

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

Illinois Commerce Commission On Its Own Motion)	
)	
Investigation Concerning Illinois Bell Telephone Company's compliance with Section 271 of the Telecommunications Act of 1996)	Docket No. 01-0662
)	

**PHASE II SUPPLEMENTAL AFFIDAVIT OF
JAMES D. EHR ON BEHALF OF SBC ILLINOIS
SBC ILLINOIS EXHIBIT 2.4**

DATED: April 11, 2003

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I, James D. Ehr, being of lawful age and duly sworn upon my oath, do hereby depose and state as follows:

1. My name is James D. Ehr. My business address is 2000 W. Ameritech Center Drive, Location 4G60, Hoffman Estates, IL 60196. I am employed by SBC Management Services, Inc. in the position of Director of Performance Measures for Ameritech Corporation¹ (“SBC Midwest”). In that position, I am responsible for the development, implementation and ongoing administration of the wholesale performance measurements system used by SBC Illinois and its operating company affiliates in the Midwest region. I am the same James Ehr that submitted a Phase II affidavit on January 17, 2003, a Phase II rebuttal affidavit on March 3, 2003, and a Phase II surrebuttal affidavit on March 17, 2003. I also testified in person at the Phase II workshops held in Chicago the week of February 10, 2003.

PURPOSE AND SCOPE OF AFFIDAVIT

2. The purpose of my affidavit is to update my surrebuttal testimony in light of Staff’s March 27, 2003 revisions to testimony that was originally filed on March 12, 2003, regarding SBC Illinois’ commercial performance results for September, October and November 2002.

¹ Ameritech Corporation is a wholly owned subsidiary of SBC Communications Inc. Ameritech Corporation owns the former Bell operating companies in the states of Michigan, Illinois, Wisconsin, Indiana, and Ohio. I refer to these five operating companies collectively as “SBC Midwest”.

SBC ILLINOIS' PERFORMANCE MEASUREMENT DATA DEMONSTRATE COMPLIANCE WITH THE PERTINENT SECTION 271 COMPETITIVE CHECKLIST

3. The rebuttal affidavit of Staff Witness McClerren identified 17 performance measures under 4 checklist items (2, 4, 7, and 14) as “Key PMs requiring improvement.” I addressed each of these measures in my surrebuttal affidavit, and provided a chart that summarized my response on each measure. In a motion filed March 27, 2003, Staff stated that two measures on the original list of “Key PMs” (PMs 56 and 62) had been included by mistake, while two other measures (PMs 13 and 65.1) had inadvertently been excluded from the list of Key PMs.

4. Below, I provide updated responses as to those four performance measures. The following chart presents a summary response to the revised list of “Key PMs” based on the discussion in my prior affidavits and the updated discussion below. I have highlighted the measures that I discuss in this affidavit; otherwise, the chart (and the underlying responses) are identical to those in my surrebuttal affidavit.

Checklist Item	PM Number	PM Description	SBC Illinois Response
2	7.1	% Completion notices in one day	SBC Illinois has already committed to improvement plan, and results are to be tested by BearingPoint in re-testing completion notices. Differences from applicable standard are not significant to warrant further action, as over 98 percent of notices are currently delivered within the specified interval.
2	10.1	% Mechanized rejects returned in one hour	Differences from applicable standard are not material to overall checklist compliance (over 95 percent of electronic rejections are processed within benchmark interval). No need for future action, as standard has been revised and SBC Illinois would have met the revised standard.
2	10.2 and 10.3	% manual rejects returned in 5 hours	Differences from applicable standard are not material to overall checklist compliance (over 93 percent of electronic rejections are processed within benchmark interval). No need for future action, as standard has been revised and SBC Illinois would have met the revised standard.
2	13	Flow-through	Updated Response Appears Below. Flow-through rates are high, as over 90 percent of orders designed to flow through do flow through. Further, flow-through represents only one step in the overall ordering and provisioning process (the up-front translation of orders), and SBC Illinois has successfully met most standards that address the ordering and provisioning process as a whole. The shortfalls in meeting “parity” for flow-through are due mainly to the artificial, and imprecise, parity standard used, and are immaterial given high performance overall.
2	17	% service orders posted within 30-day cycle	Reported shortfalls are not significant. Measure as defined allows for up to approximately 30 days for order to post to billing. Current implementation assesses frequency in which the service order is posted to billing prior to first bill cycle after order completion. Performance against 30-day standard would be higher; nevertheless, measure is to be subject to additional reporting and Staff supervision as described above.
14	37	Trouble reports per 100 lines: resale	Shortfalls not significant enough to affect checklist compliance; nevertheless, measure is to be subject to additional reporting and Staff supervision as described above.
4	55	Average Installation Interval (Loops)	For those categories that had data in all three months, SBC Illinois <i>met</i> the applicable parity standards in at least two of the three months. The few shortfalls were small, and isolated (no category showed a shortfall in more than one of the three months). Nevertheless, measure is to be subject to additional reporting and Staff supervision as proposed above.
4	59	% trouble reports within 30 days of installation (Loops)	Shortfalls not significant enough to affect checklist compliance; nevertheless, measure is to be subject to additional reporting and Staff supervision as described above.
4	65	Trouble Report Rate (loops)	Shortfalls not significant enough to affect checklist compliance; nevertheless, measure is to be subject to additional reporting and Staff supervision as described above.

Checklist Item	PM Number	PM Description	SBC Illinois Response
4	65.1	Net Trouble Report Rate (loops)	Updated Response Appears Below. SBC Illinois met or surpassed the applicable standard in most categories of this measure. For the single category that showed a shortfall, SBC Illinois is taking corrective actions and expects improvement.
4	66	% missed repair commitments (loops)	Shortfalls not significant enough to affect checklist compliance; nevertheless, measure is to be subject to additional reporting and Staff supervision as described above.
4	67	Mean time to Restore (loops)	Shortfalls not significant enough to affect checklist compliance; nevertheless, measure is to be subject to additional reporting and Staff supervision as described above.
7	104	Average Time to Update 911 Database	Shortfalls in parity are small and do not impact compliance with safety standards; further, the additional time required to process CLEC updates is at least partly attributable to CLEC errors. SBC Illinois has addressed Staff's request for information on actions taken to help CLECs prevent errors.
2	MI-2	% orders given jeopardy notices	Differences are not significant, given that jeopardy notices only indicate that due dates might be missed. SBC Illinois is successfully meeting due dates
2	MI-14	% maintenance completion notifications within "X" hours	Effective February 1, 2003, SBC Illinois has implemented a new process to deliver maintenance notices. Results of the new process will be posted on March 20, 2003. In the meantime, current differences are not significant, given that maintenance notices do not affect service or the actual work of repair and given performance of over 80 percent.
4	CLEC WI-6	% Form "A" within interval (Facilities Modification)	SBC Illinois met the applicable standards in at least two of three months for the categories that comprise most of the volume; the shortfalls here were small and relate to a single, low-volume category.

5.

CHECKLIST ITEM (II) – ACCESS TO NETWORK ELEMENTS/OSS

Ordering

Flow-Through

6. I disagree with Staff's assessment that the measure for flow-through is a "Key PM Requiring Improvement." As I said in my previous affidavits, flow-through only reflects one step in the overall ordering and provisioning process. As such, the most important measures are the ones that address the ordering and provisioning process as a whole, such as the measures for due dates met and average installation intervals. Notably, Staff's

updated list of Key PMs does not include any of the measures of overall provisioning timeliness.

7. Even looking at flow-through in isolation, SBC Illinois' flow-through performance has been good, albeit short of the artificial "parity" standard that is used in the business rules. As Staff Witness Weber notes, there are two measures for flow-through. PM 13 measures flow-through as a percentage of orders that are designed or "eligible" to flow through. Not all orders are designed to flow-through; by design, some orders (such as complex orders) are designed to require manual intervention. PM 13 shows whether the orders that are designed to flow through are, in fact, flowing through as intended. The FCC refers to this measure as "achieved" flow-through, and it has said that this is the "primary" measure of flow-through that it considers. *New Jersey 271 Order*, ¶ 32 ("We generally find the achieved flow-through measure is the most indicative of the BOC's ability to electronically process orders."). As I showed in my previous affidavits, the rates of achieved flow-through are well above 90 percent, and higher than in successful section 271 applications by other BOCs.
8. PM 13.1, meanwhile, measures flow-through as a percentage of *all* orders, even those that are not designed to flow through. By definition, the percentage is lower than the result for achieved flow-through, PM 13 -- not because the systems are not working, but because CLECs are submitting orders that are designed to "fall out" and that the CLECs know will fall out. The systems *are* working as designed and submitting those orders for manual intervention. Still, SBC Illinois' results on this measure were high (consistently above eighty percent for the highest volume category, UNE-P, and consistently above

76% across all categories combined). More importantly, the proper context for flow-through is to look at the end results that really matter (processing and filling orders).

9. While the performance on PM 13 is as good or better than other ILECs at the time of their Section 271 approvals, SBC Illinois did not meet the “parity” standard, not because of any OSS problem, but because the parity comparison is not at all precise. While Resale and UNE-P are “like” retail products, the processing of these types of requests are not the same. The retail process begins with the manual entry of information used for service order creation. Wholesale requests, however, arrive in the form of a mechanical Local Service Request submitted via an interface, which SBC Illinois then translates into a service order. In mechanically processing these requests, an issue might arise (for example, in checking for telephone numbers, analyzing pending orders, or verifying feature availability) that requires manual intervention and resolution. Thus, the order does not flow through. Plainly, if SBC Illinois were to ignore these types of issues and just flow the order downstream, then the CLEC’s end user customer could be negatively impacted, either by not getting the service they ordered, or not getting service at all.
10. In addition to the above, some of the product and service categories in this measure have no comparable analog on the retail side. Number Portability, Number Portability with Loop, and Advanced Services (ie. DSL Broadband) are much more complicated types of orders than a retail residence or business POTs type of service.
11. While SBC Illinois has maintained strong flow through performance, it has also met the requirements of the 24 Month Performance Plan negotiated with the CLECs. Along with the Plan of Record implementation, SBC Illinois implemented nine enhancements during

2002, which added additional flow through capabilities. This year there are plans for at least eight more enhancements. SBC Illinois remains committed to increasing overall flowthrough (as measured in PM 13.1) and maintaining the current high levels of flowthrough for orders that are designed to (as measured in PM 13). SBC Illinois is working, and will continue to work, through the collaborative process to address the issue of “apples-to-oranges” parity comparisons on PM 13.

CHECKLIST ITEM (IV) – UNBUNDLED LOCAL LOOPS

12. In my opening affidavit, I showed that SBC Illinois provides nondiscriminatory access to unbundled local loops and to UNE combinations by providing provisioning and maintenance results for DSL loops (both xDSL-capable – or “stand alone” – and line shared loops), 2 wire digital (“BRI”) loops, high capacity (i.e., DS1 and DS3) loops, 2 wire analog loops, unbundled network element – platform (UNE-P) arrangements, and coordinated conversions. SBC Illinois met the applicable performance standard for 140 of the 151 (92.7%) unbundled local loop submeasurements in at least two of the three study period months.

13. In my surrebuttal testimony, I addressed Staff’s concerns with respect to PMs 37-04 (related to the UNE Platform) and PMs 55, 56, 59, 62, 65, 66, 67, and CLEC WI 6 (related to unbundled loops). Staff has removed PMs 56 and 62 from its list of “Key PMs,” and has added PM 65.1 to that list. I update my response on these three Performance Measures below.

Provisioning

14. **Performance Measure 56 (Percent Installations Completed Within Customer Requested Due Date).** I showed in my surrebuttal affidavit that SBC Illinois *met* the applicable parity standards in all categories of this measure in at least two of three months (and in many categories, including PM 56-01.1, SBC Illinois met the standard in all three months). Under Staff's numeric guidelines, this result would demonstrate compliance, absent some other evidence to the contrary. Staff has since stated that this PM was included on the list of "Key PMs" by mistake.
15. **Performance Measure 62 (Average Delay Days).** In my surrebuttal affidavit, I demonstrated that SBC Illinois met the applicable standard in two out of three months in all four of the categories with sufficient data. Staff's opening comments on three categories of this measure (PM 62-02, 62-03, and 62-04) were positive. The only category that Staff challenged in the opening round was PM 62-06, and specifically the results for November. As I explained at the workshop and in my rebuttal, however, the shortfall in performance for that measure reflected a simple record-keeping entry for a single order that had no impact on service. Staff has since removed this measure from its list of "Key PMs."

Maintenance and Repair

16. **Performance Measure 65.1 (Trouble Report Rate Net of Installation and Repeat Reports).** SBC Illinois met or surpassed the applicable performance standard in all three months for three of the five categories of this measure related to loops that had sufficient volume: PMs 65.1-04 (standalone xDSL), 65.1-05 (8.0 dB loops), and 65.1-08 (DS1 loops). In a fourth category, PM 65.1-06 (BRI loops), SBC Illinois met the applicable standard in two of the three months. When looking over the three months of data for

September – November 2002, it is apparent that wholesale performance for that category is consistent, as the trouble report rate for the each of the three months varies within a range of only 0.08 troubles per 100 lines.

17. In the final category, PM 65.1-03 (line sharing), SBC Illinois did not meet parity. However, the rate of trouble reports was low, and did not exceed 0.3 reports per 100 lines in any month. Further, the differences from the applicable affiliate analog were small. Nevertheless, I provided, in my rebuttal affidavit (paragraph 50), a list of the additional actions SBC Illinois has taken and is taking to address performance on DSL Lineshare maintenance and repair. SBC Illinois' Network organization advised me that those additional activities have been, and are being, undertaken to address performance issues on several PMs, including PM 65.1. SBC Illinois has already committed to monthly reporting on several of these PMs, and corrective actions taken will also apply to PM 65.1. Accordingly, I do not agree that separate actions on, or additional monitoring of, this measure is necessary.

CONCLUSION

18. The three consecutive months of performance data for September, October and November 2002 demonstrate that SBC Illinois is providing to CLECs nondiscriminatory access to interconnection, access to network elements and resold services in full compliance with the competitive checklist requirements of Section 271.
19. This concludes my affidavit.