

**BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI**

Application of Southwestern Bell Telephone)
Company to Provide Notice of Intent to File an)
Application for Authorization to Provide In-)
Region InterLATA Services Originating in)
Missouri Pursuant to Section 271 of the)
Telecommunications Act of 1996.)

Case No. TO-99-227

**STAFF’S REPORT ON SOUTHWESTERN BELL TELEPHONE COMPANY’S
PERFORMANCE METRIC RESULTS FOR JANUARY 2005**

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”) and for its report states:

1. By order titled “ORDER DENYING MOTIONS TO RECONSIDER RECOMMENDATION AND OPENING CASE FOR MONITORING PURPOSES” and dated September 4, 2001, in ordered paragraph no. 3, the Commission ordered “[t]hat this case shall remain open for administrative purposes and for the continued receipt of periodic reports from the Staff of the Missouri Public Service Commission regarding Southwestern Bell [Telephone Company]’s continued performance.” In describing the nature of the reports in the subsequent sentence of that ordering paragraph the Commission stated, “The reports should include but not be limited to the results of the six-month performance reviews, any penalties paid to the state treasury as a result of the Performance Remedy Plan, recommendations for reductions of performance measures, and the results of the LMOS database audit in the state of Texas.”

2. In the attached Memorandum, which is labeled Appendix A, the Staff reports that Southwestern Bell Telephone Company, LP d/b/a SBC Missouri's rolling three-month period all-measures success ratio for the months November 2004 through January 2005 was 96.7%.

3. The Staff also reports that for the month of January 2005 SBC Missouri met benchmark or parity levels for an all-measures success rate of 95.5%.

4. The Staff reports that for the reporting month of January 2005 SBC Missouri credited \$6,775 to competitors for Missouri 271 Interconnection Agreement Tier I Performance Remedy Plan results. Additionally, the Staff reports that for the reporting month of January 2005 SBC Missouri paid \$6,000 into the Missouri State Treasury for Tier II Performance Remedy Plan payments. Since inception of the plan in Missouri through the reporting month of December 2004 SBC Missouri has issued to competitors and paid into the Missouri State Treasury an aggregate of \$6,991,553 in credits and payments for Missouri 271 Interconnection Agreement Tier I and Tier II Performance Remedy Plan results.

5. The Missouri 271 Interconnection Agreement, including the Performance Remedy Plan, expired on March 6, 2005. The Staff is informed that under the negotiation/arbitration provisions of the M2A, SBC Missouri extended the terms and conditions of the M2A to July 19, 2005 for those CLECs that were either operating or requested operation under the M2A on or before March 5, 2005.

6. Some of the terms and conditions of the M2A were amended pursuant to the FCC's rules for the unbundled network element platform (UNE-P), loops and transport or were addressed in the Commission's March 17, 2005 *Order Regarding Continued Provisioning of Service* in Case No. TC-2005-0294.

7. There are approximately 70 CLECs operating under the M2A. The negotiation process for the M2A successor agreement(s) began September 6, 2004 and the arbitration window closed March 31, 2005. SBC Missouri has represented that it will continue to file monthly performance monitoring reports and make Tier I credits to the negotiating/arbitrating CLECs and make Tier II payments into the Missouri State Treasury, at least until June 30, 2005.

WHEREFORE, the Staff, in compliance with the Commission's Order dated September 4, 2001, files the attached Staff Memorandum, labeled Appendix A, that reports on payments and credits made by SBC Missouri under the Missouri 271 Interconnection Agreement Performance Remedy Plan and certain performance measurement results through the reporting month January 2005.

Respectfully submitted,

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/s/ Nathan Williams

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 5th day of April 2005.

/s/ Nathan Williams

Nathan Williams