.

12 Would that meet your need?

13 MS. FRENTZ: This is Susan Frentz.

14 Thanks, Karen.

15 MS. MOORE: You're welcome.

16 MR. KERN: This is Kern.

17 Now, let's go back to the joint motion on
18 those issues that we have agreement on.

19 Karen from AT&T, you said you had a few
20 suggestions. Do you want to go through that?

21 MS. MOORE: Yes. Yes, I do.

22 MR. KERN: Before you start, does anyone
23 else have suggestions for this portion of the joint
24 motion?

25 MS. SCHNEIDEWIND: This is Ann.

26 One other thing. And that is, I think

1 providers need to distinguish between issues that may not
2 be resolved, but they are able to defer those until a
3 six-month review, versus ones that we want the Commission
4 to resolve now.

5 Because, again, I would like to try to
6 avoid any more filings than we're already bringing to
7 them. So, okay, Commission, these are ones that must be
8 resolved now, and here's our varying points of view on
9 them. And then we have some other issues which were
10 delineated in Sal's document that he sent out on Friday or
11 Thursday where everybody has agreed there may still be an
12 issue here, but we'll take it up in six months or we'll
13 review time frames in six months or whatever.

14 And one other point. All of these
15 documents are being filed in the 11830 docket which is our
16 performance standards docket, not in the 271 docket.

17 MR. KERN: Okay.

18 MR. ANDERSON: John, I'm sorry. I've got
19 to jump off to another meeting. But Messieurs Dempsey and
20 Metropoulos can -- I know this will break Doug and Jim's
21 heart, but I have to get off.

22 MR. TRABARIS: Craig, I love agreeing
23 with you on the phone. It's a shame you're leaving.

24 MR. ANDERSON: I know, Doug. Thank you.

25 MR. KERN: Okay, this is Kern.

26 Karen, what were your comments?

1 MS. MOORE: Karen Moore.

2 Would it be okay with you if I went
3 through the petition and then through your matrix? I know
4 it sounds bigger than it is. It's really just a very few
5 things. Would that be all right with you?

6 MR. KERN: Karen, are you asking that of
7 me or Ameritech?

8 MS. MOORE: Of Sal.

9 MR. FIORETTI: Oh! This is Sal. Feel
10 free.

11 MS. MOORE: Okay. My first comment is on
12 the petition on page 2.

13 MR. KERN: Karen, this is Kern.

14 These are not all numbered, are they?
15 The paragraphs are not numbered.

16 MS. MOORE: Well, paragraphs are numbered
17 in the version I'm looking at.

18 So I guess my first question is on
19 paragraph no. 4 in the draft, which starts: "To date, the
20 participants in the collaborative..."

21 Is everybody with me?

22 MR. KERN: Yes.

23 MS. MOORE: This was actually Ann's
24 earlier comment on advance notice to the CLECs.

25 Sal, I heard you mention that they will
26 all be implemented by February 1st.

1 MR. FIORETTI: Yes. February 1st, date
2 of collection.

3 MS. MOORE: Were you planning on adding
4 that to paragraph 4?

5 MR. FIORETTI: I need to add that where
6 appropriate. And paragraph 4, at least in the current
7 draft, looks like the right place.

8 MS. MOORE: Could I make a suggestion? I
9 believe that on the website there is an Ameritech-produced
10 agenda or a table for implementing changes to the
11 performance measures. To the extent that they are up to
12 date, can you add that as an appendix perhaps to the
13 filing?

14 MR. FIORETTI: Karen, this is Sal.

15 That doesn't include all of these changes
16 at this point, basically, in the sense that I know when I
17 can do some of them and I don't know when I can do others.

18 We have basically done our best to
19 estimate the 2/1 date. And we'll work toward that date as
20 a dropdead date for all. But expect that within that time
21 frame some will move forward and backward.

22 And what I'm also hearing, and I have to
23 reevaluate this -- I thought I heard Ann say that she
24 would expect that we would keep the performance measures
25 static until the time when we said we're going to
26 implement them and possibly implement them all. And I was

1 holding that question for the end here. Maybe I need to
2 consider an alternative implementation.

3 MS. SCHNEIDEWIND: Sal, This is Ann
4 Schneidewind.

5 Maybe I'm misunderstanding what you're
6 saying now, but I'm just saying there needs to be an
7 implementation date here.

8 If there are certain measures that you
9 agree you can change and will put into effect on November
10 1st, but others that you can't implement until February
11 1st, just delineate them. But don't leave it open.

12 MR. FIORETTI: What I would plan to do,
13 Ann, is to say we will implement them all by date certain.
14 But then we will continue on our website to post an
15 implementation schedule which will reflect for KPMG --
16 should they want to work through their testing -- when we
17 can implement individual measures within that time frame.

18 Because I would expect that most of them
19 will be implemented prior to 2/1 on some kind of a rolling
20 implementation schedule that we can manage.

21 MS. SCHNEIDEWIND: Okay. But as far
22 as -- this is Ann -- as far as KPMG is concerned though,
23 you're not obligated to use the new measure until February
24 1st.

25 So I don't know -- if you know that
26 you're going to implement certain of them before that, I

1 guess I would rather have that specified in the document
2 that you're submitting to the Commission, so that it's
3 clear to KPMG that that's what the Commission is adopting.

4 MR. FIORETTI: I guess, Ann -- this is
5 Sal Fioretti again -- I guess I can for some of them
6 possibly publish a schedule. But I certainly can't tell
7 you exactly when I can do them all. And that's why I
8 would propose to just use the "by date certain" kind of
9 approach when I can do them all.

10 But for KPMG's benefit, continue to work
11 with them on what's available when and implement them on a
12 rolling schedule.

13 MS. SCHNEIDEWIND: Well, this is Ann.

14 Maybe that's something that we have to
15 talk to KPMG about also because it's my belief that they
16 are working with Commission orders and what's attached to
17 Commission orders.

18 And I mean, if you're suggesting that
19 they use something that's up on your website instead,
20 perhaps that's fine. But we maybe need to run that by
21 them.

22 MR. FIORETTI: Okay.

23 MS. MOORE: Okay. Do we feel like we
24 have resolution on that particular paragraph?

25 Sal, you're going to add whatever you
26 can?

1 MR. FIORETTI: Yes. And it seems to me
2 that that's the paragraph, at least in this version, but
3 it will be in the document.

4 MS. MOORE: Okay.

5 In Section II, entitled Revisions to July
6 17 Order Requested by Agreement of the Parties, third
7 paragraph down, "To add measurement categories for TCNet,
8 AEMS..." etc.

9 Sal -- maybe Janeen Sanders can help me
10 out from WorldCom. Isn't there a new GUI you're
11 implementing?

12 MS. SANDERS: This is Janeen with
13 WorldCom.

14 Are you referring to the performance
15 measurements reporting, Karen? Which GUI are you
16 referring to?

17 MS. MOORE: I tried to get more
18 information about this before the call, and I apologize
19 that I don't have a clear description of what it is.

20 I think it starts with a B.

21 MR. O'BRIEN: This is Tom O'Brien with
22 CoreComm.

23 Would that be the BOP GUI, B-O-P?

24 MS. MOORE: BOP, that's it.

25 MR. FIORETTI: This is Sal Fioretti. I
26 haven't listed that as yet because I don't have an

1 implementation date.

2 But, again, as Ann had said, we will be
3 obviously implementing the appropriate performance
4 measures that go along with them. I will research that
5 and add that if I feel like I can before the 18th.

6 MS. MOORE: Tom, this is Karen Moore with
7 AT&T.

8 Is there an end date? In other words,
9 when BOP has to be implemented?

10 MR. O'BRIEN: I want to say that's one of
11 the dates in the Uniform and Enhance FMO that the FCC just
12 signed off on. But I don't have it in front of me
13 unfortunately.

14 MS. MOORE: So what you're saying is you
15 don't know what the date is, but you believe there is one?

16 MR. O'BRIEN: It should have been treated
17 there.

18 MS. MOORE: So, Sal, to the extent that
19 you can uncover what that date is, will you commit to
20 adding that interface?

21 MR. FIORETTI: Yes, I will. If it's
22 before my date certain for implementing all of these. If
23 the implementation date is something thereafter, you know,
24 I would propose that I would look at it thereafter.

25 If it's group one, which I think it will
26 be, I'll try to include it here.

1 MS. MOORE: Thank you.

2 MS. SCHNEIDEWIND: Karen, this is Ann
3 Schneidewind.

4 For our court reporter, again, was it
5 B-O-P?

6 MS. MOORE: Yes, Bob-Oscar-Paul.

7 Tom, do you know what it stands for?

8 MR. O'BRIEN: This is Tom O'Brien with
9 CoreComm.

10 No, I don't. It was previously called
11 something else. And then all of a sudden we started
12 calling it the BOP GUI.

13 MS. SCHNEIDEWIND: Thank you.

14 MR. KERN: Sounds like a dance.

15 MS. MOORE: The next comment I have is
16 on -- I don't know what paragraph this number is -- but
17 it's "To add a new measurement, Performance Measure
18 55.2..." On my version it's on page 5.

19 Now, this is appropriately reflected in
20 the issue matrix that this is an open issue?

21 MR. FIORETTI: Right.

22 MS. MOORE: We disagree on the interval.

23 So my suggestion is that SBC Ameritech
24 figure out a way to either take it out or note that a
25 specific piece of that measure is in dispute.

26 MR. FIORETTI: Okay.

1 MS. MOORE: Farther down on that page --
2 just to note for the court reporter -- it looks to me the
3 way SBC Ameritech drafted this is in order of numeric
4 performance measures. It makes it very easy to follow.

5 Sal, I think we need to add something on
6 measure 70 for trunk routes. Maybe we can all talk about
7 it some more.

8 MR. FIORETTI: At least when this got
9 drafted, I wasn't sure what to add. And I'm not sure I
10 know today.

11 MS. MOORE: I don't know either.

12 MR. FIORETTI: But I will try and give it
13 a shot.

14 MS. MOORE: Okay. The next page under
15 performance measure 91 of the CLECs changed their position
16 on a specific aspect of measure 91, which is definition of
17 project and how many lines for LNP.

18 I'm not sure how you want to account for
19 that here. Sal, if you just want to put it in the issues
20 list and leave it off of --

21 MR. FIORETTI: I'll figure something out
22 for that.

23 MS. MOORE: That's all I have on the
24 petition. I do have some things on the issues list.

25 First of all, Sal, I don't see noted
26 anywhere the change management plan for performance

1 measures measure.

2 MR. FIORETTI: I didn't know we had a
3 change management for performance measures measure.

4 MS. MOORE: Well, I believe that the last
5 time we discussed it, we were going to have it as a
6 disaggregation under the change management plan.

7 And I also believe that CoreComm had some
8 issues that the CLECs will probably agree with on the
9 change management plan for performance measures.

10 And forgive me, but I don't remember what
11 the last Ameritech position was on the changes that
12 CoreComm had suggested.

13 MR. FIORETTI: Well, I think that -- this
14 is Sal Fioretti again -- I think the last time we talked
15 about it, CoreComm wasn't in attendance. And I think we
16 said we would wait to discuss that. But we really never
17 got to it.

18 MS. SCHNEIDEWIND: Excuse me. Just a
19 minute.

20 Who was just speaking?

21 MS. CEGELSKI: This is Mary.

22 MS. SCHNEIDEWIND: Thank you, Mary.

23 MS. CEGELSKI: Mary Cegelski, from
24 CoreComm.

25 MS. MOORE: Would this be the appropriate
26 place for us to have that discussion?

1 MS. CEGELSKI: What I submitted, Sal, was
2 a joint CLEC proposal for the change management process of
3 performance measures.

4 MS. MOORE: Perhaps I can finish going
5 through the issues and we can come back to the change
6 management plan for performance measures.

7 John, would that be all right with you?

8 MR. KERN: This is Kern.

9 Yes, that's fine.

10 MS. MOORE: I have noted 65.2. Sal, you
11 have correctly indicated that we have some disagreement on
12 that measure. And you also have, Sal, correctly noted
13 measure 91, the project definition.

14 So it seems to me with the exception of
15 the change management plan of performance measures, the
16 matrix is very complete. And maybe just a little more
17 think-up needs to be done between that and the petition.

18 MR. KERN: This is Kern.

19 Anybody else have any questions or
20 comments for the matrix or the petition?

21 Okay. Let's go circle back to the change
22 manage process for performance measures.

23 Sal, did you have a response to the CLEC
24 position on that?

25 MR. FIORETTI: Well, yes. This is Sal
26 Fioretti.

1 As I recall, Mary sent an E-mail to the
2 performance measures team suggesting additional changes to
3 the change management plan, which I responded to by -- by,
4 I thought, incorporating some of her thoughts, but not
5 all, just those that I felt like I could agree to. And
6 that was the discussion that I think we have it on there.
7 And so from there on I haven't gotten, as far as I know,
8 any other comments back.

9 MS. CEGELSKI: Sal, this is Mary.

10 The comments that we had as a group has
11 added to the end of what was originally Karen's CLEC
12 proposal.

13 Were any of those comments added?
14 Because when I looked at the distro, I guess John had sent
15 out as a CLEC proposal, there was nothing that we had
16 added to the original proposal that was distributed.

17 MR. FIORETTI: Well, Mary, there was. At
18 least what I sent out had some references to further
19 define the six-month review.

20 We discussed on the call the reasons why
21 I didn't feel like I could implement some of the three
22 bullet points that you identified in that. I felt at
23 least two of them, and possibly all three of them, were
24 business as usual.

25 So there is no reason for me to notify.
26 Our job is to make sure that the performance measures that

1 we have posted are accurately reflecting not only the
2 processes but the systems. And therefore I didn't feel
3 like I needed to notice you if a back-end process or
4 system changed, but just to accommodate that in my
5 performance measures.

6 So I maintained that I was accurately
7 reporting what was happening, based on the business rules
8 that we had agreed upon.

9 The other part of that was there was some
10 reference to a CLEC response to my notice. I'm not sure
11 what the response would be, even if I did notice, to say
12 don't do it, do it.

13 You know, if the performance measure
14 would otherwise change, I think, again, that's business as
15 usual. That's the thing that I'm required to do, is to
16 make sure that I continue reporting the performance as it
17 should be reported.

18 As far as a performance measure for the
19 performance measures, I didn't get that out of this
20 document. And somewhere along the line if it was
21 forwarded to me, I must have missed it because I don't
22 recall ever seeing it.

23 MS. CEGELSKI: That was not part of what
24 I had sent out.

25 I just wondered if there were any changes
26 and if a CLEC had questions about the changes, that we

1 have an opportunity to ask that. So that's where the
2 comment section went through. It was open.

3 MR. FIORETTI: Well, again, I look at
4 those three areas as business as usual. And especially
5 where we know longer provide a product, I think I would
6 wait until the six-month review, bring it to you with some
7 data or rather no data and say, look, we don't do this
8 anymore. Let's remove this measure, just like any other.

9 So I did not -- really did not buy into
10 those particular changes that you asked me to make,
11 although I did make some changes in my document based on
12 the things that you brought up to further define the
13 six-month review process. And you'll see that in my
14 latest document.

15 MR. KERN: This is Kern.

16 Sal, have you circulated your latest
17 document?

18 MR. FIORETTI: I believe I have.

19 MS. CEGELSKI: There must be a problem.
20 I have not gotten that.

21 Can you forward that to me?

22 MR. FIORETTI: I'll forward it to the
23 entire list.

24 MS. CEGELSKI: The last thing I got from
25 you was originally what Karen had sent out. It didn't
26 have any changes on it.

1 MR. FIORETTI: Okay. This was subsequent
2 to your --

3 MS. CEGELSKI: Okay.

4 MR. FIORETTI: As a matter of fact, it
5 was prior to our previous call, I think, on whatever date
6 that was.

7 MS. FRENTZ: It's not the one from August
8 24th or before September 15th?

9 MR. FIORETTI: I'll dig it up and send it
10 out again to the distribution list.

11 MS. CEGELSKI: Thank you, Sal.

12 MR. KERN: This is Kern.

13 Sal, if you could send that out today.

14 MR. FIORETTI: Yes, I will.

15 MR. KERN: And let's give CLECs 48 hours
16 to comment on it. And if we still have an issue -- if
17 this is still a disputed issue, the parties would have
18 about five more days to write up their respective
19 positions on it. And we would include it in the October
20 18th filing as a disputed issue.

21 Does that sound reasonable?

22 MR. FIORETTI: Fine.

23 MR. KERN: So when we have this revised
24 joint motion that we would put together on the 18th, we'll
25 probably need a conference call to go over it one more
26 time before we file it, is that correct?

1 MS. SCHNEIDEWIND: John, this is Ann
2 Schneidewind.

3 I thought that we were just going to be
4 submitting all of our positions on the 18th to I don't
5 know who. Craig maybe.

6 MR. KERN: Right.

7 MS. SCHNEIDEWIND: And then he is going
8 to have to put them all together and send back out to us
9 to look at. Is that what you're suggesting?

10 MR. KERN: Yes.

11 MS. SCHNEIDEWIND: So that wouldn't be on
12 the 18th.

13 MR. KERN: People would get it in by the
14 18th. This is Kern. I'm sorry.

15 My assumption is if it's an easy cut and
16 paste job, he could turn it around within a day or so. My
17 understanding is that they are not going to do anything
18 with the submissions that parties will be sending. They
19 simply state, this is AT&T's position; this is WorldCom's
20 position; this is staff's position.

21 MS. SCHNEIDEWIND: And this is Ann.

22 Since Craig is not on the call, I think
23 one-day turnaround would be fine.

24 MR. DEMPSEY: This is Jack Dempsey.

25 MR. KERN: And you're going to agree with
26 her, aren't you, Mr. Dempsey?

1 I'm going to step into the breach and
2 offer to have people send them to me.

3 And just to clarify, John and Ann, we
4 would be filing the joint motion on the 18th and it would
5 attach all of these position papers that come to us via
6 E-mail, I presume, which says we need a cutoff of
7 sometime, certainly by noon of that day.

8 MR. KERN: Jack, this is John Kern again.
9 I'm not sure we were contemplating filing
10 anything on the 18th.

11 What I was going to suggest is if the
12 parties can get their pieces to you by the 18th, then you
13 can circulate the entire joint motion. Because there
14 would be sections in that joint motion that are agreed to
15 issues that we have disagreement on. And I think parties
16 would want one more look at the agreed-upon section.

17 MS. SCHNEIDEWIND: And, John -- this is
18 Ann.

19 The other issue is I'm not sure Sal is
20 going to be able to complete his resolution and status
21 matrix until he hears from all the CLECs whether or not
22 there is a dispute that a CLEC wants the Commission to
23 resolve now or if it is something that will be reviewed in
24 six months.

25 MR. FIORETTI: So, Ann -- this is Sal
26 Fioretti -- would you suggest then I don't list anything

1 which I just, I would say, just stuck in the pending
2 issues with no understanding as to whether CLECs will or
3 won't want those resolved by the Commission.

4 MR. KERN: Well, this is getting a little
5 ridiculous. Come on! We have to put together a list of
6 issues that are in dispute.

7 And parties -- let me just make this
8 suggestion -- parties, identify all your issues that are
9 in dispute by the 18th. And if you can work before then
10 to get an issue off the table, that's fine.

11 But we have to move this along.

12 MR. O'BRIEN: This is Tom O'Brien with
13 CoreComm.

14 The disputed measurements in Ohio will be
15 put to the Commission tomorrow. So we'll be able to work
16 off that document, I think, fairly easily from tomorrow
17 on.

18 MR. KERN: Tom, this is Kern again.

19 And that's exactly what I was hoping we
20 could do up here in Michigan, is build on that Ohio
21 document.

22 MR. O'BRIEN: I think it's doable.

23 MR. KERN: So if parties can get their
24 issues that are in dispute to Dempsey by the 18th.

25 And, Jack, if you could turn around the
26 joint motion, we could have one final conference call and

1 then file it.

2 MR. DEMPSEY: So can you just give me the
3 rest of that schedule, John, after the 18th.

4 MR. KERN: If you can circulate it by the
5 19th, we could have a conference calling on the 20th. And
6 maybe, assuming that the joint motion is nailed down, we
7 could probably file it on the 20th.

8 But, Jack, I just think we should give
9 parties one more chance to look at the entire document.

10 MR. DEMPSEY: This is Dempsey.

11 I have no problem with that.

12 MS. MOORE: This is Karen Moore with

13 AT&T.

14 John, if you're suggesting a conference
15 call on October 20th, can we schedule a time?

16 MR. KERN: Sure. Hang on. This is Kern
17 again.

18 I'm just looking at my calendar. I just
19 realized that the FCC is having a regional meeting on the
20 20th in Chicago that day.

21 MS. MOORE: Well, why don't we make it
22 for the next Monday then, John?

23 MR. KERN: The 23rd?

24 MS. MOORE: Yes.

25 MR. KERN: Does anybody have a problem
26 with the 23rd?

1 MS. MOORE: This is Karen Moore.

2 Sal, which day are we going to be in
3 Ohio? The 24th or the 25th?

4 MR. FIORETTI: As far as I know, the
5 24th.

6 MS. MOORE: John, this is Karen Moore.
7 If we're going to do it on the 23rd, I
8 would like to make it in the morning.

9 MR. KERN: This is Kern.
10 Does anybody have a problem with a
11 conference call on the morning of the 23rd?

12 MR. DENNISTON: John, I have to check
13 with Janeen.

14 Janeen, are you able to cover if I cannot
15 cover?

16 MS. SANDERS: Yes. This is Janeen with
17 WorldCom.

18 Yes, I can cover.

19 MR. TRABARIS: This is Doug Trabaris with
20 AT&T.

21 As long as it's not an 8:00 a.m. eastern
22 call, any time works for me.

23 MR. KERN: Okay. This is Kern.

24 I'll propose the 8:00 eastern time.

25 MR. TRABARIS: Thanks, John. You are a
26 gentleman scholar.

1 MR. KERN: Damn few of us left.

2 How about 10:00 o'clock eastern, 9:00

3 o'clock central?

4 MR. TRABARIS: Perfect.

5 MS. MOORE: Excellent.

6 MR. KERN: Is one hour going to be enough

7 time?

8 MR. TRABARIS: Let's hope it's too much

9 time.

10 MR. KERN: Plan for one hour.

11 MS. SCHNEIDEWIND: This is Ann.

12 We want a transcript or no?

13 MS. FRENTZ: Yes.

14 MS. SCHNEIDEWIND: This is Ann again.

15 But my understanding is on the 16th the
16 remedy plans, including the proposals on the issue of
17 parity with a floor, will be submitted. And those issues,
18 that comment schedule stays.

19 I think we have comments due on November
20 15th and replies on December 15th.

21 MR. KERN: This is Kern.

22 That's my understanding. We're not
23 touching that schedule at all. We're adding to it, adding
24 an issue, but not changing the schedule.

25 MR. TRABARIS: Thanks everybody. Is that
26 it?

1 MR. KERN: This is Kern.

2 That's all I have.

3 (At 2:30 P.M., the hearing was adjourned
4 to 10:00 A.M., Monday, October 23, 2000.)

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17 C E R T I F I C A T E

18

19 I, Donna-Christine Sell, do hereby

20 certify that I reported stenographically the foregoing

21 proceedings had in the within-entitled matter, being Case

22 No. U-12320, before John Kern, Facilitator, at the

23 Mercantile Building, Lansing, Michigan, on Monday, October

24 9, 2000; and that the foregoing transcript constitutes a

25 true and correct transcript of my said stenographic notes.

26 Dated: October 11, 2000

