



Federal Communications Commission  
Washington, D.C. 20554

September 26, 2002

Jonathan Banks  
General Counsel-BellSouth D.C.  
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RE: Section 271 Compliance Review Program for Alabama, Kentucky, Mississippi,  
North Carolina, and South Carolina

Dear Mr. Banks:

As you know, the Commission recently granted BellSouth's application to provide in-region interLATA toll service in Alabama, Kentucky, Mississippi, North Carolina, and South Carolina pursuant to section 271 of the Communications Act of 1934, as amended ("the Act"). See *Joint Application by BellSouth Corporation, BellSouth Telecommunications, Inc., and BellSouth Long Distance, Inc. for Provision of In-Region, InterLATA Services in Alabama, Kentucky, Mississippi, North Carolina, and South Carolina*, WC Docket No. 02-150, *Memorandum Opinion and Order*, FCC 02-260 (rel. Sept. 18, 2002) ("Order"). The Enforcement Bureau ("the Bureau"), therefore, will now monitor BellSouth's continuing compliance with section 271 through the Section 271 Compliance Review Program. This program is based on a structured and systematic approach to compliance review and enforcement. The Bureau has assigned a team of auditors, attorneys, and other professional staff from the Investigations and Hearings Division ("Compliance Review Team" or "Team") to work with BellSouth through the duration of the review and to monitor BellSouth's performance in Alabama, Kentucky, Mississippi, North Carolina, and South Carolina. The primary team members responsible for this review are Hillary DeNigro, Attorney and Mark Gerner, Auditor.

During the review, the Team will closely review BellSouth's performance in subject matter areas that the Commission has identified as areas of concern in the section 271 Order. In this regard, we have enclosed with this letter an attachment listing the specific performance measures and other areas about which the Commission expressed its concern in the Order. Although the Bureau will focus its review on these areas, it may also monitor other areas not noted by the Commission in the Order. Generally, the Bureau's review will occur in three phases.

**Phase 1:** The Phase 1 review will occur during the first six months following the section 271 grant. A representative from the Bureau will contact BellSouth to schedule a planning meeting with BellSouth representatives and the Team overseeing the review. The purpose of this meeting is to provide BellSouth with the opportunity to participate in developing the Review Program and to assist the Bureau in selecting the type and format of information pertaining to BellSouth's performance that the Team will review. BellSouth should be prepared to discuss the areas of concern that the Commission noted in the 271 Order (also listed in the attachment to this letter) and to identify knowledgeable employees, applicable corporate records, and computer

systems related to these areas. Following this meeting, the Team will send a follow-up letter to BellSouth memorializing the discussions at the meeting and describing the information BellSouth is responsible for submitting to the Bureau approximately six months after the approval date (*i.e.*, February 18, 2002). The Team will also continue to monitor BellSouth's performance during Phase 1 through the monthly carrier to carrier performance reports the Commission's Order required BellSouth to submit.

**Phase 2:** The second phase will proceed similarly to the first but will occur during the second six-month period after the grant. Specifically, the Team will send another request for information to BellSouth. The information responsive to this request will be due at the end of this period (approximately August 18, 2003). At that time, the Bureau will require BellSouth to update information it already submitted and to provide additional information concerning its continuing performance in Alabama, Kentucky, Mississippi, North Carolina, and South Carolina. Also, as in Phase 1, the Team will continue to monitor BellSouth's performance through the carrier to carrier reports. The Team will not limit its review in Phase 2 to performance data or information from only the second six-month period; rather, when evaluating the need for any further action, the Team will consider all of the post-authorization data and information.

**Phase 3:** The third phase of the review will begin after BellSouth submits the information the Team required in Phase 2 and will consist of less formal contacts and inquiries by the Bureau.

At any time during this review, the Team may ask BellSouth to provide additional information or to attend additional meetings with BellSouth employees who have expertise in specific subject matters. These additional inquiries may supplement existing requests or may encompass new inquiries.

Finally, BellSouth should provide to the team at the initial meeting during Phase 1 the names and contact information of employees who are authorized to respond to requests for information on behalf of the corporation. If you have any general questions concerning the issues raised in this letter, please feel free to contact me at (202) 418-1420. You may also contact Anthony Dale, Assistant Chief, Investigations and Hearings Division at (202) 418-2260 or Trent Harkrader, Section 271 Compliance Review Program Team Leader at (202) 418-2955. Thank you in advance for your cooperation.

Sincerely,

Maureen F. Del Duca  
Deputy Chief, Investigations and Hearings Division  
Enforcement Bureau

cc: Kathleen B. Levitz

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Vice President - Federal Regulatory

**Attachment**  
**Section 271 Compliance Review Program**  
**BellSouth: Alabama, Kentucky, Mississippi, North Carolina, and South Carolina**  
**Commission Identified Compliance Review Subjects<sup>1</sup>**

- I. Data Reliability (*See* 5 State Order (“Order”), paragraphs 13-19)
- II. Checklist Item 1: Interconnection
  - A. Outages (*See* Order, paragraph 216)
  - B. Pricing (*See* Order, paragraph 227)
- III. Checklist Item 2: Unbundled Network Elements
  - A. Change Control Process and Adherence to Process (*See* Order, paragraph 179)
  - B. OSS
    - 1. Pre-ordering
      - a) Interface Slowdowns/Outages (*See* Order, paragraph 137)
    - 2. Ordering
      - a) FOC and Reject Notice Timeliness (*See* Order, paragraphs 145, 148, 149)
      - b) Order Flow-Through (*See* Order, paragraph 152)
      - c) Jeopardy Notices (*See* Order, paragraph 158)
      - d) Service Order Accuracy (*See* Order, paragraphs 159)
      - e) DSL Universal Service Order Code (*See* Order, paragraphs 162-63)
      - f) Ordering for Line Shared Loops (*See* Order, paragraph 166)
      - g) Dial Around Compensation (*See* Order, paragraph 168)
    - 3. Provisioning
      - a) Quality Service Problems (*See* Order, paragraph 170)
    - 4. Maintenance and Repair
      - a) Trouble Report Rates (*See* Order, paragraph 173)
    - 5. Billing
      - a) Invoice Accuracy, Timeliness, Completeness (*See* Order, paragraphs 174-75)
    - 6. UNE Combos
      - a) Timely Access to EELS (*See* Order, paragraph ¶ 211)
- IV. Checklist Item 4: Unbundled Loops
  - A. xDSL and UCL-ND Loops (*See* Order, paragraph 236-37)
  - B. ISDN Loops (*See* Order, paragraph 239)
  - C. High Capacity Loops (*See* Order, paragraph 237)
- V. Checklist Item 11: Number Portability
  - A. Double Billing (*See* Order, paragraph 262)
  - B. Loss of Inbound Calling (*See* Order, paragraph 263)
- VI. Public Interest
  - A. BSLD Rejection of CLEC LSR’s (*See* Order, paragraph 298)
  - B. Premature Long Distance Marketing (*See* Order, paragraphs 299-301)

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<sup>1</sup> Consistent with the representation in the letter pertaining to the scope of the Bureau’s review, the Bureau may monitor for enforcement purposes other subjects or performance indicators not expressly noted by the Commission in the 5 State Order or in this Attachment.