

**IN RE: Petition for Approval of a Statement of Generally Available Terms and Conditions pursuant to §252(f) of the Telecommunications Act of 1996 and Notification of Intention to File a Petition for In-Region InterLATA Authority with the FCC Pursuant to §271 of the Telecommunications Act of 1996.**

**DOCKET 25835**

**FURTHER ORDER**

**BY THE COMMISSION:**

Pursuant to Order entered in this cause on July 11, 2002, the Commission adopted on an interim basis the Service Quality Measurement (“SQM”) and Self Effectuating Enforcement Mechanism (“SEEM”) plan that had been approved by the Georgia Public Service Commission.<sup>1</sup> The Commission’s decision in that regard was influenced heavily by the fact that the Georgia SQM and SEEM plan met with the approval of the Federal Communications Commission (the “FCC”) in its review of BellSouth’s application for In-Region InterLATA authority in Georgia and Louisiana and served as a basis for the FCC’s approval of BellSouth’s Georgia/Louisiana application.<sup>2</sup> The Commission adopted the Georgia SQM and SEEM plan for Alabama effective August 1, 2002, but noted that it would establish a proceeding to determine the merits of permanently adopting for use in Alabama the SQM and enforcement mechanism adopted by the

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<sup>1</sup> See the Commission’s July 11, 2002 Order at pp. 52 and 248-249; See *Also* the January 12, 2001 Order of the Georgia Public Service Commission entered in Docket 7892-U.

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Florida Public Service Commission pursuant to its Order No. PSC-02-0187-FOF-TP entered on February 12, 2002 in its Docket 000121-TP and amended pursuant to Order No. PSC-02-0187A-FOF-TP entered on March 13, 2002.

On August 12, 2002, BellSouth filed a letter with the Commission detailing a recent decision wherein the Florida Public Service Commission adopted six additional change control measures, as follows:

**CM-6**: Percent of Software Errors Corrected in X (10, 30, 45) Business Days

**CM-7**: Percent of Change Requests Accepted or Rejected Within 10 Days

**CM-8**: Percent of Change Requests Rejected

**CM-9**: Number of Defects in Production Releases (Type 6 CR)

**CM-10**: Software Validation

**CM-11**: Percent of Change Requests Implemented Within 60 Weeks of Prioritization

BellSouth noted that several state commissions and the FCC have focused attention on BellSouth's Change Control Process ("CCP"). Consequently, BellSouth stated that it will report regional data collected in accordance with the aforementioned six measures in Alabama in conjunction with its monthly data reporting. BellSouth maintained that it will begin reporting data on the six measures with August data (reported in September and October).

BellSouth noted that in conjunction with the new measures in question, the Florida Public Service Commission ordered BellSouth to pay penalties on measures CM-6, CM-7, and CM-11. BellSouth maintained that because of the FCC's focus on CCP, BellSouth is voluntarily agreeing to pay Tier II penalties on these same three measures in Alabama pursuant to the Self-Effectuating Enforcement Mechanism plan adopted on an interim basis by the

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<sup>2</sup> *Joint Application by BellSouth Corporation, BellSouth Telecommunications, Inc., and BellSouth Long Distance, Inc. for the Provision of In-Region InterLATA Services in Georgia and Louisiana*, Memorandum Opinion and Order, CC Docket No. 02-35, ¶¶291-300 (the "Georgia/Louisiana Order").

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Commission's July 11, 2002 Order in this cause. BellSouth requested that the Commission amend the interim performance plan in effect for Alabama in order to incorporate the aforementioned six measures and the penalties associated therewith.

On August 13, 2002, BellSouth filed a letter with the Commission stating that due to a clerical error, the Service Quality Measurement (SQM) page for measure CM-6 filed on August 12, 2002 was incorrect and did not mirror the measure adopted in Florida. BellSouth provided an attachment of the correct SQM page for CM-6 and requested that the Commission substitute the new SQM page for the CM-6 SQM page filed with the Commission on August 12, 2002.

By filing of August 27, 2002, BellSouth noted that its previous filings failed to update the appropriate pages in the SQM reflecting the applicable penalties for measures CM-6, CM-7, and CM-11. BellSouth accordingly attached its updated Table B-2: Tier 2 submetrics.

After careful consideration, the Commission concludes that good cause exists to grant BellSouth's request for the Commission to amend the interim performance measurement plan in effect for BellSouth in Alabama in order to incorporate the six CCP measures ordered in Florida and the penalties associated therewith.<sup>3</sup> When the further proceedings envisioned in this cause convene, the Commission will investigate the merits of requiring BellSouth to include these six measures and the penalties associated therewith in the final performance measurement/enforcement plan adopted in Alabama for BellSouth.

IT IS SO ORDERED BY THE COMMISSION.

IT IS FURTHER ORDERED, That jurisdiction in this cause is hereby retained for the issuance of any further order or orders as may appear to be just and reasonable in the premises.

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<sup>3</sup> The specific amendments required are reflected by the BellSouth pleadings which are attached hereto and collectively identified as "Appendix A".

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IT IS FURTHER ORDERED, That this Order shall be effective as of the date hereof.

DONE at Montgomery, Alabama, this 18<sup>th</sup> day of September, 2002.

ALABAMA PUBLIC SERVICE COMMISSION

Jim Sullivan, President

Jan Cook, Commissioner

George C. Wallace, Jr., Commissioner

ATTEST: A True Copy

Walter L. Thomas, Jr., Secretary