

REBUTTAL TESTIMONY OF W. KEITH MILNER

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 990750-TP

SEPTEMBER 13, 1999

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

10
11 A. My name is W. Keith Milner. My business address is 675 West Peachtree
12 Street, Atlanta, Georgia 30375. I am Senior Director - Interconnection
13 Services for BellSouth. I have served in my present role since February
14 1996, and have been involved with the management of certain issues
15 related to local interconnection, resale, and unbundling.

16
17 Q. ARE YOU THE SAME KEITH MILNER WHO PREVIOUSLY FILED
18 DIRECT TESTIMONY IN THIS DOCKET?

19
20 A. Yes, I am.

21
22 Q. WHAT IS THE PURPOSE OF YOUR REBUTTAL TESTIMONY?

23
24 A. My testimony will rebut portions of the testimony filed by ITC^DeltaCom
25 witness Thomas Hyde.

1 Q. MR. HYDE STATES ON PAGE 3 OF HIS TESTIMONY THAT
2 BELLSOUTH'S TECHNICAL REFERENCES SHOW THAT
3 TRANSMISSION STANDARDS FOR END-TO-END SERVICE ARE NOT
4 AS STRINGENT AS THOSE TRANSMISSION STANDARDS FOR
5 PORTIONS OF AN END-TO-END SERVICE. HE FURTHER STATES
6 THAT ALECS MUST "RELY ON THE LESSER QUALITY
7 REQUIREMENTS FOR THE END-TO-END SERVICE." PLEASE
8 RESPOND.

9
10 A. I assume that Mr. Hyde's use of the term "end-to-end service" refers to a
11 finished service rather than to a UNE. It may be true in some cases that
12 portions of a finished service, when requested separately, have different
13 transmission standards than entire end-to-end services, because of the
14 inter-relatedness of the individual components. For example, various
15 transmission devices may be used to increase or decrease gain over
16 portions of the circuit or over the entire circuit. However, the real issue
17 here is whether ITC^DeltaCom has requested specific transmission
18 parameters for a given UNE. As this Commission is aware, the Bona Fide
19 Request ("BFR") process exists for just such cases about which Mr. Hyde
20 complains. I am unaware of any BFR having been made by
21 ITC^DeltaCom for unique transmission parameters. Should
22 ITC^DeltaCom choose to issue such a BFR, BellSouth will gladly
23 investigate the technical feasibility of ITC^DeltaCom's request.

24
25 Q. ON PAGE 3 OF HIS TESTIMONY, MR. HYDE ASSERTS THAT

1 BELLSouth PROVIDES AN INFERIOR SERVICE TO ALECS
2 REQUESTING UNBUNDLED LOOPS WHERE THE CUSTOMER WAS
3 SERVED OVER INTEGRATED DIGITAL LOOP CARRIER ("IDLC")
4 EQUIPMENT. PLEASE RESPOND.

5
6 A. Mr. Hyde acknowledges that BellSouth has several methods by which it
7 makes unbundled loops available to ALECs. He names three such
8 methods: (1) the use of a copper loop; (2) moving the loop to Universal
9 Digital Loop Carrier ("UDLC") equipment; and (3) "side door" ports through
10 the central office switch. The methods Mr. Hyde names are three of the six
11 methods BellSouth uses to provide access to loops served by IDLC. I will
12 discuss each of these six methods later in my testimony. IDLC equipment
13 allows the "integration" of loop facilities directly with switch facilities by
14 eliminating interfacing equipment in the central office referred to as central
15 office terminals or "COTs". Obviously, if an ALEC wants to serve an end
16 user customer over the ALEC's own switch and that end user customer
17 was previously served over IDLC equipment, the loop can no longer be
18 "integrated" with the BellSouth switch. Instead, the loop must be removed
19 from BellSouth's switch so that it can be connected to the ALEC's switch.
20 The methods Mr. Hyde names are all methods by which an unbundled
21 loop may be provided such that the ALEC may use the unbundled loop
22 with its own switch. Mr. Hyde apparently envisions some other method,
23 though he fails to describe what that other method is or how it might be
24 accomplished. Instead, Mr. Hyde opines as to what the technical
25 characteristics and resultant costs associated with providing such an

1 alternative should be. If Mr. Hyde knows of such a new method, he has
2 not described it in his testimony; nor am I aware of any other method than
3 those that BellSouth has already put forward.

4
5 Q. WHAT ARE THE TECHNICALLY FEASIBLE METHODS THAT HAVE
6 BEEN IDENTIFIED TO PROVIDE UNBUNDLED LOOPS TO
7 REQUESTING ALECS?

8
9 A. The FCC identified several technically feasible methods to unbundle loops
10 served by IDLC (First Report and Order, Paragraph 384). BellSouth
11 utilizes these and other methods in provisioning unbundled loops where
12 those loops are currently served by IDLC. BellSouth also is willing to
13 consider any other technically feasible method proposed by
14 ITC^DeltaCom.

15
16 To date, six technically feasible methods have been identified, though not
17 all six are available in a specific location. Briefly, the six methods are:

- 18
19 1. Remove the loop distribution pair from the IDLC and re-terminate
20 the pair to either a spare metallic feeder pair (copper pair) or to a
21 spare universal digital loop carrier facility in the feeder route or
22 Carrier Serving Area (CSA). For two-wire ISDN loops, the
23 universal digital loop carrier facilities may be made available
24 through the use of Conklin BRITEmux or Fitel-PMX 8uMux
25 equipment.

- 1 2. Remove the loop distribution pair from the IDLC and re-terminate
2 the pair to utilize spare capacity of existing Integrated Network
3 Access (INA) systems or other existing IDLC that is terminated on a
4 digital cross-connection system (DCS) equipment. This will allow
5 the unbundled loop channel to be routed to a channel bank where it
6 can be de-multiplexed for delivery to the requesting ALEC or for
7 termination in a Digital Loop Carrier ("DLC") channel bank for
8 concentration.
- 9 3. Utilize switch functionality referred to as "side-door/hairpin"
10 capabilities if any existing IDLC is terminated on a peripheral with
11 these capabilities. In essence, this method requires the loop to
12 remain terminated directly into the switch and the "side-
13 door/hairpin" capabilities allow the loop to be provided individually
14 to the requesting ALEC. This method does, however, require that
15 the loop be routed through the BellSouth switch (thus consuming
16 switch resources) before being provided to the requesting ALEC.
- 17 4. If a given IDLC system is not served by a switch peripheral that is
18 capable of "side-door/hairpin" functionality, move the IDLC system
19 to switch peripheral equipment that is "side-door/hairpin" capable.
- 20 5. Install and activate new UDLC facilities or Next Generation Digital
21 Loop Carrier (NGDLC) facilities and move the requested loop from
22 the IDLC to the new facilities. In the case of UDLC, if growth will
23 trigger activation of additional capacity within two years, activate
24 new UDLC capacity to the distribution area. In the case of NGDLC,
25 if channel banks are available for growth in the CSA, activate

1 NGDLC unless the DLC enclosure is a cabinet already wired for
2 older DLC systems.

3 6. Convert some existing IDLC capacity to UDLC. If growth will not
4 trigger additional capacity within two years, convert some existing
5 IDLC capacity to UDLC.

6
7 Q. ON PAGE 5 OF HIS TESTIMONY, MR. HYDE ASSERTS THAT "THE
8 ONLY WAY FOR AN ALEC TO KNOW WHETHER A FEATURE WILL
9 WORK IS TO CONVERT THE CUSTOMER'S SERVICE." DO YOU
10 AGREE?

11
12 A. No. Mr. Hyde's complaint that ITC^DeltaCom must convert a customer to
13 determine if certain features will work is true only if ITC^DeltaCom ignores
14 the information regarding functionality which BellSouth provides via
15 technical service descriptions. The inherent capabilities of the various
16 types of loops (that is, copper loops, IDLC loops, and UDLC loops) are the
17 same whether used for a BellSouth retail customer or an ALEC's
18 customer. IDLC equipment is not universally available in BellSouth's
19 network. For example, in Florida, 59% of loops utilize copper alone, 28%
20 are served by loops utilizing IDLC, and 13% are served by loops utilizing
21 non-IDLC equipment, also referred to as UDLC. Thus, BellSouth's own
22 retail customers are served from a variety of copper loops, loops served
23 by IDLC equipment, and loops served by non-IDLC equipment. Further,
24 BellSouth's retail customers are subject to being moved from one type of
25 serving facility to another as engineers execute loop rearrangements to

1 economically serve particular geographic areas. With regard to the basic
2 issue of parity, ALEC end-users and BellSouth retail customers are both
3 subject to being served by a variety of methods, all of which provide
4 service in compliance with published technical service descriptions. Thus,
5 BellSouth is providing ALECs with nondiscriminatory access to all of
6 BellSouth's loops, including those loops using IDLC equipment.

7
8 Q. MR. HYDE DISCUSSES ON PAGE 5 OF HIS TESTIMONY A FEATURE
9 CALLED "FORWARD DISCONNECT." DOES BELL SOUTH SUPPORT
10 THE USE OF FORWARD DISCONNECT ON ALL UNBUNDLED LOOPS?
11

12 A No. For the vast majority of loops, forward disconnect is supported for
13 both ALEC's end-users and BellSouth's retail customers. However, Mr.
14 Hyde correctly notes the BellSouth's technical specifications for unbundled
15 loops clearly explain that forward disconnect may not work on certain UNE
16 loops. Some older digital loop carrier systems still in service in the
17 BellSouth network are not capable of providing forward disconnect
18 signaling. Those systems comprise a very, very small and steadily
19 decreasing portion of the BellSouth network. Therefore, on the small
20 percentage of loops utilizing these older systems, BellSouth cannot
21 provide forward disconnect regardless of whether the customer is an
22 ALEC end-user or a BellSouth retail customer.
23

24 So, Mr. Hyde's complaint that somehow BellSouth should be providing this
25 forward disconnect functionality as a matter of parity in all cases is

1 groundless. His assertion that the ALEC industry is faced with foregoing
2 competition because of the lack of this functionality in every instance is
3 without merit. BellSouth retail customers and the ALEC's end-users are
4 affected on an equal basis. Therefore, there is no issue of discriminatory
5 treatment.

6
7 Q. IS MR. HYDE'S REFERENCE TO A RULING BY THE TENNESSEE
8 REGULATORY AUTHORITY ("TRA") APPROPRIATE?

9
10 A. No. While Mr. Hyde's quote from the TRA's June 30, 1998, conference is
11 correct, he failed to note that the TRA subsequently decided to reconsider
12 its decision. As of the date of this testimony, the TRA has yet to issue a
13 final written order.

14
15 Q. ON PAGE 11 OF HIS TESTIMONY, MR. HYDE ALLEGES THAT
16 BELL SOUTH DOES NOT PROVIDE ADEQUATE MAINTENANCE OF
17 THE UNBUNDLED NETWORK ELEMENTS PROVIDED TO
18 ITC^DELTACOM. PLEASE RESPOND.

19
20 A. First, I note that Mr. Hyde offers nothing more than anecdotal stories that
21 he alleges somehow apparently portray a pattern of behavior by
22 BellSouth. If indeed there is such a pattern, I am surprised that Mr. Hyde
23 did not provide any facts to support his allegations. Instead, he uses
24 words and phrases such as "there have been instances" and "frequently".

25

1 Although UNEs are, by definition, not analogous to retail services,
2 BellSouth's target for restoration of a 2-wire UNE (2-wire analog voice
3 grade loop non-designed) is 24 hours, as I stated in my direct testimony.
4 This target approximates BellSouth's objective for retail service for basic
5 residence or business lines. An interoffice transport DS1 UNE has a 4-
6 hour target repair interval. Similarly, BellSouth's target repair interval for
7 its retail service, MegaLink, is 4 hours.

8
9 Second, in the case of unbundled loops, BellSouth's first choice is to re-
10 use the same loop as was used to provide service to the end user
11 customer when BellSouth was the service provider. Thus, in many cases
12 the same loop, along with the same characteristics, is made available to
13 the ALEC for its use in providing service. If ITC^DeltaCom wants a type of
14 loop with specific technical characteristics different from BellSouth's
15 current offering of loop types, ITC^DeltaCom is free to use the BFR
16 process. I am unaware of any such request from ITC^DeltaCom.

17
18 Q. DO YOU AGREE WITH MR. HYDE'S ASSERTION ON PAGE 14 OF HIS
19 TESTIMONY THAT "THERE IS NO DIFFERENCE" BETWEEN AN ADSL
20 COMPATIBLE UNE LOOP AND A VOICE GRADE UNE LOOP?

21
22 A. Absolutely not. Not all of BellSouth's loops are ADSL compatible. ADSL
23 service requires that certain technical standards be met. BellSouth's
24 ADSL compatible loops meet those technical standards while other
25 BellSouth loops do not. Mr. Hyde's assertion brushes by the significant

1 factors of service inquiry, design engineering, and connection and testing
2 activities involved in transforming a non-designed and possibly "loaded"
3 voice grade UNE loop into an ADSL compatible loop.
4

5 Q. HOW DO YOU RESPOND TO MR. HYDE'S ALLEGED EXAMPLES ON
6 PAGES 16-18 OF HIS TESTIMONY OF SERVICE ORDERS WHICH
7 SUPPOSEDLY DEMONSTRATE A LACK OF PARITY IN THE SERVICE
8 ORDER PROCESS?
9

10 A. BellSouth witness Alphonso Varner will address any issues of parity
11 associated with this question. It is important to note, however, that
12 unsuccessful service orders will occur daily in both BellSouth's retail and
13 ALEC processes due to a variety of reasons, such as lack of facilities,
14 unanticipated personnel shortages, and the like. BellSouth continually
15 strives to minimize such occurrences by analyzing examples such as
16 those cited by Mr. Hyde and then taking appropriate corrective actions.
17 Indeed, the very exhibits Mr. Hyde has introduced are a part of an
18 interactive quality improvement process between BellSouth and
19 ITC^DeltaCom at the working level to reduce the volume of problems by
20 identifying root causes and taking corrective actions. Individual
21 occurrences by themselves do not mean, as Mr. Hyde seems to contend,
22 that BellSouth's processes fail to provide ALECs with an equal opportunity
23 to compete. It is interesting to note that the number of orders Mr. Hyde
24 listed for analysis dropped from 41 in Exhibit TAH-1 (Jan/Feb orders) to 17
25 in Exhibit TAH-3 (June/July orders). Further, in reviewing typical cases

1 listed in Exhibit TAH-3, it is clear in several cases that the due date was
2 not missed, only that some minor problem occurred in completing the
3 order, or that the end-user requested a delay, or that the customer's
4 facilities were not ready. For example, in the only Florida order on the list,
5 there was a minor delay while both parties ran tests to identify a jack
6 problem, but the order was completed on the due date. In the last order
7 on the exhibit (for a customer in Greenville, S. C.), the order was
8 completed on the due date, but a minor problem with one of the eleven
9 lines was encountered after the cutover. Seven of the seventeen cases
10 listed could not be worked due to a lack of facilities. While the facility
11 delays on the seven orders are regrettable, they are not a failure of
12 service order processing or evidence of discriminatory treatment of
13 ITC^DeltaCom end-users. Those same end-users would have been
14 similarly treated had they been BellSouth's retail customers.

15
16 Q. DOES THIS CONCLUDE YOUR REBUTTAL TESTIMONY?

17
18 A. Yes.

19