

Eric J. Krathwohl
Direct: (617) 556-3857
Email: EKrathwohl@richmaylaw.com

April 11, 2000

BY E-MAIL AND HAND

Mary L. Cottrell, Secretary
Department of Telecommunications and Energy
One South Station
Second Floor
Boston, MA 02110

Re: Inquiry by the Department of Telecommunications and Energy Pursuant to Section 271 of the Telecommunications Act of 1996 into the Compliance Filing of New England Telephone and Telegraph Company d/b/a Bell Atlantic-Massachusetts as Part of its Application to the Federal Communications Commission for Entry into the In-Region InterLATA (Long Distance) Telephone Market, Docket No. D.T.E. 99-271

Dear Ms. Cottrell:

The Telecommunications Resellers Association ("TRA")¹ submits this letter in response to the Hearing Officers' April 4, 2000 memorandum requesting comments on AT&T's Motion to Adjust the Master Test Plan and to Clarify the Procedural Schedule. First, regarding volume testing on the basis of Local Service Ordering Guidelines Release 4 (LSOG 4), TRA would argue that if LSOG 4 is the standard that CLECs will have to abide by, that standard is what KMPG's testing should be based upon. There is no good reason to do otherwise.

Regarding AT&T's second point, regarding the need for a 90 day period following KMPG testing to have a live commercial availability test period, TRA very strongly supports such a clarification of the procedural schedule. As TRA argued in its initial comments in this proceeding:

The Department must give great weight to the evidence that is developed through this inquiry regarding the actual experience in the field by competitors trying to provision

¹ TRA is a national trade association representing 647 telecommunications service providers and their suppliers, including nineteen Massachusetts members, who are engaged in providing a variety of value-added interexchange, local, wireless, and enhanced telecommunications services. Several TRA members are authorized by the Commission to provide interexchange and local telecommunications services within Massachusetts.

Ms. Mary L. Cottrell, Secretary
April 11, 2000
Page 2

their services and to carve out a small piece of the local market. A portion of the necessary review will be the independent KMPG OSS testing, but that will only be one piece. The Department should seek to ensure that the serious problems that CLECs are encountering in provisioning, serving, and billing the end-user customers are fully heard and explored. Further, because of the importance of achieving processes that will allow non-discriminatory access at a commercial level and on an ongoing basis, the Department should consider and implement a three month "road test" period to ensure that BA-MA's compliance claims are borne out in actual practice. [See, e.g., *Investigation of Bell Telephone Company's Entry Into the Texas InterLATA Telecommunications Market*, Texas Public Utilities Commission, Docket No. 16251, (April 29, 1999)]. As these comments, and undoubtedly those of others will demonstrate, there are serious problems with BA-MA's performance and processes that now constitute a serious impediment to meaningful competition.

TRA Comments filed July 19, 1999, pp. 6-7.

The experience in New York only confirms the need to implement the approach adopted by the Texas and Pennsylvania commissions, as urged previously by TRA and now by AT&T. That such significant problems occurred in New York that the huge fines were deemed appropriate shows that, indeed, the KMPG testing can be only one part of the ultimate consideration of whether Bell Atlantic's processes are adequate to allow for meaningful competition.

Please date-stamp and return the additional copy of this letter. Please contact the undersigned if you have any questions regarding this filing.

Respectfully submitted,

Eric J. Krathwohl

cc: Cathy Carpino, Esq. (by e-mail and Hand)
Tina Chin, Esq. (by e-mail and Hand)
Service List (by e-mail)

K:\utl\oth\02999-2714-11.tra