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BELLSOUTH TELECOMMUNICATIONS, INC.
DIRECT TESTIMONY OF ERIC FOGLE
BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION
DOCKET NO. 020507-TL
NOVEMBER 26, 2002

Q. PLEASE STATE YOUR NAME, YOUR BUSINESS ADDRESS, AND YOUR POSITION WITH BELLSOUTH TELECOMMUNICATIONS, INC. ("BELLSOUTH").

A. My name is Eric Fogle. I am employed by BellSouth Telecommunications, Inc. ("BST"). My business address is 675 West Peachtree Street, Atlanta, Georgia 30375. I am the Director of Wholesale Broadband Marketing. In this position, I am responsible for, among other things, the creation, oversight and implementation of marketing for BST's wholesale digital subscriber line ("DSL") products. I have held this position since August of 2000. I have almost five years of service at BellSouth with experience in new product development, project management, and business development. I have a Masters degree in Business Administration from Emory University and a Masters of Science degree in Electrical Engineering from the University of Missouri.

Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?

1 A. My testimony responds to Issues 5, 6a, and 6b set forth in the November 12,
2 2002 Order establishing Procedure in this docket.

3

4 **ISSUE 5: Should the Commission order BellSouth to provide its FastAccess**
5 **Internet service, where feasible, to any ALEC end user that requests it?**

6

7

8 Q. WHAT IS BELL SOUTH'S POLICY ON THIS ISSUE?

9

10 A. The Commission should not order BellSouth to provide its
11 BellSouth®FastAccess® Internet service ("FastAccess") to any ALEC end user
12 that requests it, for several reasons. First of all, there are numerous technical
13 and operational hurdles that BellSouth would need to overcome in order to
14 provide FastAccess to any ALEC's end user. Further, the level of customer
15 service that the end user receives may be compromised, there will be issues
16 associated with provisioning, and there will be billing issues associated with
17 offering FastAccess to ALEC end users.

18 

19 Q. DESCRIBE THE TECHNICAL AND OPERATIONAL HURDLES THAT WOULD
20 BE INVOLVED.

21

22 A. BellSouth would have to change all of its internal systems to qualify and
23 recognize a potential or current DSL customer by a means other than the
24 telephone number. The reasoning behind this is as follows: When BellSouth built
25 its DSL facilities and the corresponding systems, we used a telephone number

1 as a means to identify and service customers. This was because, as an overlay
2 service (as stated in the FCC tariff), DSL would have to be associated with an
3 existing telephone line facility, and in turn, a telephone number. Currently, all of
4 BellSouth's systems qualify and provision an end user based on their telephone
5 number. Changing this process would be burdensome from a time and financial
6 perspective as the change would involve intensive systems work and substantial
7 man-hours.

8
9 Another technical challenge for facility-based ALECs would involve connecting
10 the ALEC loop to the BellSouth equipment to allow the DSL signal to ride on the
11 ALEC loop. While this can be done, the process would lengthen the provisioning
12 cycle and make the service offering more expensive.

13
14 Third, it is simply not feasible, in the sense that feasible is synonymous with
15 "reasonable", "practicable" and "realistic", to require BellSouth to provide
16 FastAccess service to any ALEC end user. In order to make the required
17 changes to BellSouth's systems and technology to provide FastAccess to any
18 ALEC end user, the resulting work effort and financial resources required to
19 achieve this are neither "reasonable", "practicable" nor realistic.

20
21 Q. WOULD THE END USER'S LEVEL OF CUSTOMER SERVICE BE
22 COMPROMISED IF BELL SOUTH IS FORCED TO PROVIDE FASTACCESS TO
23 ANY ALEC END USER?

24
25

1 A. Yes. First, confusion would result because the end user will not know who to call
2 for customer service. Currently, FastAccess customers typically call BellSouth
3 directly. However, the FastAccess customer service group would no longer be
4 able to help in the same capacity if BellSouth were forced to provide FastAccess
5 to any ALEC end user, as all of the pertinent customer and loop information
6 would not be available. The customer service representatives would not have
7 visibility into all the problems that may be compromising the DSL service.
8 Another issue that would come up involves end user confusion because of
9 unreliable qualification systems. Because BellSouth does not have access to the
10 ALEC end user telephone numbers, issues would arise regarding qualification. A
11 line may initially show as qualified but upon further investigation would not be
12 qualified due to issues with the loop that are outside of BellSouth's realm of
13 knowledge and out of BellSouth's control. This is true for both facilities based and
14 UNE-P customers. The initial provisioning of the FastAccess service will also
15 take substantially longer.

16
17 Q. PLEASE DESCRIBE THE PROVISIONING ISSUES INVOLVED IN
18  COMPLYING WITH THE FCCA'S REQUEST.

19
20 A. In addition to issues associated with qualification, there will be issues associated
21 with provisioning. Additional equipment will have to be installed in order to
22 connect the BellSouth DSLAM to the ALEC loop. This could add days to the
23 current provisioning process. There will also be longer maintenance and repair
24 intervals. The FastAccess team would have to work with the ALEC repair team
25 to diagnose problems that were not directly related to the Internet service. This is

1 due to the fact that when an ALEC owns the voice, BellSouth no longer has
2 access to the MLT (mechanized loop test) to troubleshoot the voice loop.
3 Having two parties involved with the troubleshooting process will add time and
4 complexity. The end user will suffer as a result of these delays.

5

6 Q. WHAT BILLING ISSUES WOULD BE ASSOCIATED WITH OFFERING
7 FASTACCESS TO ALEC END USERS?

8

9 A. Right now, most FastAccess customers are billed for their FastAccess service
10 through the telephone bill they receive from BellSouth. ALEC customers,
11 however, would not receive a BellSouth bill and would have to be billed for
12 FastAccess via credit card. This may not be a problem for some end users, but
13 there would undoubtedly be end users who either did not have a credit card or
14 did not want to be billed via credit card. These end users would not be able to
15 receive or continue to receive FastAccess service.

16

17 Finally, although Mr. Ruscilli will more fully address the policy issues in this case,
18 from a business perspective it would be fundamentally unfair to penalize
19 BellSouth and reward the ALECs by mandating BellSouth to provide FastAccess
20 to any ALEC end user. ALECs have had the opportunity to develop and offer the
21 same type of facilities-based broadband service that BellSouth offers. Just as
22 BellSouth made decisions about where to focus its efforts, ALECs could have
23 made similar business decisions as to whether or not they wanted to invest in
24 broadband and launch new services. Once launched, these companies also had
25 options as to how they wanted to expand this service. Some, who deployed

1 wisely and in a conservative manner were successful. Others chose not to invest
2 at all in DSL deployment, or if they did, they did not invest wisely. BellSouth's
3 competitive advantage resulted from seeing an opportunity, and investing in that
4 opportunity wisely. BellSouth should not be punished for making wise business
5 decisions that others could have made but chose otherwise.

6

7 ***ISSUE 6a: If the Commission orders that BellSouth may not disconnect its***
8 ***FastAccess internet service where a customer migrates his voice service to an***
9 ***ALEC and wishes to retain his BellSouth FastAccess service, what changes to***
10 ***the rates, terms, and condition of his service, if any may BellSouth make?***

11

12 Q. WHAT IS BELL SOUTH'S POLICY ON THIS ISSUE?

13

14 A. BellSouth would have to make several modifications to the rates, terms, and
15 conditions of a FastAccess end user's service in this instance. First, a splitter
16 would need to be added between the BellSouth DSLAM and the ALEC loop in
17 order for the FastAccess service to be continued to be provided on the ALEC
18 loop. This would be necessary to send the DSL signal on the line to the
19 BellSouth DSLAM and the voice signal on the line to the ALEC's switch. The
20 ALEC would need to be responsible for providing this splitter. Second, the billing
21 method for the FastAccess service would potentially need to change. As
22 mentioned earlier, when a BellSouth voice customer migrates his voice service to
23 an ALEC, the phone number is taken out of some of BellSouth's systems, and
24 that voice customer no longer receives a BellSouth bill. The only way that
25 BellSouth can continue to collect funds from the end user for FastAccess is

1 through credit card billing. If the end user does not have a credit card or refuses
2 to provide valid credit card information, BellSouth cannot provide FastAccess
3 service to that end user. A third item that would need to change is the process
4 BellSouth uses to provide maintenance on the FastAccess service. In a UNE
5 loop situation, the ALEC has all the capabilities to conduct MLT (mechanized
6 loop test) testing on the loop. The ALEC would need to provide BellSouth
7 access to these MLT capabilities on the ALEC voice switch in order for
8 troubleshooting to occur when there is a problem with the FastAccess service.
9 This access would need to occur in a very short timeline in order to continue a
10 high quality of customer service.

11

12 ***ISSUE 6b: If the Commission orders BellSouth to provide its FastAccess***
13 ***service to any ALEC end user that requests it, where feasible, then what rates,***
14 ***terms, and conditions should apply?***

15

16 Q. WHAT IS BELL SOUTH'S POLICY ON THIS ISSUE?

17

18 A. BellSouth is currently not equipped to provide its FastAccess service on a facility
19 other than its own. This is because all qualification and provisioning flows and
20 methods are based on the BellSouth provided end user telephone number.
21 BellSouth does not have telephone number information for some ALEC
22 customers. Therefore, many qualification and provisioning methods would have
23 to be changed, such as the systems work to our qualification and provisioning
24 systems mentioned earlier. End users would need to be qualified for DSL based
25 on some means other than a BellSouth provided telephone number, such as

1 circuit ID. In addition, because BellSouth does not own or have access to the
2 features and functionality of the loop, wiring issues would exist that were not
3 there before. Wiring procedures would need to be developed in order to connect
4 the BellSouth DSLAM to the ALEC loop. More manual processes would need to
5 take place to ensure that the proper wiring and splitters were added to connect
6 the ALEC loop to the BellSouth DSLAM. This would change the provisioning
7 flow. Service intervals would also change for end users of FastAccess over an
8 ALEC line. The wiring issues mentioned above would not only change, but also
9 extend the provisioning timeline. It would take the end user longer to get their
10 FastAccess service running properly. Because BellSouth does not have ready
11 access to maintenance and testing facilities (the ALEC owns these in a UNE loop
12 arrangement), and cannot easily access customer records because of a lack of a
13 telephone number, service intervals after installation would increase substantially
14 as well. All of these factors would lead to a higher cost of providing the
15 FastAccess over an ALEC line, and in turn, would lead to higher rates for the
16 end-users.

17

18 Q. DOES THIS CONCLUDE YOUR TESTIMONY?

19

20 A. Yes.

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