

## ANALYSIS OF CLEC ASSERTIONS

- 1) **OR-1-04-1341 in September 2010 scored 75% on a 95% standard and was scored as NA (Not Applicable) rather than a -2.**

This metric was correctly determined. For the month in question, this metric had a total of 4 orders with 1 miss, thus the 75% result. The small sample size rules of the PAP allows for 1 miss on a volume of 4 orders to be scored as NA. Please see New Hampshire Performance Assurance Plan (NH-PAP), Appendix C, pp. 4-5. (Note that the small sample size rules are simplified in the proposed Simplified Metric Plan).

- 2) **MR-5-01-3112 had a parity performance score of -1.0027 and was scored as a 0 rather than a -1.**

This metric was correctly determined. This metric was correctly changed from a -1 performance to a 0 performance under the rules of the PAP that allow for -1 recaptures. Please see NH-PAP, p. 10. The preliminary report shows this metric with a -1 performance score. Per the PAP, performance is examined for the prior two months, *i.e.* July and August. If the metric was met in those preceding months, *i.e.* performance score of 0, the performance score is changed to 0 for the current month. In this case the metric met the required criteria for the preceding months and was correctly changed to “met performance score” in the final report. (Note that -1 recapture rules are eliminated in the proposed Simplified Metric Plan).

- 3) **MR-4-08-3145 had a performance score of -1.5695 and was scored as 0 rather than -1 as specified by Table F-1-1 (Appendix F p.1) of the PAP.**

This metric was correctly determined. This metric was correctly changed from a -1 performance to a 0 performance under the rules of the PAP that allow for -1 recaptures, as explained for the preceding example. Please see NH-PAP, p. 10.

- 4) **In the remainder of 2010, there were 6 erroneous Critical Measures scores in August 2010, 2 in July, 3 in June, 2 in May, 2 in April, 1 in March, 2 in February and 1 in January.**

These measures were correctly determined. Although the CLECs did not designate the specific metrics that support this general statement, our review of the Critical Measures metrics for those months indicates that, as in the preceding examples, the CLECs have failed to account for small sample size rules (please see NH-PAP, Appendix C, pp. 4-5) or the -1 recapture rules for these Critical Measures. Please see NH-PAP, p. 10.

- 5) **In the Special Provision metrics, PR 9-08-3533 is evaluated by the Z score and the time difference. For March, June and August 2010 where there was CLEC and FairPoint activity, FairPoint did not provide the statistical score on the PAP report, and the August C2C Report had a blank field in the Z Score column. Also in the**

**Special Provision metrics, FairPoint scored 50% on metric OR-1-06-3320 against the standard of 90% in March and April of 2010. In neither month did FairPoint calculate or issue the corresponding credits.**

These metrics were correctly determined. All of their examples given are subject to the small sample size rules of the PAP and are correctly scored. Please see NH-PAP, Appendix C, pp. 4-5).

**6) Also in September 2010, FairPoint neither reported nor credited approximately \$86,000 based on Special Provision metric OR-5-03-3112 and OR-5-03-3121.**

These metrics were correctly determined. The PAP does not provide Special Provision credits for these two metrics for the month in question. While the standards for OR-5-03-3112 and OR-5-03-3121 are 95% when measured on an individual basis, the Special Provision rules consider both the OR-5-03 and OR-5-01 metrics together to determine if credits are applied. They also consider the performance for the previous two months and evaluate the result for the entire quarter. OR-5-03-3112 must be below 95% *and* OR-5-01-3112 must be below 80% to be eligible for Special Provision billing credits. The combined result for July, August, and September for OR-5-03-3112 was reported at 82.09% and OR-5-01-3112 was reported at 82.06%. Because OR-5-01-3112 was above 80%, there were no billing credits due for the quarter. Please see NH-PAP, Appendix H, p.2. (Note that the Special Provision rules are eliminated in the proposed Simplified Metric Plan.)