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<u>**BY HAND AND E-MAIL**</u>

Honorable Jaclyn A. Brilling
Administrative Law Judge
New York State Department of Public Service
Three Empire State Plaza
Albany, New York 12223-1350

>   Re: **Case 97-C-0139 - Proposal Regarding DOEE109 - SOP**
>   **Pending Order Activity**

Dear Judge Brilling:

The "Order Establishing Additional Inter-Carrier Service Quality Guidelines and

Granting In Part Petition for Reconsideration, Clarification and Stay" (issued November 5, 1999)

(the "November Order") directed BA-NY to address issues related to orders with pending

activity and to provide a flow through proposal for all orders in this category. (November Order

at 7-8.) The November Order allowed BA-NY to exclude any order with pending activity from

the % Flow Through Achieved metric – OR-5-03.[1] (*Id*.)

The issue of pending activity on orders is multifaceted and must be addressed in a

number of steps. BA-NY's initial proposals for orders with pending activities are set forth

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[1] At the present time BA-NY does not exclude any orders due to pending activity from the % Flow
Through Achieved metric reported in the Carrier-to-Carrier ("C2C") reports. BA-NY has not yet
finalized the coding that would allow it to exclude orders with pending activity. BA-NY estimates that
this coding will be completed during the first quarter.

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below.[2] While these and subsequent proposals will alleviate the effect pending activities have on a percentage of orders, allowing them to flow through, pending activity will never be completely eliminated. For example, there will always be the possibility that an end-user customer will place orders with two competing CLECs, which will create a pending activity when a subsequent order is submitted by one of these CLECs.

However, the exclusion of orders with pending activities from the % Flow Through Achieved metric should not have a negative competitive impact on the CLECs since there is parity of process with BA-NY's retail customers. Pending orders influence the issuance of both retail and wholesale orders. Annexed hereto is an exhibit that explains how retail and CLEC pending orders are handled. The exhibit demonstrates that parity of process exists for pending orders.

Accordingly, any order with pending activity that cannot be made to flow through should be permanently excluded from the % Flow Through Achieved metric.

A.   **Cause Of Pending Order Activity**

A DOEE109 message occurs when there is a pending order in the SOP system for the same account. In the month of December, DOEE109 pending activity messages accounted for almost 4.5% of the total LSRs received. The types of pending activities are as follows:

1.   A retail or wholesale pending order is on file;

2.   A duplicate request has been issued; or

3.   A retail or wholesale post completion discrepancy ("PCD") exists on the account.

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[2] It is BA-NY's understanding that these proposals will be reviewed by both the Replications Subgroup and the C2C Collaborative prior to any recommendations being submitted to the Commission.

BA-NY examined a recent sample of 467 CLEC orders to determine what patterns could be associated with pending activities.[3] The sample demonstrated a number of things. First, more than two-thirds of the pending activity was due to CLEC activity.[4] Second, the predominant pending activities fell into the following categories:

Activity	%
Restorals	47%
Pending Requests,* or	42%
Pending PCDs	10%

* Pending Requests include: Add/remove features; migrations; duplicates; or other pending requests.

B.   Proposed Solutions

BA-NY is proposing that the pending activity issue be addressed in a number of steps. BA-NY expects that approximately 35% of the DOEE109 errors for pending activities will not occur after the initial proposals are implemented.

BA-NY will attempt to improve the flow through rate by proposing solutions for the types of activities that cause the greatest amount of no flow through for orders with pending activities. First, BA-NY proposes to flow through restorals of suspensions for non-payment by overriding the pending order edit. This will allow the restoral to process sequentially in BA-NY's billing systems. The outcome of this initiative will allow the majority of restorals to flow through.

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[3] The sample was taken on November 15 to November 17, 1999 and on December 2 to December 3, 1999, respectively. Future results would vary based on CLEC activity, order volumes and order mix. For example, on any given day a CLEC may not issue any restorals.

[4] Of the 467 orders reviewed, 331 had prior orders placed by one or more CLECs and 136 orders had a prior BA-NY retail order.

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Second, BA-NY proposes to modify the sequence of edits so that the pending activity edit will be one of the last edits. The result of this modification is that more orders with pending requests will be moved into SOP. This will generate orders in Level 4, where possible. While this will not result in an increase in the overall flow through rates, it will expedite the processing of some orders since orders processed at Level 4 have already been formatted electronically and therefore have much less manual input than orders processed at Level 2. BA-NY, however, cannot completely remove the DOEE109 edit for activities related to add/remove features, migrations, duplicates, or other pending requests or pending PCDs since this would increase the number of PCDs. Any increase in PCDs would delay the billing of the CLEC activity and inhibit the successful transmission of subsequent CLEC orders.

BA-NY will continue to develop solutions for the unique scenarios that occur when an order has a pending request. Those scenarios include:

- Add/Remove Features – This situation occurs when a second order is received from a CLEC almost immediately following the first order;

- Migrations – A migration order is issued where a pending migration is in the work step;[5] and

- Duplicate Order – A CLEC issues two like orders within a short time frame.

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[5] This occurs, for example, when a customer migrates from BA-NY to CLEC X (first pending order), and CLEC Y issues an order to migrate the same customer from BA-NY. When this occurs, an order request is sent to the TISOC for an investigation regarding the first pending order.

Any proposed recommendations related to the above scenarios will be socialized and scheduled with the CLECs through the C2C and Change Management processes.

Respectfully submitted,

William D. Smith

cc: All Active Parties (By E-Mail & U.S. Mail)
       Acting Secretary Debra Renner (By Hand)
       Janet Deixler, Esq. (By Hand)