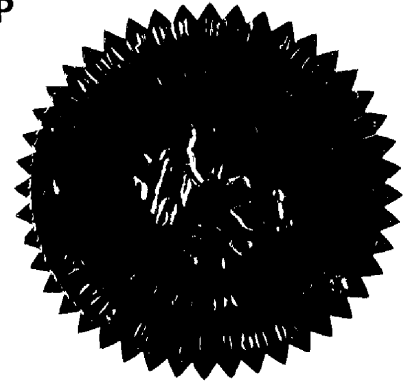


BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 000121-TP

In the Matter of:

INVESTIGATION INTO THE
ESTABLISHMENT OF OPERATIONS
SUPPORT SYSTEMS PERMANENT
PERFORMANCE MEASURES FOR
INCUMBENT LOCAL EXCHANGE
TELECOMMUNICATIONS COMPANIES.



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VOLUME 5
PAGES 808 THROUGH 940

PROCEEDINGS: HEARING

BEFORE: CHAIRMAN E. LEON JACOBS, JR.
COMMISSIONER J. TERRY DEASON
COMMISSIONER LILA A. JABER
COMMISSIONER BRAULIO L. BAEZ
COMMISSIONER MICHAEL A. PALECKI

DATE: Thursday, April 26, 2001

TIME: Commenced at 9:30 a.m.

PLACE: Betty Easley Conference Center
Room 148
4075 Esplanade Way
Tallahassee, Florida

REPORTED BY: TRICIA DEMARTE
Official FPSC Reporter

APPEARANCES: (As heretofore noted.)

DOCUMENT NUMBER DATE

FLORIDA PUBLIC SERVICE COMMISSION 05530 MAY-26

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PROCEEDINGS

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CHAIRMAN JACOBS: Next witness.

MR. KERKORIAN: Yes. Mpower calls Michael Iacino to the stand, please. Mr. Chairman, Mr. Iacino has not yet been sworn.

(Witness sworn.)

CHAIRMAN JACOBS: Thank you. You may be seated.

MICHAEL IACINO

was called as a witness on behalf of the ALEC Coalition and, having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. KERKORIAN:

Q Could you please state your name for the record.

A Michael Iacino.

Q Mr. Iacino, by whom are you employed?

A Mpower Communications.

Q Sir, did you cause to be filed in this docket four pages of direct testimony and an exhibit?

A Correct.

Q And if I were to ask you those questions that are reflected in the prefiled direct testimony, would your answers today be the same?

A Yes, they would.

Q Do you have any changes or corrections to your prefiled

1 testimony?

2 A No.

3 Q Have you prepared a summary of your testimony?

4 A Yes, I have.

5 Q Would you please give that.

6 A Sure. Good afternoon. I appreciate the opportunity to
7 address the Commission today. My name is Michael Iacino, and I
8 am the regional provisioning manager for Mpower Communications.
9 I am responsible for the entire provisioning process from
10 submitting an order for voice grade loops through the customer's
11 conversion process. The main role of my department is to ensure
12 we meet the expectations of our customers by delivering service
13 on time and without trouble.

14 As the Commission knows, in order to provide service to
15 our customers, we need to work closely with BellSouth and
16 coordinate our efforts. The seemingly simple task of providing
17 our customers dial tone requires adherence to detailed procedures
18 by both BellSouth and Mpower. In doing so, BellSouth has
19 designed what is known as business rules, which are the
20 guidelines in which the LCSC, the local carrier service center,
21 follows to process our orders. These are published rules that we
22 must follow so we meet the requirements to successfully submit a
23 request to convert a customer from BellSouth to Mpower. My team
24 is required to follow these requirements without error for a
25 successful conversion.

1 In addition, another main tool we require to use to
2 track our orders are the Web sites that are managed and
3 maintained by BellSouth. We don't expect BellSouth to be
4 perfect, as some level of errors inherent in the process. The
5 frustration as seen by us, the customer, is that BellSouth is not
6 living up to the quality of level of service that we expect as
7 the customer. We understand that the LCSC is not a call center.
8 The business rules are subjective, ambiguous, and not always
9 administered by everybody in the LCSC, so we have no other choice
10 but to call the LCSC. If my reps are on the phone calling in
11 invalid clarifications, they are not producing and processing the
12 orders and meeting the expectations which I have set for them.

13 One thing BellSouth has complete control over is the
14 amount of hold time when a call went into the LCSC. I have
15 witnessed hold times that have ranged anywhere from 20 to 90
16 minutes. These excessive hold times injects a delay in our
17 process.

18 Another major and key issue negatively affecting the
19 process relate to the Web sites not being updated to reflect the
20 correct information, showing conflicting information, or at times
21 are down altogether. This is the only tool we are provided with
22 to track the progress of our orders. These inaccuracies make it
23 difficult at times to check the status of our orders. The only
24 choice at that point is to call the LCSC which we are again
25 subjected to long hold times.

1 In addition, we experience lack of support in following
2 the escalation process that Bell themselves have implemented. I
3 believe this stems from BellSouth's failure to recognize that we
4 are their customer, not their competitor. If we are treated like
5 a customer, the process would go much smoother. When we make a
6 commitment to provide quality service to our customers and these
7 issues delay the process, we often lose credibility or lose the
8 customer altogether. When the errors take place that I just
9 spoke of, our orders are not expedited to compensate for the
10 delay but just add additional days on to processing the orders.
11 These delays cost us business. Our customers are not interested
12 in hearing who made the mistake, who is at fault. All they know
13 is that they signed for service with Mpower Communications, and
14 they are expecting us to deliver that service.

15 The customer's experience oftentimes has a negative
16 impact and this diminishes our reputation. BellSouth is the only
17 vendor who can provide us with the loops we need to service our
18 customers, and being held captive to their process flaws has a
19 negative impact in Mpower's business plan. With this said, I
20 fail to understand how this is good for competition. This
21 concludes my summary.

22 MR. KERKORIAN: Mr. Chairman, I believe I neglected to
23 ask that Mr. Iacino's prefiled direct testimony and the exhibit
24 be admitted into the record as though read.

25 CHAIRMAN JACOBS: Without objection, show the prefiled

1 testimony of Mr. Iacino entered into the record as though read.

2 And there is an exhibit. I don't see an exhibit attached.

3 MR. KERKORIAN: We will make that available as a
4 late-filed exhibit. It's just the process flow for processing an
5 order.

6 CHAIRMAN JACOBS: Okay. You want to designate that as
7 a late-filed --

8 MR. LACKEY: Wait a minute. Is that referenced in his
9 testimony? I just missed it.

10 MR. KERKORIAN: I believe it was.

11 MR. LACKEY: Show me where.

12 MR. KERKORIAN: It's Page 2.

13 THE WITNESS: Line 10.

14 MR. LACKEY: Okay. I see it. I thought that was what
15 was in --

16 MR. KERKORIAN: Page 2, Line 10. For some reason, we
17 didn't get it into the --

18 MR. LACKEY: That's fine. I have no objection,
19 Mr. Chairman. I'm sorry. I'm tired.

20 CHAIRMAN JACOBS: Very well. We will designate that as
21 a late-filed exhibit, and we will title it "Process Flow."

22 (Late-Filed Exhibit 23 identified.)

23

24

25

1 **BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

2 **DIRECT TESTIMONY OF MICHAEL IACINO**

3 **ON BEHALF OF MPOWER COMMUNICATIONS CORP.**

4 **DOCKET NO. 000121-TP**

5 **FEBRUARY 28, 2001**

6
7
8 **Q. PLEASE STATE YOUR NAME, TITLE AND BUSINESS ADDRESS.**

9 My name is Michael Iacino. I am the Regional Provisioning Manager – Florida for
10 Mpower Communications Corp. (“Mpower”). My business address is 1815 Griffin Road, Suite
11 401, Dania, Florida, 33004.

12 **Q. PLEASE STATE YOUR TELECOMMUNICATIONS BACKGROUND AND**
13 **EXPERIENCE.**

14 I have been employed as Mpower’s Regional Provisioning Manager - Florida since
15 March 2000. In this role, I am responsible for all facets of Mpower’s provisioning activities –
16 from order entry through “cut to bill” in all of Mpower’s Florida markets (presently South
17 Florida, Tampa, Orlando and Jacksonville). Prior to joining Mpower, I held similar positions
18 with National Tel/Intermedia Communications and PaeTec Communications. I have been
19 employed in the telecommunications industry since 1993.

20 **Q. PLEASE DESCRIBE MPOWER’S GENERAL BUSINESS PLAN.**

21 Mpower is a Competitive Local Exchange Carrier (CLEC) offering voice and high speed
22 data services to small and mid-size businesses in Florida. To provide these services, Mpower
23 orders voice grade loops, xDSL capable loops, and unbundled interoffice transport from
24 BellSouth, Verizon and Sprint.

25 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

1 My testimony is intended to provide this Commission with real world examples of the
2 types of difficulties Mpower experiences with BellSouth's Local Carrier Service Center
3 ('LCSC'), and the impact those difficulties have on Mpower's provisioning efforts.

4 **Q. PLEASE EXPLAIN GENERALLY THE PROVISIONING PROCESS AS IT**
5 **RELATES TO BELL SOUTH'S LCSC.**

6 Once a Mpower sales representative convinces a BellSouth customer to switch service to
7 Mpower, and completes the initial order form, the process of transferring service becomes my
8 responsibility. The provisioning process is depicted graphically in Exhibit MI-1, and is as
9 follows:

- 10 • My team receives an order from the sales team and reviews it internally for
11 accuracy.
- 12 • The order is sent to BellSouth LCSC for processing.
- 13 • The LCSC clerical department will sort & scan the order for accuracy (all pages
14 accounted for and fields populated).
- 15 • If the LCSC determines that the order is not accurate it will be rejected back to
16 Mpower.
- 17 • Once the LCSC accepts order, it is assigned the LON (LEC Order Number).
- 18 • If Local Number Portability (LNP) is requested by Mpower, the LCSC logs it into
19 the LNP Gateway, and the order flows to the LCSC the LCSC Supervisor for
20 distribution. If no LNP is requested, the order goes directly to the Supervisor for
21 order distribution.
- 22 • The order team at BellSouth then begins to process the order. If this team makes
23 the determination that the order is inaccurate or incomplete, it is sent back to
24 Mpower for clarification. If this team accepts the order, it sends Mpower a Firm
25 Order Confirmation (FOC).

- 1 • Once LCSC FOC's the order, it goes to AFIG for engineering of the loop and/or
2 validation that facilities are available to process the order.
- 3 • If AFIG determines facilities are unavailable, it place the order in Pending
4 Facilities (PF) status, which places the order on hold while BellSouth searches for
5 available facilities to fill the order. Alternatively, AFIG can send the order back
6 to the LCSC if it determines there are errors or inaccuracies. If AFIG confirms
7 that facilities exist and that everything is acceptable, it sends the order to
8 WIN/UNE Center for cut over from BellSouth to Mpower.
- 9 • Once received from AFIG, BellSouth will call Mpower 24 hours prior to FOC
10 date for concurrence, as we generally pay an extra fee to BellSouth to obtain this
11 order coordination. Once concurrence is given, BellSouth will call back the next
12 day to turn up the line.

13 **Q. HAS MPOWER EXPERIENCED ANY DIFFICULTIES WITH THIS PROCESS?**

14 Yes. The biggest and most frustrating problem is that BellSouth's business rules – the
15 guidelines the LCSC follows to process Mpower's orders – are ambiguous and not fully
16 understood by BellSouth. This injects a great deal of subjectivity and inconsistency into the
17 provisioning process. As a result, Mpower is required to contact the LCSC by telephone to
18 clarify these ambiguities/inconsistencies. Generally, Mpower experiences excessively long hold
19 times when calling into the LCSC. Oftentimes, Mpower is required to telephone the LCSC with
20 questions about clarification from the LCSC that are invalid, confusing or incomplete, or that are
21 inconsistent with the information posted on BellSouth's various CLEC websites. Unfortunately,
22 these holds times have ranged from 20 to over 90 minutes when calling the toll free number
23 (800-872-3116).

24 Also, Mpower has been receiving invalid clarifications as BellSouth representatives are
25 clarifying Mpower orders in error or not providing enough information on the clarification for

1 Mpower to understand and correct the error. This causes longer provisioning intervals and inturn
2 causes a delay in switching the customer from BellSouth to Mpower.

3 Another instance causing a delay in processing our orders involves incomplete or wrong
4 FOC information, system outages, and inaccurate information, such as duplicate circuit ID's or
5 missing circuit ID's, no all telephone numbers listed on the FOC, wrong due date intervals, etc.

6 Finally, Mpower has found material inaccuracies on BellSouth's CLEC websites. The
7 websites are supposed to give Mpower the ability to track the status of an order on line.
8 However, BellSouth regularly fails to update these websites, or posts inaccurate information. All
9 of these inaccuracies and errors intensify Mpower's need to contact the LCSC by phone in order
10 to process orders for our customers in a timely fashion.

11 **Q. HAVE THESE DIFFICULTIES ADVERSELY IMPACTED MPOWER'S**
12 **PROVISIONING EFFORTS IN FLORIDA?**

13 Yes. When Mpower makes a commitment to our customers and the above LCSC internal
14 process flaws cause these delays, we can lose the customer because they become frustrated on
15 the timeframe or with the process. They are not interested in hearing what the problem is, only
16 that it's Mpower who is causing their delay in service. Some of these delays along with a
17 multitude of others can cause delays of days or longer in the provisioning/switching of their
18 service, causing a lack of confidence in the proposed performance of Mpower to meet their
19 needs. The bottom line is that the only vendor available to us -- BellSouth -- is unable to deliver
20 consistent performance. Thus through no fault of our own, our customer's experience is
21 adversely impacted, thereby diminishing Mpower's business reputation and its ability to compete
22 successfully with BellSouth.

23 **Q. DOES THIS COMPLETE YOUR TESTIMONY?**

24 Yes.

25

1 MR. KERKORIAN: Thank you. With that, Mr. Chairman,
2 the witness is available for cross.

3 CHAIRMAN JACOBS: Very well. Any cross? Mr. Lackey.

4 MR. LACKEY: It's me again, sir.

5 CROSS EXAMINATION

6 BY MR. LACKEY:

7 Q Mr. Iacino, my name is Doug Lackey. I'm an attorney
8 with BellSouth. As I understand it, on Page 2 of your testimony,
9 beginning on Line 10 and running through what appears to be Line
10 12 on Page 3, you've sort of laid out the flow of an order.

11 A Correct.

12 Q You've been here when I've been going through with the
13 earlier witnesses all the measures?

14 A Yes.

15 Q Have you looked at our proposed SQM?

16 A No, I have not.

17 Q Well, the question I was going to ask you was whether
18 you could identify any step in this process that's critical to
19 you for which there is no measurement in our SQM, so we didn't
20 have to go through it one by one. But I guess you're going to
21 tell me you can't do that.

22 A That's correct.

23 Q Okay. Do you have the SQM there, a copy of one?

24 A No, I do not.

25 MR. LACKEY: Someone give him a copy.

1 Q I'm not going to do that. How about turning to Page 3?
2 You were talking about hold times; is that right?

3 A Correct.

4 Q You've got the documents still in front of you. Look
5 at O-12, and see if we haven't included a provision that address
6 speed of answer and the ordering center. Do you see it?

7 A Yes.

8 Q Okay. Now, it doesn't have a Tier 1 or Tier 2 penalty
9 associated with it, but it does capture how long on average the
10 queue is in to our LCSC; isn't that right?

11 A Correct.

12 Q So if there are inordinately long holding times, it
13 will show up in that measurement in the future, won't it, if this
14 measurement is adopted?

15 A It should.

16 Q Now, you talk about calling the LCSC, and you state on
17 Page 3 at Lines 14 and 15 that BellSouth's business rules are
18 ambiguous and not fully understood by BellSouth. Does that mean
19 that your reps understand them, and they're not ambiguous for
20 your folks, but they are for ours?

21 A No, that's not it. And if I may go back on the hold
22 times. My understanding is, that's not part of the remedy plan.
23 So I'm not understanding why that would be measured if there's no
24 motivation or no penalty with that.

25 Q I'm sorry. Would you say that again? I couldn't hear

1 you.

2 A In 2-30, talking about the LCSC hold times, my
3 understanding is, that is not part of the remedy plan, so I don't
4 understand the motivation if there is no penalty with that,
5 whether it goes from 2 minutes or to 90 minutes. It's not
6 measurable.

7 Q Are you back talking about the answer times again?

8 A Yes.

9 Q I had asked another question. Did you go back to that
10 one, and I just missed it?

11 A I did. I asked you if I could.

12 Q All right. There's no penalty associated with it, but
13 at least there will be a record. And if it turns out that it's
14 90 minutes to 2 hours holding time, then there will be some
15 evidence that that's what's happening; right?

16 A I cannot confirm that. And let me give you a reason
17 why. I have placed calls to the LCSC when the rep outside my
18 office was on hold for 20 minutes, and I was told that the
19 average call time was 2 minutes. When I had them check, they
20 came back a half hour later and admitted there was a problem. So
21 I can't confirm that.

22 Q You think we're going to propose a measurement, and
23 then inaccurately report the results of it? Is that your
24 testimony?

25 A All I can say is, I'm here to provide the Commission

1 with real examples as to what I'm experiencing out there on the
2 floor. I'm not saying that the data is wrong. But the time that
3 I did call to question it and was told that's not possible, and
4 then they came back and said, yes, I know of several instances
5 where we have called and there have been problems with the ACD.
6 So I can't say that that is 100 percent accurate.

7 Q Do you know whether it's even been implemented yet?

8 A I'm sorry, sir?

9 Q Do you know whether it's been implemented yet?

10 A No, I have not. I don't know how old the data is you
11 have.

12 Q Do you know that this plan is going to be audited by an
13 independent third-party auditor?

14 A No, I do not.

15 Q Now, can I move on to the business rules now? You say
16 that they are ambiguous and not fully understood by BellSouth.
17 My question to you was: Does that mean that they are not
18 ambiguous and they're fully understood by your reps, it's just
19 ours that have a problem?

20 A I can't say that we don't -- that there is no
21 subjectivity in our end, but I can say on the examples that I
22 have come across, just about all the instances have been on the
23 BellSouth side. The business rules are in black and white, and
24 they are out there for everybody to see. They are subjective.
25 The examples I'm coming across are errors that the LCSC reps have

1 made and have admitted to us which causes us to resubmit the
2 order, and now the process has been delayed a day or days.

3 Q Does it ever happen that -- do you submit orders
4 manually?

5 A We submit -- we fax orders; correct.

6 Q Is what we're talking sometimes you get one back
7 because the service rep can't read what your rep has written?

8 A No. Actually, it's done electronically through the LSR
9 web, so I have not heard of that instance.

10 Q I'm sorry. I thought they were faxed. Are they faxed?

11 A It's an electronic system. We send it electronically,
12 and it faxes through the system to the other end.

13 Q Well, I'm trying to get an example of what you're
14 talking about, something that -- a business rule that was
15 ambiguous and not fully understood by BellSouth.

16 A It could be a certain field that maybe should be a "W,"
17 but a rep interprets it that it's okay to be a "U," but if you
18 resubmit it to another rep or when the order is resubmitted
19 again, it really is supposed to be a "W." There's all different
20 fields that are populated on there.

21 Q Which one of the ALEC proposed service quality
22 measurements is going to capture that?

23 A I don't know.

24 MR. LACKEY: That's all I have. Thank you,
25 Mr. Chairman.

1 CHAIRMAN JACOBS: Very well. Staff.

2 MR. FUDGE: Staff has no questions.

3 CHAIRMAN JACOBS: Commissioners.

4 COMMISSIONER PALECKI: I have some very brief
5 questions. Would the process work more quickly if these orders
6 were electronically transferred rather than faxed?

7 THE WITNESS: Absolutely.

8 COMMISSIONER PALECKI: Now, when you fax the orders,
9 are they on a BellSouth provided form?

10 THE WITNESS: They are on a standardized LSOC form --
11 LSR form that all carriers use.

12 COMMISSIONER PALECKI: What is the timing as far as, do
13 you have a problem in the number of days it takes for you to
14 receive the firm order confirmation?

15 THE WITNESS: No, I do not.

16 COMMISSIONER PALECKI: So it is something that happens
17 relatively quickly except when you have problems where there is a
18 problem or dissatisfaction with the form.

19 THE WITNESS: Correct. The standard interval on that
20 is 48 hours.

21 COMMISSIONER PALECKI: Have things improved over time
22 as your people have learned how to properly fill out these forms?

23 THE WITNESS: There are a lot of instances. Once
24 BellSouth releases a new class of trainees from the LCSC, we will
25 see a spike in erroneous clarifications. So it is -- I can't go

1 back and say, well, yeah, the process has improved over the last
2 six months. It's hit and miss. We could have some good days or
3 a good week or a good two weeks, and then back to receiving
4 clarifications that we should not have received.

5 COMMISSIONER PALECKI: Thank you.

6 CHAIRMAN JACOBS: Redirect.

7 MR. KERKORIAN: No redirect.

8 CHAIRMAN JACOBS: Very well. Thank you, Mr. Iacino.
9 You're excused.

10 THE WITNESS: Thank you.

11 (Witness excused.)

12 CHAIRMAN JACOBS: One late-filed exhibit. Do you want
13 to put a time on that as well?

14 MR. FUDGE: Yes. Do you know when you can have that
15 late-filed exhibit provided?

16 MR. KERKORIAN: As soon as I get back to my office. By
17 next Friday; is that fine?

18 MR. FUDGE: That's fine.

19 CHAIRMAN JACOBS: A week. Very well. Thank you. It's
20 my understanding that Mr. Bell, we can take care of his testimony
21 pretty quickly.

22 MR. FUDGE: Commissioner, first, we have Witnesses
23 Gulas, Kramer, and Rubino are scheduled next.

24 CHAIRMAN JACOBS: Yes, we do need to take care of that.

25 MR. FUDGE: And at the beginning of the hearing, they

1 were stipulated, and I think their testimony can be read into the
2 record -- I mean, inserted into the record as though read at this
3 time.

4 CHAIRMAN JACOBS: Let's do that now. Without
5 objection, show the prefiled testimonies of Mr. Gulas,
6 Mr. Kramer, and Mr. Rubino are entered into the record as though
7 read.

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1 **BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

2
3 **IDS TELCOM, LLC**

4
5 **DIRECT TESTIMONY OF WILLIAM P. GULAS**

6
7
8 **IN RE: INVESTIGATION INTO THE ESTABLISHMENT OF OPERATIONS**
9 **SUPPORT SYSTEMS PERMANENT PERFORMANCE MEASURES FOR**
10 **INCUMBENT LOCAL EXCHANGE TELECOMMUNICATIONS COMPANIES.**
11 **DOCKET NO. 000121-TP**
12
13

14 **Q: PLEASE STATE YOUR FULL NAME AND BUSINESS ADDRESS FOR**
15 **THE RECORD.**

16 A: My name is William P. Gulas, and I am the Vice President of Local Services
17 of IDS Telcom, LLC ("IDS") located at Miami, Florida.

18
19 **Q: PLEASE PROVIDE A BRIEF DESCRIPTION OF YOUR BACKGROUND**
20 **AND EXPERIENCE.**

21 A: Before recently joining IDS, I worked for 11 years at BellSouth
22 Telecommunications, Inc. ("BellSouth"), most recently as product manager for
23 the company's switched combination services. As product manager for what
24 is known in the industry as the UNE-P product, I designed the product,
25 defined its characteristics complying with legal and regulatory requirements,
26 wrote the marketing plan, guided the product team through its development of
27 the service and educated both senior management and the sales force about
28 the product.

1 I was also involved in negotiating interconnection agreements with
2 competitive local exchange carriers (“LECs”), including AT&T, WorldCom,
3 and sprint, and I helped the sales force by making presentations to customers
4 about the product and answering their questions.

5 Before becoming a product manager, I worked in the competitive analysis
6 and market research groups in BellSouth and as such I am very familiar with
7 the telecommunications competitive landscape.

8 I hold a Masters Degree in Marketing and an undergraduate degree in
9 Business Administration from the University of Alabama, and a Masters
10 Certificate in Product management from George Washington University.

11
12 **Q: COULD YOU PLEASE DESCRIBE BRIEFLY THE SCOPE OF YOUR**
13 **CURRENT RESPONSIBILITIES AT IDS?**

14 A: I am a Vice President of Local Services with IDS. My duties and functions
15 include responsibility for negotiating and administering interconnection
16 agreements between IDS and incumbent LECs. In particular, I have primary
17 responsibility for conducting negotiations on behalf of IDS with BellSouth for
18 an interconnection agreement pursuant to the Telecommunications Act of
19 1996.

20
21 **SUMMARY AND PURPOSE OF TESTIMONY**

22 **Q: WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

1 A: I am testifying on behalf of IDS Telcom, LLC ("IDS"), an alternative local
2 exchange company ("ALEC") certificated and operating in the State of Florida.
3 As an alternative local exchange company operating in Florida and providing
4 telecommunications services to business customers, IDS must purchase
5 telecommunications services on a resale and unbundled network element
6 (UNE) basis from incumbent local exchange carriers such as BellSouth and
7 Sprint. IDS must provision those resale services and UNEs through use of
8 the incumbent local exchange carriers' operations support systems (OSS).
9 Therefore, performance metrics set by the Commission in this proceeding will
10 directly and substantially affect IDS' ability to provide services to Florida
11 consumers. Therefore, IDS has an important and substantial interest in this
12 proceeding.

13

14 **Q: Please summarize your testimony.**

15 A: IDS has experienced tremendous difficulties with the OSS provided by
16 BellSouth in terms of the provisioning of telecommunications services for
17 resale and the provisioning of UNEs. IDS has had extensive experience in
18 the use of BellSouth's OSS and has found that BellSouth's OSS continues to
19 cripple IDS' operations and to completely hinder any possibility of the
20 development of competition in the local exchange services market. Any
21 performance measures adopted by the Commission must be easily
22 understandable, enforceable and verifiable, and must provide for serious
23 ramifications in the event of BellSouth's continued failure to meet its

1 obligations regarding the provision of OSS that are at parity with its internal

2 OSS.

3

4 **Q: Does this conclude your testimony?**

5 A: Yes, it does

1 **BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

2
3 **IDS TELCOM, LLC**

4
5 **DIRECT TESTIMONY OF KEITH KRAMER**

6
7
8 **IN RE: INVESTIGATION INTO THE ESTABLISHMENT OF OPERATIONS**
9 **SUPPORT SYSTEMS PERMANENT PERFORMANCE MEASURES FOR**
10 **INCUMBENT LOCAL EXCHANGE TELECOMMUNICATIONS COMPANIES.**
11 **DOCKET NO. 000121-TP**
12
13

14 **Q: PLEASE STATE YOUR FULL NAME AND BUSINESS ADDRESS FOR**
15 **THE RECORD.**

16 A: My name is Keith Kramer, Senior Vice President of IDS Telcom, LLC, located
17 at Miami, Florida.

18
19 **Q. PLEASE PROVIDE A BRIEF DESCRIPTION OF YOUR BACKGROUND**
20 **AND EXPERIENCE.**

21 A. I began my telecommunications career in 1994 as Director of Sales and
22 Marketing at IDS. I have a Bachelors Degree in Business from the University
23 of Miami, a Master's Degree from Florida International University and over 15
24 years experience in retail sales and marketing.

25
26 **Q: COULD YOU PLEASE DESCRIBE BRIEFLY THE SCOPE OF YOUR**
27 **CURRENT RESPONSIBILITIES AT IDS?**

28 I am responsible for product development and promotion for IDS.

1 I have developed the sales division and managed the staff, at IDS producing
2 an astounding revenue growth of \$1.2 million to \$40 million per year. More
3 recently, I led the company's UNE-P development along with Operator
4 Services and interface systems between IDS and BellSouth
5 Telecommunications, Inc. ("BellSouth"). I have negotiated the UNE contracts
6 with BellSouth, Bell Atlantic and Southwestern Bell which led to my promotion
7 to the position of Senior Vice President. I am currently responsible for all
8 interconnection agreements, regulatory issues such as tariffs and certification
9 in other states and the network planning for implementing the expansion of
10 IDS.

11

12 **Q: WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

13 A: I am testifying on behalf of IDS Telecom, LLC ("IDS"), an alternative local
14 exchange company ("ALEC") certificated and operating in the State of Florida.
15 As an alternative local exchange company operating in Florida and providing
16 telecommunications services to business customers, IDS must purchase
17 telecommunications services on a resale and unbundled network element
18 (UNE) basis from incumbent local exchange carriers such as BellSouth and
19 Sprint. IDS must provision those resale services and UNEs through use of
20 the incumbent local exchange carriers' operations support systems (OSS).
21 Therefore, performance metrics set by the Commission in this proceeding will
22 directly and substantially affect IDS' ability to provide services to Florida

1 consumers. Therefore, IDS has an important and substantial interest in this
2 proceeding.

3

4 **Q: PLEASE SUMMARIZE YOUR TESTIMONY.**

5 A: IDS has experienced tremendous difficulties with the OSS provided by
6 BellSouth in terms of the provisioning of telecommunications services for
7 resale and the provisioning of UNEs. IDS has had extensive experience in
8 the use of BellSouth's OSS and has found that BellSouth's OSS continues to
9 cripple IDS' operations and to completely hinder any possibility of the
10 development of competition in the local exchange services market. Any
11 performance measures adopted by the Commission must be easily
12 understandable, enforceable and verifiable, and must provide for serious
13 ramifications in the event of BellSouth's continued failure to meet its
14 obligations regarding the provision of OSS that are at parity with its internal
15 OSS.

16

17 **Q: DOES THIS CONCLUDE YOUR TESTIMONY?**

18 A: Yes, it does

1 **BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

2
3 **IDS TELCOM, LLC**

4
5 **SUPPLEMENTAL DIRECT TESTIMONY OF KEITH KRAMER**

6
7
8 **IN RE: INVESTIGATION INTO THE ESTABLISHMENT OF OPERATIONS**
9 **SUPPORT SYSTEMS PERMANENT PERFORMANCE MEASURES FOR**
10 **INCUMBENT LOCAL EXCHANGE TELECOMMUNICATIONS COMPANIES.**
11 **DOCKET NO. 000121-TP**

12
13
14 **Q: PLEASE STATE YOUR FULL NAME AND BUSINESS ADDRESS FOR**
15 **THE RECORD.**

16 **A:** My name is Keith Kramer, Senior Vice President of IDS Telcom, LLC, located
17 at Miami, Florida.

18
19 **Q: PLEASE PROVIDE A BRIEF DESCRIPTION OF YOUR BACKGROUND**
20 **AND EXPERIENCE.**

21 **A:** I began my telecommunications career in 1994 as Director of Sales and
22 Marketing at IDS. I have a Bachelors Degree in Business from the University
23 of Miami, a Master's Degree from Florida International University and over 15
24 years experience in retail sales and marketing.

25
26 **Q: COULD YOU PLEASE DESCRIBE BRIEFLY THE SCOPE OF YOUR**
27 **CURRENT RESPONSIBILITIES AT IDS?**

28 **A:** I am responsible for product development and promotion for IDS.

1 I have developed the sales division and managed the staff, at IDS producing
2 an astounding revenue growth of \$1.2 million to \$40 million per year. More
3 recently, I led the company's UNE-P development along with Operator
4 Services and interface systems between IDS and BellSouth
5 Telecommunications, Inc. ("BellSouth"). I have negotiated the UNE contracts
6 with BellSouth, Bell Atlantic and Southwestern Bell which led to my promotion
7 to the position of Senior Vice President. I am currently responsible for all
8 interconnection agreements, regulatory issues such as tariffs and certification
9 in other states and the network planning for implementing the expansion of
10 IDS.

11
12 **Q: WHAT IS THE PURPOSE OF YOUR SUPPLEMENTAL DIRECT**
13 **TESTIMONY?**

14 **A:** I am testifying on behalf of IDS Telcom, LLC ("IDS"), an alternative local
15 exchange company ("ALEC") certificated and operating in the State of Florida.
16 As an alternative local exchange company operating in Florida and providing
17 telecommunications services to business customers, IDS must purchase
18 telecommunications services on a resale and unbundled network element
19 (UNE) basis from incumbent local exchange carriers such as BellSouth and
20 Sprint. IDS must provision those resale services and UNEs through use of
21 the incumbent local exchange carriers' operations support systems (OSS).
22 Therefore, performance metrics set by the Commission in this proceeding will
23 directly and substantially affect IDS' ability to provide services to Florida

1 consumers. Therefore, IDS has an important and substantial interest in this
2 proceeding.

3 **Q: WHY IS IT NECESSARY FOR YOU TO PROVIDE THIS SUPPLEMENTAL**
4 **DIRECT TESTIMONY?**

5 **A:** I am providing Supplemental Direct Testimony because, at the time of the
6 filing of my original Direct Testimony, I had not had the opportunity to review
7 the Staff's Direct Testimony filed in February 2001, nor had I had the
8 opportunity to draft complete testimony. IDS has not had the opportunity to
9 participate in this ongoing proceeding for the last two years because IDS is a
10 small operation. As a small company, IDS has devoted its limited resources
11 to trying to provide local and long distance services instead of participating in
12 this, although very worthwhile, very expensive proceeding. Another very
13 significant reason for this Supplemental Direct Testimony is that there have
14 been numerous occurrences since the due date for the original direct
15 testimony of March 1, 2001, about which IDS could not have known when
16 filing its direct testimony on March 1, 2001. IDS is a company which has had
17 daily, direct experience with BellSouth's OSS Systems in regard to providing
18 local telecommunications services for the past two years. This type of
19 practical, actual hands-on experience appears to be somewhat unique. I
20 believe that IDS' experience provides a useful perspective to the Commission
21 as regards the types of performance metrics that need to be established by
22 the Commission if any type of competition in the local exchange services
23 market is ever going to develop.

1 **Q: PLEASE SUMMARIZE YOUR TESTIMONY.**

2 **A:** IDS has experienced tremendous difficulties with the OSS provided by
3 BellSouth in terms of the provisioning of telecommunications services for
4 resale and the provisioning of UNEs. IDS has had extensive experience in
5 the use of BellSouth's OSS and has found that BellSouth's OSS continues to
6 cripple IDS' operations and to completely hinder any possibility of the
7 development of competition in the local exchange services market. Any
8 performance measures adopted by the Commission must be easily
9 understandable, enforceable and verifiable, and must provide for serious
10 ramifications in the event of BellSouth's continued failure to meet its
11 obligations regarding the provision of OSS that are at parity with its internal
12 OSS. IDS strongly supports the Staff's proposed general plan as presented
13 by Paul Stallcup's testimony filed in this proceeding. IDS supports Staff's
14 proposal because it contains incentives to compel BellSouth to provide
15 services to ALECs at parity with those provided to BellSouth's customers.
16 These incentives, in the form of monetary payments to ALECs in addition to
17 penalties to be paid to the State of Florida General Revenue Fund, will
18 provide the necessary motivation to BellSouth to bring its OSS Systems to a
19 fully functional level. Up to this point in time, BellSouth's OSS Systems have
20 not functioned properly and BellSouth has not provided service at parity to
21 ALECs. BellSouth has had no significant negative regulatory or legal
22 consequences as a result of its non-compliant service, either in the form of

1 regulatory penalties or money damages. This proceeding has the potential to
2 provide those essential negative regulatory and legal consequences.

3
4 **Q: CAN YOU PROVIDE A BRIEF HISTORY OF IDS' RELATIONSHIP WITH**
5 **BELLSOUTH?**

6 **A:** Yes. On November 11, 1999, IDS entered into an Agreement with BellSouth
7 to sell Port/Loop Combinations with a Professional Service Fee attached.
8 The Agreement was the result of good faith negotiations that started in April
9 1999. The Agreement spelled out two forms of electronic interfaces, EDI and
10 TAG. In August 1999, IDS chose EDI as the electronic interface by which it
11 would convert customers to UNE Port/Loop Combinations. During that
12 month, IDS sent operational personnel to BellSouth for training. After IDS
13 signed the Agreement, IDS attempted to convert its existing "resale" customer
14 base to the UNEs as provided for in the Agreement. IDS had no success in
15 this effort. BellSouth's customer service manager, Patty Knight, informed me
16 that this was a training issue and suggested that BellSouth re-train our
17 operational personnel. IDS agreed and the re-training commenced in
18 December 1999. During the training session, IDS asked the trainers, Patty
19 Knight and Pat Rand, to demonstrate EDI by converting some of our resale
20 customers to UNE-P. Both representatives were unsuccessful in performing
21 Port/Loop conversions through EDI. IDS later concluded that EDI would not
22 be a successful interface for Port/Loop conversions.

1 In January 2000, IDS ordered TAG to replace EDI. BellSouth informed
2 IDS that the installation and testing for TAG could not be performed until late
3 May 2000. IDS responded that this was unacceptable. IDS stated that it
4 would complain to the Florida Public Service Commission if BellSouth did not
5 install TAG sooner than May 2000. IDS also evaluated other OSS systems to
6 interface with TAG, including BellSouth, ROBOTAG, and MANTISS.

7 Although both MANTISS and TAG were operational in March 2000, IDS was
8 still unsuccessful at converting its resale base to UNE-P because BellSouth
9 provided IDS an incorrect USOC. After several weeks, IDS obtained the
10 correct USOC from BellSouth. However, IDS continued to experience
11 difficulties in conversions of its resale customers to UNE-Ps because
12 BellSouth had failed to enter the correct USOC into its billing system. After
13 BellSouth entered the correct USOC, IDS again attempted in mid-April 2000
14 to convert its resale base to UNE-P. At this point, IDS found that BellSouth
15 had frozen IDS' resale base for internal reasons, so IDS could not move its
16 resale base to UNE-P.

17 Nearing the end of April 2000, BellSouth asked IDS to be part of a
18 BETA-test for bulk ordering conversions (See Exhibit A). IDS was still
19 considering this request by BellSouth when, in the first week of May at the
20 BellSouth CLEC forum, it was announced that bulk ordering capabilities were
21 ready. IDS verified that BellSouth's announcement as to the readiness and
22 functionality of its bulk ordering capabilities for UNE-P was reflected on the
23 BellSouth Web site.

1 IDS was BellSouth's first customer to use bulk ordering to convert an
2 entire set of resale customers to UNE-P. When IDS used BellSouth's bulk
3 ordering system, IDS discovered that the system was not functional. This
4 caused a great disruption of services to IDS' customers. BellSouth took 48
5 hours to identify the problem and two weeks to fully correct the problems
6 caused our customers. During this crisis, when IDS' customers were
7 experiencing problems, IDS discovered that BellSouth's retail operation was
8 informing IDS' customers that the problems were created by IDS. The retail
9 operation stated to IDS' customers that, if they would come back to BellSouth,
10 their services would be restored within the hour. IDS reported this to
11 BellSouth's wholesale operation, which responded with a letter to Joe
12 Millstone, CEO of IDS, acknowledging that BellSouth had caused these
13 problems. (See Exhibit B.)

14 After the immediate problems were addressed, BellSouth again asked IDS
15 to BETA-test the bulk ordering system. This BellSouth request absolutely
16 confirmed that BellSouth had previously released an untested system. IDS
17 agreed to BETA-test the bulk ordering system but, during the testing phase,
18 BellSouth denied IDS the option to purchase Port/Loop conversions.

19 Referring to the limitation of liability provision in the Interconnection
20 Agreement between IDS and BellSouth, BellSouth refused to assume any
21 liability for damages incurred by IDS as a direct result of BellSouth's actions.
22 BellSouth's actions constituted gross negligence. To mitigate the damages it
23 caused IDS, BellSouth offered only a partial month's credit of \$31,000 and an

1 apology letter. IDS lost 712 lines for both local and long distance services,
2 which translates into over a million dollars in annualized lost revenue. IDS
3 continues to have serious OSS conversion problems. During the months of
4 August and September 2000, IDS had continuing problems with what is
5 referred to as "D" and "N" orders. In "D" and "N" orders, the customer's
6 service is deactivated and then reactivated as new service. During the
7 months of August and September 2000, due to system upgrades, an
8 overwhelming number of IDS' customers were put out of service because the
9 "D" orders went through, but not the "N" orders.

10 In October 2000, IDS discovered that, if its customer has voice mail,
11 BellSouth disconnects the customer's voice mail during the conversion to
12 IDS. The customer's voice mail requires reprogramming. This is an on-going
13 issue.

14 In November 2000, IDS discovered that BellSouth was completing only
15 55% of the conversions on the "PON" due date. BellSouth was placing the
16 balance of the conversions into a pending status. IDS informed BellSouth of
17 this problem on a number of occasions. (See Exhibit C.) However, the
18 problem increased significantly in December 2000 when several additional
19 issues came to light.

20 BellSouth's LENS system has had systemic problems on a continual
21 basis, especially during a system upgrade that was begun in early September
22 2000. At this point, BellSouth was converting less than 50% of IDS'
23 customers on the PON due date. BellSouth was delaying the majority of the

1 conversions for four to five weeks. Frequently, BellSouth's retail operation
2 aggressively worked to win back IDS' customers while the customers'
3 conversions were in a pending status. BellSouth was practically 100%
4 successful in this effort. The data IDS was receiving through LENS was
5 inaccurate. BellSouth was reflecting the conversion date as the PON due
6 date even when the actual conversion was completed days or weeks after the
7 PON due date. BellSouth was manipulating the data on the conversion date
8 by back-dating the conversion date to the PON due date. IDS has raised this
9 issue with BellSouth. (See Exhibit D.)

10 IDS' current OSS problems include: (1) BellSouth's retail operation has
11 inappropriate access to BellSouth's wholesale operation's conversion
12 process. This enables BellSouth's retail operation to win back customers
13 prior to BellSouth's wholesale operation completing the initial conversion of
14 the customers to IDS and reflecting such conversion by updating the
15 Customer Service Record. (2) IDS' customers with voice mail systems suffer
16 outages during the conversion process. (3) IDS' customers are not being
17 converted in a transparent transaction; IDS' customers are being
18 disconnected from their telecommunications services during their conversion
19 to IDS. These customers are suffering outages that they frequently attribute
20 to IDS as a result of BellSouth's retail operation's misrepresentations. (4)
21 BellSouth's wholesale operation takes an extraordinarily long time to
22 provision new services ordered by IDS' customers compared to the time it
23 takes BellSouth's retail operation to provision the same services. Often

1 these customers are told that, if they return to BellSouth, their new services
2 can be provisioned within hours.

3
4 **Q: WHAT ADDITIONAL INCIDENTS RELEVANT TO BELL SOUTH'S OSS**
5 **SYSTEMS AND THE PERFORMANCE METRICS AT ISSUE IN THIS**
6 **PROCEEDING HAVE OCCURRED SINCE THE MARCH 1, 2001,**
7 **DEADLINE FOR DIRECT TESTIMONY?**

8 **A:** Since March 1, 2001, IDS has experienced several incidents related to
9 BellSouth's OSS Systems that suggest the need for the type of performance
10 metrics and enforcement measures laid out in Staff's proposal.

11 During the past several weeks, IDS has learned that fifty-three of its
12 accounts have been contacted by BellSouth's retail division prior to IDS
13 even receiving a Firm Order Confirmation. During these contacts,
14 BellSouth's retail offers inducements to these customers to win them back
15 to BellSouth's service. These types of coincidental actions by BellSouth's
16 retail division strongly suggest that BellSouth's OSS Systems are providing
17 inappropriate sharing of information regarding new ALEC customers
18 between BellSouth wholesale and BellSouth retail permitting BellSouth retail
19 to contact these customers and win them back with inducements prior to
20 even completing the conversions to the ALEC.

21 IDS has also learned in the past few weeks that when IDS submits a
22 "suspend" order to BellSouth, BellSouth has been frequently placing these
23 customers in a "disconnect" mode. When this happens, BellSouth

1 disconnects a customer that owes money to IDS and IDS is then prevented
2 from obtaining payment of those owed monies and BellSouth is permitted to
3 win the customer back from IDS by providing service. If BellSouth properly
4 implemented the "suspend" order, IDS would retain the customer. This
5 would prevent BellSouth from providing service, and thus, IDS could compel
6 payment of the customer's bill since service would be "suspended" until
7 payment. This type of practice by BellSouth continually results in IDS losing
8 additional customers back to BellSouth. Again, without reasonable and
9 clear performance metrics and an effective enforcement mechanism as
10 contained in the Staff's proposal, BellSouth pays no damages or penalties
11 for these types of sub-parity services provided to IDS and other ALECs.

12 As of today's date, IDS has experienced yet another incident that
13 illustrates the fact that, without clear, reasonable performance metrics and
14 an effective enforcement mechanism, BellSouth can continue to provide
15 extremely financially-costly sub-parity service to IDS and other ALECs with
16 impunity. A business customer with 36 lines for whom IDS had recently
17 submitted a conversion "as is" order to BellSouth, called IDS today. This
18 customer stated that a BellSouth technician was at his premises to
19 disconnect his telephone services because IDS had submitted an order to
20 convert his service to IDS. When presented with IDS' statement that this
21 customer's service was to be converted "as is", the BellSouth technician
22 replied that he was "following his orders" by disconnecting the customer's
23 service. This customer's service could be out for hours or days depending

1 on how long BellSouth takes to recognize the mistake it has made in not
2 converting this customer's service "as is." Under the current regime without
3 reasonable performance metrics and a serious enforcement mechanism as
4 Staff has recommended, BellSouth will pay no damages to IDS for this
5 mistake which has occurred consistently and frequently over the past two
6 years. BellSouth will, in fact, charge IDS for its visit to this business
7 customer to disconnect his service.

8
9 **Q: DO YOU HAVE ANY RECOMMENDATIONS FOR THE FLORIDA PUBLIC**
10 **SERVICE COMMISSION REGARDING BELL SOUTH'S OSS?**

11 **A:** Yes. My first recommendation is to adopt the Staff's proposal for
12 performance metrics and an enforcement mechanism as set forth in Witness
13 Paul Stallcup's testimony. In addition, I have a number of other
14 recommendations, as follow below.

15 **No. 1:** IDS is capable of converting over a thousand business lines per day.
16 IDS has, in fact, processed this number of orders on a consistent basis. At
17 present, BellSouth's OSS problems are causing IDS' customers to experience
18 serious conversion problems 30% of the time. IDS has data that
19 demonstrates this fact and is willing to provide such data to the Commission
20 on a daily, weekly, monthly, or quarterly basis.

21 **Recommendation:** The Florida Public Service Commission should
22 require that IDS and other ALECs provide data on a periodic basis to

1 demonstrate exactly what level of performance BellSouth's OSS is achieving
2 at any given time.

3
4 **No. 2:** BellSouth compiles data on conversions which it regularly provides to
5 IDS. BellSouth should be ordered to supply this same data to the
6 Commission for comparison to the data supplied by IDS and other ALECs.

7 **Recommendation:** The Florida Public Service Commission should
8 require that BellSouth provide the Commission, on a periodic basis, the same
9 data it provides to IDS and other ALECs on the percentage of conversions it
10 completes for IDS and other ALECs on an individual basis.

11
12 **No. 3:** BellSouth should not be allowed to manipulate data on conversions in
13 order to reflect better performance. The Commission should use its authority
14 to severely penalize BellSouth where it finds evidence of such manipulation
15 by BellSouth as IDS experienced in November and December 2000.

16 **Recommendation:** The Florida Public Service Commission should
17 provide oversight of the data provided by BellSouth regarding the percentage
18 of conversions completed to assure that the data is not improperly
19 manipulated by BellSouth. In the event of such manipulation, the Florida
20 Public Service Commission should appropriately sanction BellSouth.

21
22 **No. 4:** BellSouth's PMAP measurements need to be revised to accurately
23 reflect conversion performance. (See Exhibit E.) Currently, PMAP shows

1 Firm Order Confirmations (“FOCs”), but not conversions. A “FOC” simply
2 means that BellSouth’s Legacy System has received an order, not that
3 BellSouth has successfully converted the line. (See Exhibit D – This Exhibit
4 appears to reflect that BellSouth successfully completed 98% of the orders it
5 received from IDS, when, in fact, BellSouth successfully completed only 55%
6 of the orders it received from IDS.)

7 **Recommendation:** The Florida Public Service Commission should order
8 BellSouth to revise its PMAP measurements to accurately reflect conversion
9 performance.

10
11 **No. 5:** The OSS systems BellSouth utilizes for its wholesale customers
12 should be identical to those utilized for BellSouth’s retail customers.
13 Currently, BellSouth’s retail operation has the capability to provision a
14 customer’s service within hours while BellSouth’s wholesale operation cannot
15 provision the same service for days or weeks. BellSouth’s retail operation
16 uses the RNS OSS system. The RNS system gives BellSouth’s retail
17 operation an inherent and profound advantage over BellSouth’s wholesale
18 operation. There can be no parity of service for ALECs with BellSouth’s
19 provision of services to its own retail customers while this situation continues.

20 **Recommendation:** The Florida Public Service Commission should order
21 BellSouth to immediately provide IDS and other ALECs with access to the
22 RNS system and any other OSS systems available to BellSouth’s retail
23 operation.

1 **No. 6:** Until BellSouth's wholesale OSS systems can perform conversions,
2 moves, adds, and changes within a 5% standard deviation from what
3 BellSouth's retail RNS and other OSS systems can perform, BellSouth's retail
4 operation should be barred from winning back any customer to BellSouth's
5 service based on OSS problems caused by BellSouth wholesale systems.

6 **Recommendation:** The Florida Public Service Commission should order
7 BellSouth to demonstrate that its wholesale operation can perform
8 conversions, moves, adds, and changes within a 5% standard deviation from
9 what its retail operation provides prior to permitting BellSouth to operate
10 under any tariff that provides win-back provisions.

11
12 **No. 7:** BellSouth's OSS upgrades and new OSS products must be fully
13 BETA- tested and independently certified to function appropriately before
14 BellSouth may offer them to ALECs.

15 **Recommendation:** The Florida Pubic Service Commissions should order
16 BellSouth to cease and desist offering OSS upgrades or new OSS products
17 prior to fully BETA-testing these products and having them independently
18 certified to the Commission as functioning properly.

19
20 **No. 8:** In the event the BellSouth provides upgrades or products for OSS, the
21 Commission should require that the BETA testing protocols and the third
22 party certification to be filed with the Commission prior to the release date.
23 The Commission should then independently notify the ALECs of the upgrades

1 and or new products with the appropriate testing and certification available
2 upon request.

3 **Recommendation:** The Florida Public Service Commission should order
4 BellSouth to provide the BETA testing protocols and third party certification
5 for OSS upgrades or new OSS products to the Commission prior to their
6 release. The Commission should independently notify ALECs of the
7 existence of such OSS upgrades and new OSS products and, upon request,
8 provide copies of the BETA testing protocols and third party certification.

9
10 **No. 9:** BellSouth's wholesale operations' OSS system performance should
11 be required to match that of BellSouth's retail operations' OSS system
12 performance within a time certain. If by that time certain, BellSouth has not
13 demonstrated parity between the wholesale operation's OSS systems and the
14 retail operation's OSS systems, then BellSouth should be ordered to allow
15 ALECs access to the retail OSS systems.

16 **Recommendation:** BellSouth should be ordered to demonstrate parity
17 between its wholesale and retail operations' OSS systems within six months
18 of the Commission's order. If BellSouth does not demonstrate such parity by
19 that date, the Commission should order BellSouth to provide IDS and other
20 ALECs immediate access to BellSouth's retail operation's OSS systems.

21
22 **No. 10:** The Commission should use real data provided by ALECs to
23 determine if BellSouth has complied with the parity requirement.

1 **Recommendation:** The Florida Public Service Commission should
2 require the submission of real data on which to determine if BellSouth has
3 complied with the parity requirement.

4
5 **No. 11:** BellSouth should be ordered to prove that its OSS Systems' do not
6 provide its retail operation access to its wholesale operation's information on
7 ALECs' customers. BellSouth must create a firewall between the two
8 divisions immediately. The effectiveness of this firewall in creating a secure
9 environment for ALECs' customers' data should be certified by an
10 independent third party.

11 **Recommendation:** The Florida Public Service Commission should order
12 BellSouth to prove that it has a structural arrangement that effectively protects
13 ALECs from the sharing of customer information between BellSouth's
14 wholesale and retail operations.

15
16 **No. 12:** The Commission should establish a Code of Conduct to which
17 BellSouth must adhere to protect ALECs from BellSouth's anti-competitive
18 behavior.

19 **Recommendation:** The Florida Public Service Commission should
20 appoint a committee based on representatives from both Tier-1 and Tier-2
21 companies, ALECs, and BellSouth to draft the Code of Conduct and the
22 penalties for non-compliance. The Code of Conduct should be established
23 and approved by the Commission for enforcement prior to January 1, 2002.

1

2 **No. 13:** Neither party to interconnection agreements should be permitted to
3 limit their liability for negligence, gross negligence, or willful misconduct in
4 regard to OSS issue. As demonstrated in IDS' situation, because of an OSS
5 failure, BellSouth won back a million plus dollars worth of customers.
6 BellSouth "mitigated" IDS' damages with a letter of apology and a credit of
7 \$31,000. As long as limitation of liability provisions exist, it is in BellSouth's
8 best interest to cause ALECs OSS problems to win back customers. There is
9 no down side.

10 **Recommendation:** The Florida Public Service Commission should
11 include in its Code of Conduct a requirement that parties bear the damages
12 related to OSS failures for which they are responsible.

13

14 **No. 14:** The conversion data supplied by the ALECs and BellSouth should be
15 sent to an independent third party. This data should show: (1) the number of
16 accounts converted for UNE-Ps; (2) the number of accounts put into
17 clarification by ALECs or by BellSouth; (3) the number of conversion
18 problems categorized as catastrophic (customer put out of service); and (4)
19 any other problems that change the scope of service that was previously
20 provided by BellSouth. This performance data should then be compared to
21 determine if the data supplied by BellSouth is consistent to that supplied by
22 the ALECs. In the event there is a statistical deviation between the sets of .

1 data, then either party can request an independent audit with the results then
2 reported to the Commission.

3 **Recommendation:** The Florida Public Service Commission should order
4 that conversion data be sent by ALECs and BellSouth to an independent third
5 party for analysis and comparison.

6
7 **No. 15:** The Commission should create a fund to finance any independent
8 audits of conversion data with contributions coming from ALECs and
9 BellSouth, and the amount of contributions based on the comparative size of
10 the companies.

11 **Recommendation:** The Florida Public Service Commission should
12 create a fund to finance independent audits of conversion data with
13 contributions from ALECs and BellSouth and the amounts of the contributions
14 based on the comparative size of the companies.

15
16 **Q: DOES THIS CONCLUDE YOUR TESTIMONY?**

17 A: Yes, it does.

18

19

20

21

22

23

DOCKET NO. 000121-TP
DIRECT TESTIMONY OF JOHN J. RUBINO
ON BEHALF OF Z-TEL COMMUNICATIONS, INC.

1 **Q. Please give your name, title, and business address.**

2 A. John J. Rubino, Vice President, OSS Policy, Z-Tel Communications Inc., 601 S.
3 Harbour Island Blvd., Tampa, FL 33602.

4 **Q. Please briefly describe your employment history.**

5 A. Prior to joining Z-Tel, I was employed by the New York State Department of Public
6 Service ("DPS") as a Utility Operations Examiner for approximately 20 years.

7 **Q. What were your responsibilities at the New York Department of Public Service,**
8 **as they relate to opening markets to local service telecommunications**
9 **competition?**

10 A. I was part of the Department team assembled to foster local competition in New York
11 State. In that role, I participated directly in the discussions which led to the Pre-filing
12 Statement of Bell Atlantic-New York ("BANY") (Case 97-C-0271). I was also the
13 project manager for the Third-party test of Bell Atlantic's Operations Support
14 Systems. I was part of the team that developed the Performance Assurance Plan for
15 BANY. Finally, I was a leader of the collaborative effort to develop carrier-to-carrier
16 service standards for New York State (Case 97-C-0139).

17 **Q. What is the purpose of your testimony today?**

18 A. The purpose of my testimony is to provide insight, based upon my experience in New
19 York, as to the problems which will likely arise in utilizing performance measures
20 to track BellSouth's provisioning of unbundled network elements and services to
21 CLECs. I will describe the process by which the New York measures were
22 developed and refined. I will describe the problems that arose when the measures

1 were used to monitor actual market experience and enforce the standards that had
2 been established. I will then discuss the steps necessary for Florida to ensure that
3 similar problems are identified early and managed in the proper manner prior to
4 having a direct impact on CLECs and their customers.

5 **Q. How were the New York Inter-carrier measures developed?**

6 A. The New York Inter-carrier Guidelines were developed through a collaborative
7 process involving BANY, all interested CLECs, and New York State Department of
8 Public Service staff. The group attempted to develop a comprehensive set of
9 guidelines that could be practically implemented, and that would accurately measure
10 the quality of service provided among carriers. This process resulted in the Inter-
11 carrier Guidelines, which were adopted by the Commission on an interim basis.
12 These measures were incorporated into the Pre-filing statement of Bell Atlantic-New
13 York as the standard by which Bell Atlantic's performance would be judged in the
14 context of the Third-party Test of Bell Atlantic's OSS systems. The Inter-carrier
15 Guidelines were also used as the basis for BANY's Amended Performance
16 Assurance Plan, which was adopted by the New York Public Service Commission
17 on November 3, 1999.

18 **Q. Were problems encountered with those metrics during the Third-party Test?**

19 A. Yes. When KPMG and Staff began examining how the metrics would actually be
20 applied in the test (which was designed to emulate the future, competitive market)
21 KPMG and staff found that some metrics were not adequately defined. In addition,
22 there was not an effective system of internal controls to ensure the accuracy and
23 consistency of metric data.

24 **Q. Please explain the definitional deficiencies.**

1 A. The metric definitions did not adequately define how the metrics would be
2 calculated, in terms of the types of activity to be captured by the metrics and the
3 method by which performance results would be calculated. For example, metrics
4 aimed at manually processed orders should exclude orders handled mechanically, so
5 as to not overstate the ILEC's performance for manually processed orders.

6 **Q. What problems were caused by the inadequate definitions, and what was the**
7 **impact of these problems on internal controls?**

8 A. Though it utilized experts from BANY, CLECs, and DPS staff, the collaborative
9 process did not initially result in clear and unequivocal instructions as to which data
10 to capture and how to compute performance. Such a level of refinement was
11 achieved as the market developed and with the assistance of the outside consultants
12 retained for the Third-party test (*i.e.*, KPMG and Hewlett Packard). Therefore,
13 individual Bell Atlantic employees had to interpret the metric definitions. In many
14 cases, Bell Atlantic employees made assumptions necessary to compute metrics that
15 were not anticipated, understood, or agreed to by the parties that took part in the
16 carrier-to-carrier collaborative. Finally, key assumptions were not documented. The
17 result was that KPMG found 90 of 167 metrics (56%) were reported inaccurately for
18 the month of September, 1999. For 70 of the 90 incorrect metrics, BANY was not
19 able to identify the source of the errors.

20 **Q. How were the problems of inadequate definitions and weak internal controls**
21 **addressed?**

22 A. The collaborative was reconvened to more clearly define the measures and the
23 methods by which they would be calculated. Bell Atlantic committed to develop a
24 system of internal controls. Finally, a team of New York State DPS Staff was

1 assembled to replicate the metrics reported by Bell Atlantic to ensure that the metrics
2 were reported accurately.

3 **Q. Even with good metric definitions and documentation developed prior to actual
4 market development, will all potential problems be caught?**

5 A. No. In New York, problems arose as the market developed that required the New
6 York Public Service Commission to adjust the metrics. It is my opinion that as
7 markets evolve, new problems are likely to occur on an ongoing basis.

8 **Q. Can you relate a New York experience that required Commission intervention?**

9 A. Yes. Beginning in late 1999 and continuing through March 2000, Bell Atlantic lost
10 or mishandled tens of thousands of CLEC orders for New York customers. However,
11 this problem was not reflected in the metrics, and was only brought to the attention
12 of regulators when CLECs filed formal complaints with the New York Public
13 Service Commission.

14 **Q. Please explain what is meant by the term "lost or mishandled orders."**

15 A. These were orders received by BANY from CLECs for which BANY failed to
16 provide some or all of the following: acknowledgement of BANY's receipt of the
17 order, firm order confirmation, or a notice of completion.

18 **Q. How prevalent was this problem?**

19 A. Although it is difficult to answer that question precisely, CLECs stated that 20 to
20 30% of their orders fell into this category.

21 **Q. What impact did this have on customers?**

22 A. Customers whose orders were lost had to wait up to 12 weeks to obtain the service
23 they ordered from CLECs. Other customers' orders were provisioned, but the
24 CLECs were not notified of this completion and therefore could not begin billing.

1 In my opinion, this led to an unacceptable level of dissatisfaction on the part of
2 customers willing to try competitive local exchange carriers.

3 **Q. Was this poor performance reflected in BANY's performance as reported under**
4 **the carrier-to-carrier guidelines?**

5 A. To a great extent, it was not.

6 **Q. Why was the poor performance not reflected?**

7 A. Bell Atlantic only measured orders that were completed. Since the lost orders were
8 not completed, they were not measured. It was only when real market experience was
9 gained did BANY, CLECs and regulators become aware that the practice of
10 measuring only completed orders was not practical in a real market environment. In
11 other instances, BANY's measurement software did not measure the entire time that
12 BANY was responsible for the order, but only part of the time. This tended to
13 understate the time it took for BANY to process orders. In many cases, BANY's
14 measurement systems thought that the order was complete and the CLEC was
15 notified, yet that was not the case. In fact, orders were failing in systems not
16 measured.

17 **Q. How would you characterize Bell Atlantic's response to the problem of lost**
18 **orders?**

19 A. Initially, BANY claimed that the lost orders were a result of CLEC problems.
20 BANY pointed to its carrier-to-carrier performance reports, which indicated that no
21 problem existed. Due to BA's lack of responsiveness, both AT&T and MCI filed
22 formal complaints against BANY as part of the DPS Rapid Response dispute
23 resolution process. These complaints were filed in late December, 1999. It was only
24 after direct intervention by the New York State DPS Staff, that BANY admitted
25 responsibility for the problems on February 4, 2000. However, it became necessary

1 for the DPS to monitor BANY's performance on a daily basis and to fine BANY \$10
2 million.

3 **Q. Why did the Performance Assurance Plan fail to penalize BANY for the lost**
4 **orders problem?**

5 A. The carrier to carrier metrics that formed the basis of the Performance Assurance
6 Plan at that time did not take measurements in a manner that would capture the
7 problem. Since the problem was not captured by the metrics, no penalties resulted.

8 **Q. Could the problem of missing orders have been avoided?**

9 A. I think that every developing market is going to experience growing pains, just as
10 New York did. Problems will arise on an ongoing basis. However, I think that the
11 problem of missing orders could have been greatly mitigated if BANY had reacted
12 more quickly to correct the problems.

13 **Q. Is the problem of lost or mishandled orders addressed in the metrics proposed**
14 **for Florida?**

15 A. In the documentation I have reviewed in the context of this case, I have not seen any
16 evidence that the metrics proposed for Florida will capture the problem of missing
17 or mishandled orders, as experienced in New York.

18 **Q. On a more global basis, what can Florida do to avoid the problems in New**
19 **York?**

20 A. I believe that the New York experience demonstrates that carrier-to-carrier metrics
21 must be flexible enough to allow refinement as market conditions so require. The
22 only way to ensure proper market-based refinement is to ensure that the CLECs
23 doing business in a market have input into metrics definition and analysis. New
24 York's experience also shows that carrier to carrier metrics and data must be
25 regularly audited to ensure accuracy. New York has utilized a penalty structure and

1 statistical methodology as tools to foster development of the competitive market.
2 Finally, a continuing strong role by regulatory agencies is essential to nurturing and
3 sustaining a competitive market.

4 **Q. Please explain how these tools were used by the New York Public Service**
5 **Commission.**

6 A. The New York Public Service Commission retained control over the Performance
7 Assurance Plan, in term of the metrics included in the plan and the overall penalty
8 structure. As a result, the Commission has the flexibility to refine metrics as needed
9 given the evolution of the market. The New York Public Service Commission has
10 the ability to increase the weights of certain metrics or to increase penalties. In fact,
11 in approving BANY's Section 271 application, the FCC specifically cited this ability
12 as important. *See Application by Bell Atlantic New York for Authorization Under*
13 *Section 271 of the Communications Act To Provide In-Region, InterLATA Service in*
14 *the State of New York, Memorandum Opinion and Order, CC Docket No. 99-295,*
15 *¶ 437 (rel. Dec. 22, 1999).*

16 **Q. Pertaining to this specific proceeding, what would you recommend?**

17 A. I would recommend that Florida regulators examine the development of some type
18 of Performance Assurance Plan as early as possible in the evolution of their local
19 service market. This would allow Florida to refine such an enforcement mechanism
20 as necessary for its developing market. I believe that local competition is most
21 vulnerable in the early stages of development, and although the 1996
22 Telecommunications Act is over four years old, local competition remains in its
23 infancy. Therefore, an effective Performance Assurance Plan may help to avoid
24 painful experiences for Florida consumers and the new companies trying to provide
25 local service.

1 **Q. Do you have any other suggestions?**

2 A. The New York experience demonstrates that even after an extensive third-party test,
3 it is important to observe the actual market in action to ensure that the performance
4 metrics capture and report results accurately. For example, Pennsylvania has ordered
5 a 90-day commercial availability period, beginning upon completion of the test, to
6 assess actual market performance. So that the Commission can make the most of this
7 90-day period, I would recommend retaining KPMG to provide the Commission with
8 independent technical advice should disputes arise. This can serve to speed the
9 process by minimizing additional discovery and comment periods.

10 **Q. Finally, what role do you believe the Florida Public Service Commission should**
11 **play regarding any performance assurance plan developed in connection with**
12 **this proceeding?**

13 A. I believe that, in the end, a performance assurance plan for local competition impacts
14 the quality and variety of telecommunications service provided to Florida consumers.
15 Therefore, I believe that any plan should include provisions that allow the Florida
16 Commission to modify the plan as needed to address actual market conditions.

17 **Q. Does that conclude your testimony?**

18 A. Yes. It does.

19

1 MR. FUDGE: So the next witness would be Mr. Latham.

2 MR. LACKEY: This is the point where we were going to
3 change the order and try to catch a couple of the
4 nonstatisticians tonight.

5 CHAIRMAN JACOBS: Just a moment. Yes, we had agreed
6 on that.

7 MR. CARVER: BellSouth calls Jerry Latham.
8 Mr. Chairman, I don't believe Mr. Latham was here earlier in the
9 week, or yesterday actually, so he has not been sworn in.

10 (Witness sworn.)

11 CHAIRMAN JACOBS: Thank you. You may be seated.

12 WILEY G. (JERRY) LATHAM

13 was called as a witness on behalf of BellSouth
14 Telecommunications, Inc., and, having been duly sworn, testified
15 as follows:

16 DIRECT EXAMINATION

17 BY MR. CARVER:

18 Q Mr. Latham, would you please state your full name and
19 your business address.

20 A Wiley Gerald Latham, Jr. My work address is 3535
21 Colonnade Parkway, Birmingham, Alabama 35243.

22 Q By whom are you employed and in what capacity?

23 A BellSouth Telecommunications as product manager for
24 unbundled loops and loop modifications.

25 Q And have you filed in this case eight pages of rebuttal

1 testimony?

2 A Yes.

3 Q There are no exhibits to your testimony; is that
4 correct?

5 A Correct.

6 Q Do you have any changes to your testimony?

7 A No, I do not.

8 Q If I were to ask you the questions that appear in your
9 testimony, would your answers today be the same?

10 A Yes, they would.

11 MR. CARVER: Mr. Chairman, I request that the witness's
12 rebuttal testimony be inserted into the record as though read.

13 CHAIRMAN JACOBS: Without objection, show the prefiled
14 testimony of Mr. Latham entered into the record as though read.

15 MR. CARVER: Thank you.

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1 **BELLSOUTH TELECOMMUNICATIONS, INC.**
2 **REBUTTAL TESTIMONY OF WILEY G. (JERRY) LATHAM**
3 **BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**
4 **DOCKET NO. 000121-TP**
5 **MARCH 16, 2001**

6
7 **Q. PLEASE STATE YOUR NAME, ADDRESS AND OCCUPATION.**

8
9 A. My name is Wiley G. (Jerry) Latham. My business address is 3535 Colonnade
10 Parkway, Birmingham, Alabama. I am BellSouth's Product Manager for
11 Unbundled Loops within Interconnection Services – Marketing and have been
12 employed by BellSouth for fifteen years.

13
14 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

15
16 A. The purpose of my testimony is to respond to certain statements in the direct
17 testimony of Thomas E. Allen of Covad Communications Company. These
18 issues include the intervals for loops and loop conditioning; the types of
19 facilities that constitute voice grade loops versus xDSL loops; and whether or
20 not there can be a “one size and rate fits all” approach to these loops.

21
22 **Q. ON PAGE 12 (LINES 19 – 20) OF HIS TESTIMONY, MR. ALLEN**
23 **CLAIMS THAT BELLSOUTH BELIEVES THAT “IT SHOULD**
24 **ACTUALLY BE ALLOWED UP TO 14 BUSINESS DAYS TO**

25

1 **PROVISION AN xDSL LOOP”. IS THIS AN ACCURATE**
2 **STATEMENT?**

3 A No, it is not. Mr. Allen is confusing the provisioning process for two different
4 UNEs – Loop Make Up (LMU) and Unbundled Loops. It is true that before
5 the availability of the mechanized loop make up gateway, BellSouth did
6 require a Service Inquiry (SI) process in order to qualify loops as being xDSL-
7 capable. This was needed because BellSouth did not have a way to
8 mechanically qualify and assign loops that met the criteria for xDSL. The SI
9 process is very labor intensive and requires a technician to perform a manual
10 loop make up which uses a combination of electronic and manual
11 verifications. The interval for this process is typically 5-7 business days but is
12 not part of the provisioning process for the loop. This interval is to qualify the
13 loop – not to provision it. The provisioning of the loop cannot begin until a
14 loop is selected and qualified.

15

16 Now that BellSouth has an electronic LMU gateway, the CLEC can select,
17 qualify, and reserve the loop in a matter of minutes. Once this is done, the
18 actual provisioning of the loop can begin. This interval is 7 days, as stated by
19 Mr. Allen. Therefore, it is not true that BellSouth believes it should be
20 allowed up to 14 business days to provision xDSL loops. This would only be
21 the case if the CLEC has requested that BellSouth perform a manual LMU or
22 utilize the manual SI process to qualify the loop prior to beginning the
23 provisioning cycle.

24

25

1 **Q. ALSO ON PAGE 12 (LINES 20 –21) OF HIS TESTIMONY, MR.**
2 **ALLEN STATES THAT BELLSOUTH BELIEVES THAT IT SHOULD**
3 **BE ALLOWED UP TO 21 BUSINESS DAYS TO PROVISION AN xDSL**
4 **LOOP THAT REQUIRES CONDITIONING. IS MR. ALLEN**
5 **INCORRECT ON THIS POINT AS WELL?**

6

7

8 A. Yes. Here Mr. Allen combines the interval for three different UNEs – LMU,
9 UNE Loops, and Loop Conditioning. Once again he erroneously includes the
10 qualification of the loop as a part of the provisioning process and compounds
11 the problem by also including the conditioning interval. These are all serial
12 processes that are all labor intensive. Before a loop can be conditioned it must
13 first be pre-qualified, before it can be provisioned it must be conditioned.

14

15 The conditioning interval is dependent upon many factors. Load coils,
16 bridged-tap, repeaters, etc., can be located in underground or buried locations.
17 This requires extensive work and planning to be performed properly.

18

19 As previously stated, the provisioning interval for an xDSL loop is 7 business
20 days. If the CLEC qualifies the loop using the LMU gateway, the intervals
21 mentioned by Mr. Allen can be reduced by 7 business days.

22

23

24 **Q. ON PAGE 13 (LINES 3 –4), MR. ALLEN STATES THAT “xDSL**
25 **LOOPS ARE NOTHING MORE THAN PLAIN COPPER VOICE**

1 **LOOPS". HE ALSO IMPLIES THAT BECAUSE BELL SOUTH HAS**
2 **PROVISIONED SERVICE TO OVER 51,000 DSL CUSTOMERS IN**
3 **GEORGIA ("THROUGH LINE SHARING" PAGE 3, LINE 6) THIS**
4 **MEANS THAT LOOPS ARE SIMPLE TO PROVISION, AND**
5 **THEREFORE, SHOULD HAVE REDUCED INTERVALS. IS THIS A**
6 **FAIR CHARACTERIZATION?**

7

8 A. Absolutely not. Mr. Allen seems to imply that all voice loops are qualified for
9 xDSL service. This is not true. First, as Mr. Allen acknowledges, only those
10 voice grade loops that are provisioned on copper can even begin to be
11 qualified as xDSL loops. However, not every copper voice grade loop can be
12 an xDSL loop. Copper voice grade loops that are longer than 18kft require
13 load coils to work properly. These voice grade loops can also work properly
14 with significant amounts of bridged-tap. Therefore, these loops would not
15 qualify as xDSL loops unless they first are conditioned by removing the load
16 coils and/or bridged-tap.

17

18 Further, Mr. Allen acknowledges that the 51,000 DSL customers in Georgia
19 he refers to are line sharing customers. Yet, he still tries to compare line
20 sharing to the provisioning of an unbundled loop. His testimony recognizes
21 that line sharing involves the use of a loop that is already provisioned and is
22 working properly. The provisioning of an xDSL loop is different. These
23 loops are generally additional circuits to and end user's location and are not
24 currently working. Even if they are currently providing voice grade service,
25 they would have to be qualified as being xDSL-capable and would have to be

1 tested and provisioned as such. Therefore, it is not appropriate to assume that
2 line sharing provisioning and UNE loop provisioning are the same.

3

4 **Q. ON PAGE 18 (LINES 18 – 21), MR. ALLEN STATES THAT COVAD**
5 **BELIEVES THAT ALL OF BELLSOUTH'S xDSL LOOP PRODUCTS**
6 **ARE EXACTLY THE SAME EXCEPT FOR THE "ARTIFICIAL"**
7 **LENGTH RESTRICTIONS PLACED ON THE LOOPS BY**
8 **BELLSOUTH. IS THIS ACCURATE?**

9

10 A. No. BellSouth offers many different xDSL loops in response to Regulatory
11 mandates (FCC 319 rules, etc.) as well as direct requests from CLECs during
12 negotiations. Each of these loop types are developed using industry standards
13 to the extent possible. This includes length limitations. It is these standards,
14 not BellSouth, that dictate the length limitations. In fact, Covad has
15 demanded that BellSouth change its ADSL-capable loop to comply with
16 newly established standards for ADSL service, which called for the use of
17 Revised Resistance Design (RRD) standards for the loop portion of the
18 service. The RRD standards limit non-loaded copper facilities to 18kft. This
19 is just one example. Different xDSL services have different loop
20 requirements. These include:

21

22 (a) ADSL-compatible loops – 2-wire loop that is provisioned only on
23 copper facilities and meets industry specifications for Revised
24 Resistance Design (RRD). This means non-loaded copper, less

25

1 than 18 kft, no more than 6 kft of inclusive bridged tap and 1300
2 ohms or less of resistance.

3 (b) HDSL-compatible loops – 2-wire or 4-wire circuits that are only
4 provisioned on copper and meet industry specifications for Carrier
5 Serving Area (CSA) loops. This means non-loaded copper, less
6 than 12 kft, no more than 2.5 kft of bridged tap and 850 ohms or
7 less of resistance.

8 (c) Unbundled Copper Loops (UCL) - Short – 2-wire or 4-wire
9 circuits that are provisioned using industry standard specifications
10 for Resistance Design (RD) loops. This means non-loaded copper,
11 less than 18 kft, no more than 6 kft of exclusive bridged tap and
12 1300 ohms or less of resistance.

13 (d) Unbundled Copper Loops (UCL) - Long – 2-wire or 4-wire
14 circuits that are provisioned using non-loaded copper. They are
15 longer than 18 kft, may have up to 12 kft of exclusive bridged tap
16 and may have up to 2800 ohms of resistance.

17 (e) Unbundled Digital Channel – This loop is the same as a 2-wire
18 ISDN loop, except it is provisioned uniquely to support IDSL
19 service.

20

21 Currently, BellSouth is developing another xDSL copper loop at the request
22 of at least one Data Coalition member. This will be a non-designed copper
23 loop with no specific length limitation.

24

25

1 Each of these product offerings is different, and Mr. Allen's attempt to have
2 a "one size and rate fits all" approach ignores these differences.

3

4 It is also interesting to note that Mr. Allen admits (on page 19, lines 2 – 4) that
5 "over the course of its business relationship with BellSouth, Covad has
6 ordered and provided service using the HDSL, ADSL, UCL, and UDC/IDSL
7 loops". If these loops are truly the same, why would they want to monitor the
8 performance of all these loop types and continue to have the option of
9 ordering any and all of them? It seems that Covad does recognize these loops
10 are different and they want the ability to order the loop that best meets their
11 needs at the time of the order.

12

13 **Q. IS THERE ONE xDSL LOOP TYPE OFFERED BY BELL SOUTH**
14 **THAT WILL BEST SUPPORT ALL xDSL OFFERINGS?**

15

16 A. Not necessarily, which is one reason BellSouth offers a number of different
17 loop types so that each carrier can decide for itself which particular loop type
18 will support its particular xDSL service. XDSL services are highly dependent
19 upon the equipment used to provide that service. For example, one vendor's
20 DSLAM may operate fine on an 18 kft loop with minimal bridged tap, while
21 another's may not. Therefore, BellSouth cannot guarantee that an xDSL
22 service will work at any particular bit-rate or function at all on every
23 unbundled loop provided by BellSouth. However, BellSouth does guarantee
24 that the xDSL loop described above will meet a pre-defined set of
25 transmission characteristics, which are usually dictated by industry standards.

1 BellSouth publishes a technical reference document (TR73600) that contains
2 a very detailed listing of the loops' characteristics, which allows the
3 requesting carrier to determine for itself how its equipment will operate on
4 any given loop type.

5

6 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

7

8 A. Yes.

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1 BY MR. CARVER:

2 Q Mr. Latham, would you summarize your testimony, please.

3 A Yes. My name is Jerry Latham, as I mentioned, and I'm
4 the product manager for unbundled loops within BellSouth's
5 interconnection services marketing and have been employed with
6 BellSouth for 15 years. The purpose of my testimony is to
7 respond to statements and misunderstandings in the direct
8 testimony of the Thomas Allen of Covad Communications.

9 These issues include the intervals for loops and loop
10 conditioning, the types of facilities that constitute voice grade
11 loops versus xDSL loops, and whether or not there can be a
12 one-size-in-rate-fits-all approach to these loops. My testimony
13 clarifies that the provisioning processes and intervals for UNE
14 loops and loop makeup, or LMU UNEs, are two different things.

15 I also discuss the fact that CLECs now have the
16 opportunity to qualify loops as being xDSL capable by using
17 BellSouth's electronic LMU gateway. This may only take a matter
18 of minutes to complete. Once this is done, the actual
19 provisioning of the loop can begin. The provisioning interval
20 for the loop is six or seven days, including the FOC depending
21 upon what time of the day the LSR is submitted. Therefore,
22 Mr. Allen's statements that BellSouth believes it should be
23 allowed up to 14 business days to provision xDSL loops is not
24 true.

25 This would only be the case if the CLEC has requested

1 that BellSouth perform a manual loop makeup or to utilize the
2 manual service inquiry process to qualify the loop prior to
3 beginning the provisioning cycle.

4 I also discuss the unbundled loop modifications, or
5 loop conditioning interval, and discuss the fact that it's
6 dependent upon many factors. Load coils, bridge tap, repeaters,
7 et cetera, can be located in underground or buried locations, and
8 this requires extensive work and planning to be performed
9 properly. Also, Mr. Allen's statement that xDSL loops are
10 nothing more than plain copper voice loops and his
11 implementations that because BellSouth has provisioned DSL
12 service to over 51,000 customers in Georgia somehow means that
13 loops are simple to provision and, therefore, should have reduced
14 intervals are wrong.

15 Voice grade loops can be provisioned on almost any type
16 of facility, fiber, digital loop carrier, loaded copper,
17 et cetera. Even Mr. Allen acknowledges that only those voice
18 grade loops that are provisioned on copper can even begin to be
19 qualified as xDSL loops. This means that not every voice grade
20 loop can be an xDSL loop. Copper voice grade loops that are
21 longer than 18 kilofeet require load coils to work properly.
22 Voice grade loops can also work properly with bridge tap links
23 that would not be allowed on xDSL loops. Therefore, these loops
24 would not qualify as xDSL loops unless they first are conditioned
25 by removing the load coils and/or bridge tap.

1 Further, Mr. Allen acknowledges that the 51,000 DSL
2 customers in Georgia he refers to are line sharing customers, yet
3 he still tries to compare line sharing to the provisioning of an
4 unbundled loop. My testimony describes why it is not appropriate
5 to assume that line sharing provisioning and UNE loop
6 provisioning are the same.

7 My testimony also refutes Mr. Allen's statement that
8 all of BellSouth's xDSL loop products are exactly the same except
9 for the "artificial" length restrictions placed on the loop by
10 BellSouth. Each of BellSouth's loop types are developed using
11 industry standards to the extent possible. This includes link
12 limitations. It is these standards, not BellSouth, that sets the
13 length limitations. In fact, Covad demanded that BellSouth
14 change its ADSL capable loop to comply with newly established
15 standards for ADSL service which called for the use of revised
16 resistance design standards, or RRD standards, for the loop
17 portion of the service. BellSouth complied with that request.
18 The RRD standards limit nonloaded copper facilities to 18
19 kilofeet. This is just one example. The standard for HDSL loops
20 is the carrier serving area, or CSA, standard which limits the
21 loop to 12 kilofeet on nonloaded copper. Therefore, different
22 xDSL services have different loop requirements. And that
23 concludes my summary.

24 MR. CARVER: The witness is available for cross
25 examination.

1 CHAIRMAN JACOBS: Ms. Boone -- I'm sorry. Ms. McNulty,
2 were you going to cross?

3 MS. McNULTY: No.

4 CHAIRMAN JACOBS: Ms. Boone.

5 CROSS EXAMINATION

6 BY MS. BOONE:

7 Q Good evening, Mr. Latham. Cathy Boone for Covad. How
8 are you doing?

9 A Good. Good evening.

10 Q I'll try to make this short and sweet. Can BellSouth
11 deliver an xDSL loop in three days?

12 A Can BellSouth do that? I don't know that that's ever
13 been tested to verify if we could.

14 Q Can BellSouth deliver an xDSL loop in five days?

15 A Yes, in some cases.

16 Q And BellSouth is proposing here that it will deliver an
17 xDSL loop in seven days in every case?

18 A That's the measurement, I believe, that has been put
19 forth here, yes. And that seven days, is my understanding, would
20 include the FOC interval which can be potentially two days.

21 Q So the loop delivery is actually five days of the
22 seven days; correct?

23 A Yes.

24 Q So the dispute between the ALECs and BellSouth about
25 how long it should take from the issuance of a FOC is a two-day

1 dispute?

2 A I guess that's one of them, yes.

3 Q Okay. And the ALECs have asked for BellSouth to
4 deliver loops in three days. And your statement here is that
5 BellSouth doesn't know if it can deliver loops in three days?

6 A It would depend on the particular circumstance of a
7 given customer, I would imagine. I would imagine that in some
8 cases it's technically feasible to do it in three days, but when
9 you get into looking at large volumes of orders from many CLECs,
10 then it becomes an unknown condition, in my mind.

11 Q So the five days plus the two days for the FOC, that's
12 as good as BellSouth is going to get?

13 A No, I wouldn't say that that's as good as we'll ever
14 get. That's what we think is appropriate today.

15 Q Do you think that part of the goal of this Commission
16 in establishing performance measures is to drive performance
17 improvements by BellSouth?

18 A I don't know. I would think that if I were they, that
19 I would want to look at what's reasonable for all the parties and
20 set forth a measurement and do what was best for the industry as
21 a whole, including the end user.

22 Q Do you think it's important that BellSouth implement
23 process improvements such as shortening intervals?

24 A Yes, I think it's appropriate for any business to try
25 to better itself over time.

1 Q Okay. Now, you have some criticisms of Mr. Allen's
2 testimony, but you would agree with me that BellSouth, the way it
3 proposes to measure loop delivery, breaks loop delivery into
4 three components? The first is a service inquiry component; the
5 second is the FOC component, and the third is the provisioning
6 component.

7 A Are you asking about -- for the purposes of this
8 performance measurement plan? Is that the case?

9 Q Correct.

10 A I'm not sure. I'm not involved that heavily in the
11 actual measurements piece of that that's involved in the hearing.
12 I'm here primarily to talk about the products themselves and what
13 attributes they may have and how they were developed and those
14 types of things.

15 Q Well, one of the statements you made, you did
16 acknowledge that if a manual service inquiry is done on an xDSL
17 loop, if that has to be done by BellSouth, your proposed interval
18 for that is what?

19 A For the service inquiry?

20 Q Correct.

21 A In the past, it has been for the manual service inquiry
22 portion of that. We usually had referred to a three to five
23 business day interval for that piece.

24 Q It wasn't a five to seven day target?

25 A It may have been at one time, but generally, it was a

1 three to five business day target.

2 Q Okay. So that's three to five days. And you've heard
3 testimony here that the interval for getting a FOC is 48 hours.
4 Have you heard that? Does that sound right?

5 A Yes, in some cases it could be 48 hours. In other
6 cases it could be the same day turnaround. It's my understanding
7 that if the LSR is issued before 10:00 a.m. on a given day, then
8 the FOC would go out by the end of that same day.

9 Q And you've acknowledged that it could take, under your
10 proposed measurement, up to seven days to deliver the loop, to do
11 the actual provisioning of the loop; correct?

12 A Well, I mentioned that, but that it was including the
13 FOC for that seven days.

14 Q Yes, including the FOC.

15 A Yes.

16 Q So if you add a potential five days for service inquiry
17 and seven days for provisioning, including the FOC, then the
18 total could be 12 days from the customer's perspective; correct?

19 A Yes. As I said in my summary that if Covad or another
20 ALEC wanted BellSouth to do the qualifying of the loop using the
21 manual service inquiry process, that it would take longer, but
22 the electronic LMU gateway now offers the ALECs the opportunity
23 to come in and qualify the loop themselves and reserve the
24 facility in a matter of moments and issue the order to shorten
25 that cycle so that the actual provisioning of the loop is the

1 five to seven days that we were talking about earlier.

2 Q And let's take that a step further. Let's assume that
3 Covad is using your electronic loop makeup to place orders.
4 Would you agree with me that from a customer's perspective when
5 you send an order in until when the order is actually installed
6 and working, that's how an order interval should be measured?

7 A An order interval, I'm not sure. I mean, I don't know
8 if there's a technical or an industry phrase for order interval,
9 but I would think generally from the customer's expectation that
10 the time that they submit an order until it's delivered, that
11 that's the interval to the customer, yes.

12 Q For example, if you're buying a car and you buy it
13 today, and they say, I'll deliver it on Friday, then you would
14 consider that that's the time in which you're going to get what
15 you paid for; right?

16 A Right.

17 Q Are you aware that the way BellSouth proposes to
18 measure order completion interval is from after the FOC is issued
19 and then seven days until the order is complete?

20 A No, I'm not aware of that as being a part of this
21 hearing. No.

22 Q So then you'd have to, like, add the 7 days onto the 48
23 hours for the FOC.

24 A No, I'm not aware of that.

25 Q So that would really be nine total days.

1 A I'm not aware of that.

2 Q Not aware of that. You participated with negotiations
3 with Covad on its interconnection agreement, didn't you?

4 A Yes.

5 Q During those negotiations, BellSouth proposed loop
6 conditioning intervals of up to 30 days. Do you recall that?

7 A Yes.

8 Q And do you know what BellSouth is proposing for this
9 docket?

10 A I believe that it's 7 days -- a total of 14 days for
11 the conditioning as well as the loop provisioning is my
12 understanding.

13 Q So the seven days would be the time in the service
14 inquiry process when the loop is actually being conditioned, and
15 then seven days, including the FOC, to actually provision it. Is
16 that your understanding?

17 A I believe that's correct, yes. Again, like I said, I'm
18 not -- I didn't put forth the measurements in this hearing, but I
19 believe that to be the case.

20 Q Do you know why BellSouth did not offer those intervals
21 to Covad during its six months of negotiations?

22 A No, I do not. It would be my belief that those
23 intervals are tied to a potential decision in the Georgia hearing
24 that those intervals were discussed, which was after -- I believe
25 it was after the negotiations with Covad.

1 Q So you're saying BellSouth was not willing to condition
2 loops in 14 days until the Georgia Commission ordered it to?

3 A BellSouth didn't think that that was an appropriate
4 interval for that conditioning at that time.

5 MS. BOONE: Thank you. I have no further questions.

6 CHAIRMAN JACOBS: Staff.

7 MR. FUDGE: Staff has no questions.

8 CHAIRMAN JACOBS: Commissioners. Redirect.

9 MR. CARVER: No redirect.

10 CHAIRMAN JACOBS: Very well. No exhibits. Thank you
11 very much. You're excused, Mr. Latham.

12 THE WITNESS: Thank you.

13 (Witness excused.)

14 CHAIRMAN JACOBS: All right. We're looking for
15 Mr. Pate.

16 MS. McNULTY: We're ready.

17 CHAIRMAN JACOBS: How long?

18 MR. O'ROARK: Ten minutes.

19 CHAIRMAN JACOBS: Good, because we lose the
20 air-conditioning in ten minutes. He worked that out great,
21 couldn't have timed it better.

22 MS. BOONE: I have two questions.

23 MR. CARVER: Mr. Chairman, I believe that Mr. Pate
24 needs to be sworn in also.

25 (Witness sworn.)

1 CHAIRMAN JACOBS: Thank you. You may be seated.

2 RONALD M. PATE

3 was called as a witness on behalf of BellSouth

4 Telecommunications, Inc., and, having been duly sworn, testified

5 as follows:

6 DIRECT TESTIMONY

7 BY MR. CARVER:

8 Q Mr. Pate, would you please state your full name and
9 business your address.

10 A My name is Ronald M. Pate. The business address is
11 675 West Peachtree, Atlanta, Georgia.

12 Q By whom are you employed and in what capacity?

13 A I'm employed by BellSouth Telecommunications as a
14 director in their interconnection services.

15 Q Have you filed in this docket 19 pages of rebuttal
16 testimony?

17 A Yes, I have.

18 Q And attached to that testimony there are four exhibits;
19 is that correct?

20 A That is correct.

21 Q Do you have any changes to your testimony or to your
22 exhibits?

23 A No, I do not.

24 Q If I ask you the questions that appear in your
25 testimony today, would your answers be the same?

1 A Yes, they would.

2 MR. CARVER: Mr. Chairman, I request that Mr. Pate's
3 testimony be inserted into the record as though read.

4 CHAIRMAN JACOBS: Without objection, show Mr. Pate's
5 testimony entered into the record as though read.

6 MR. CARVER: And if we could please mark his exhibits
7 as the next on the list.

8 CHAIRMAN JACOBS: That would be Exhibit 24.

9 MR. CARVER: Thank you.

10 CHAIRMAN JACOBS: And we'll show Composite Exhibit 24
11 to include RMP-1 through 4.

12 (Exhibit 24 marked for identification.)
13
14
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1 BELLSOUTH TELECOMMUNICATIONS, INC.
2 REBUTTAL TESTIMONY OF RONALD M. PATE
3 BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION
4 DOCKET NO. 000121-TP
5 MARCH 21, 2001

6
7
8 Q. PLEASE STATE YOUR NAME, YOUR POSITION WITH BELLSOUTH
9 TELECOMMUNICATIONS, INC. AND YOUR BUSINESS ADDRESS.

10
11 A. My name is Ronald M. Pate. I am employed by BellSouth
12 Telecommunications, Inc. ("BellSouth") as a Director, Interconnection
13 Services. In this position, I handle certain issues related to local
14 interconnection matters, primarily operations support systems ("OSS").
15 My business address is 675 West Peachtree Street, Atlanta, Georgia
16 30375.

17
18 Q. PLEASE SUMMARIZE YOUR BACKGROUND AND EXPERIENCE.

19
20 A. I graduated from Georgia Institute of Technology in Atlanta, Georgia, in
21 1973, with a Bachelor of Science Degree. In 1984, I received a Masters of
22 Business Administration from Georgia State University. My professional
23 career spans over twenty-five years of general management experience in
24 operations, logistics management, human resources, sales and marketing.

1 I joined BellSouth in 1987, and have held various positions of increasing
2 responsibility since that time.

3

4 Q. HAVE YOU TESTIFIED PREVIOUSLY?

5

6 A. Yes. I have testified before the Public Service Commissions in Alabama,
7 Florida, Georgia, Louisiana, South Carolina, Kentucky, the Tennessee
8 Regulatory Authority and the North Carolina Utilities Commission.

9

10 Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?

11

12 A The purpose of my testimony is to provide BellSouth's response to certain
13 issues raised by AT&T Communications of the Southern States, Inc.,
14 WorldCom, Inc., Covad Communications Co., New South
15 Communications Corp., Mpower Communications Corp., E.Spire
16 Communications, Inc., ITC^Deltacom Communications, Inc., Rhythms
17 Links, Inc., and Z-Tel Communications, Inc. in their joint Petition for
18 Arbitration filed with the Florida Public Service Commission
19 ("Commission") on February 4, 2000.

20

21 Specifically, I will provide rebuttal to the direct testimony provided by
22 Karen Kinard (WorldCom) and Mr. Thomas Allen (COVAD) on behalf of
23 the joint petitioners as it relates to Loop Make-Up and Change
24 Management (Issue 1a) and Flow-Through (Exhibit KK-1).

25

1 Q. ON PAGE 11, LINES 3-5 OF HER TESTIMONY, MS. KINARD MAKES
2 REFERENCES TO A STATEMENT BY BELL SOUTH THAT "LOOP
3 MAKE-UP INFORMATION WILL NOT BE AVAILABLE ON EVERY LOOP
4 THROUGH THE ELECTRONIC SYSTEMS". IS MS. KINARD'S
5 STATEMENT CORRECT?

6

7 A. Ms. Kinard's statement is correct in fact. However, the context of her
8 testimony (or lack of context) creates a misleading impression, and I want
9 to address that.

10

11 All BellSouth loops are populated in LFACS. Simply because detailed
12 loop make-up ("LMU") information is not populated in LFACS on each of
13 those loops does not constitute a failure on the part of BellSouth to
14 provide parity. In fact, BellSouth provides to ALECs nondiscriminatory
15 access to the same information about the LMU that it provides to itself.

16

17 There currently is no FCC requirement for BellSouth or any incumbent
18 local exchange carrier ("LEC") to provide an electronically accessible OSS
19 containing a complete and correct database of loop qualification
20 information, particularly when that information is not already available to
21 BellSouth itself. In its UNE Remand Order, the FCC stated in Para. 429:

22

23 If an incumbent LEC has not compiled such information for itself,
24 we do not require the incumbent to conduct a plant inventory and
25 construct a database on behalf of requesting carriers....In addition,

1 we expect incumbent LECs will be updating their electronic
2 databases for their own xDSL deployment and, to the extent their
3 employees have access to the information in an electronic format,
4 the same format should be made available to new entrants via an
5 electronic interface.

6
7 BellSouth is in compliance with the FCC's Order.

8
9 Further, the FCC has clarified that access to LMU information can still be
10 considered nondiscriminatory even if the LMU information is not
11 electronically accessible. The UNE Remand Order states in Para. 427
12 that the "incumbent LEC must provide the requesting carrier with
13 nondiscriminatory access to the same detailed information about the loop
14 that is available to the incumbent." The FCC concluded in Para. 431 "that
15 access to loop qualification must be provided to competitors within the
16 same time intervals it is provided to the incumbent LEC's own retail
17 operations." Nondiscriminatory access does not imply nor require that
18 detailed information about loops must be available electronically, and
19 involve no manual processes.

20
21 Many of BellSouth's products and services historically have not required
22 LMU information, and, therefore, BellSouth practices do not mandate that
23 LMU information be populated for every loop contained in LFACS. For
24 example, 'plain old telephone service' ("POTS"), the industry-accepted
25 term for basic dial-tone local service, is not a designed service, and as

1 such, BellSouth's procedures have not required LMU information on
2 facilities in areas where POTS is the prevalent service requirement.
3 Additionally, because BellSouth procedures did not require LMU on all
4 loops, LFACS memory capacity was not sized to accommodate LMU
5 information for all loops. In contrast, for commercial and metropolitan
6 areas – where designed services are likely to be in demand – LMU
7 information has been populated to a much higher degree in LFACS.

8
9 More recently, BellSouth began populating LMU information on new
10 facilities for business and residence, as well as certain embedded loops.
11 Additionally, as ALECs request LMU information that does not reside in
12 LFACS, the LMU information that is, by necessity, determined manually is
13 entered into LFACS, and is available in the event that future requests are
14 placed on those loops. To the extent that LMU information is contained in
15 LFACS, it will be provided to the ALECs, and is the same information to
16 which BellSouth itself has access.

17
18 For BellSouth to serve some of its own retail customers, BellSouth must
19 perform manual service inquiries for information when there is no
20 electronic access to LMU information because there is incomplete
21 information on a particular loop. This situation is absolutely equivalent to
22 the situations in which ALECs are unable to find complete information on
23 loops for their customers. Again, BellSouth has always provided, and will
24 continue to provide to ALECs nondiscriminatory access to the same
25 detailed information about the LMU – and in the same manner as it does

1 for itself, i.e., manually – in instances where the LMU information is not
2 available via electronic access.

3

4 Q. ON PAGE 11, LINES 5-7, MS. KINARD CLAIMS THAT “BELLSOUTH
5 HAS ADMITTED THAT THE LOOP MAKE-UP INFORMATION HOUSED
6 IN [LFACS] MAY BE INACCURATE 10% OR MORE OF THE TIME”.
7 LIKEWISE, MR. THOMAS ALLEN OF COVAD CLAIMS ON PAGE 6,
8 LINE 17, THAT “BELLSOUTH HAS ADMITTED IN TESTIMONY IN
9 GEORGIA THAT INACCURATE DATA MAY BE RECEIVED AS OFTEN
10 AS 10% OF THE TIME IN UTILIZING THE ELECTRONIC LOOP MAKE-
11 UP SYSTEMS”. ARE THESE STATEMENTS CORRECT?

12

13 A. Absolutely not. Both Ms. Kinard and Mr. Allen are referring to my previous
14 testimony in a Georgia hearing (Georgia XDSL Docket No. 11900-U), but
15 both are mistaken on the subject being discussed in that testimony. The
16 issue of percentage inaccuracy had nothing to do with information in the
17 LFACS database OR the use of the electronic or manual Loop Make-up
18 process that I just described and which was developed for ALEC use. In
19 my Georgia testimony, I was talking about the internally developed Loop
20 Qualification System (“LQS”) that BellSouth's own service representatives
21 use to qualify lines for BellSouth's ADSL service, and the percentage of
22 time that a query through LQS might be inaccurate.

23

24 LQS is designed to generate a simple Yes/No level of response when
25 queried with a telephone number. That Yes/No decision is based upon a

1 set of parameters defined by the technical service requirements of
2 BellSouth's own ADSL offering. Because that set of parameters might not
3 equate to the same technical service requirement as an ALEC's
4 comparable service offering, we have not recommended that ALECs use
5 LQS. When an ALEC inputs a telephone number, the Yes/No response is
6 telling it that the line is or is not qualified for a BellSouth service offering –
7 not necessarily theirs. We have simply made LQS available to the
8 ALECs, with the understanding that BellSouth does not guarantee it for
9 qualification for their service offering. BellSouth believes LQS to be an
10 adequate qualification system for our own purposes.

11
12 While LFACS is utilized in the Yes/No determination, it would be more
13 accurate to say that incomplete information in LFACS leads to an error in
14 an LQS query, as opposed to the error being caused by inaccurate
15 LFACS information. Ms. Kinard and Mr. Allen are simply wrong to allege
16 that I stated that LMU information in LFACS is inaccurate 10% or more of
17 the time.

18
19 Q. ALSO ON PAGE 11 AT LINES 22-23, MS. KINARD STATES THAT
20 "BELLSOUTH NEEDS TO COMMIT TO OFFERING IT [MECHANIZED
21 ACCESS TO LMU INFORMATION] WITH THE EDI INTERFACE.
22 PLEASE RESPOND.

23
24 A. I disagree that BellSouth needs to commit to this offering. As I stated in
25 my previous answer, mechanized, or electronic, access to LMU

1 information is not a requirement under the FCC rules regarding LMU.
2 With that said, however, there is currently a change request (“CR”)
3 pending before BellSouth's Change Control Process (“CCP”) to add pre-
4 order functionality to the EDI interface. That CR has been approved and
5 will be scheduled according to the CCP’s prioritization guidelines. When
6 implemented, the full spectrum of pre-order functionality – including
7 access to LMU information – will be added to EDI. The target date for
8 implementation of the pre-order feature has not yet been determined.

9
10 Q. ON PAGE 23, LINES 1-3, MS. KINARD STATES THAT “BELLSOUTH
11 HAS NOT YET INCLUDED A METRIC IN ITS SQM THAT TRACKS
12 WHETHER IT RESPONDS FAIRLY TO ALEC REQUESTS FOR
13 CHANGES AND NEW FUNCTIONALITIES ON ITS INTERFACES”.
14 PLEASE RESPOND.

15
16 A. Ms. Kinard is correct when she says BellSouth does not have a metric for
17 that measurement, and there is a good reason for that. All requests for
18 changes to interfaces must come through the BellSouth Change Control
19 Process (“CCP”), and change requests that are accepted for
20 implementation are prioritized by the CCP (more on the prioritization issue
21 in a later response). Ms. Kinard seems to forget that any changes made
22 to interfaces – whether ALEC- or BellSouth-requested – are intended to
23 serve the ALEC community.

24

1 She is asking this Commission (Line 5) to order BellSouth to pointlessly
2 measure this aspect of the CCP as if it were a contest. She provides no
3 factual support to justify such a request. To measure the number of ALEC
4 change requests implemented versus the number of BellSouth change
5 requests implemented would be nothing more than a stroke-tally that
6 ignores the content and importance of the change requests themselves.
7 Some change requests simply are more important and impacting than
8 others. I feel confident that the ALEC community would be happy to see
9 the implementation of a BellSouth change request to remedy a defect or
10 correct a documentation error that benefits the entire ALEC community,
11 and would not be concerned as to who made the change request. Ms.
12 Kinard, on the other hand, appears to feel that if BellSouth gets a change
13 request implemented, each ALEC is entitled to have one change request
14 implemented, regardless of the nature of the request. Under her
15 approach, an ALEC that had this entitlement could make literally any
16 request – even one that is operationally impossible – and BellSouth would
17 have to fulfill the request to avoid “failing” her proposed measurement.
18 This one-for-one concept simply is not practical from an operational
19 standpoint, nor appropriate from a measurement standpoint.

20
21 I will respond below to the substance of Ms. Kinard’s claims regarding the
22 Change Control Process and demonstrate that her claims are not well-
23 founded. However, even if there were any merit to her allegations of
24 problems with the CCP, it is still important to remember that, for the
25 reasons I have already explained, Ms. Kinard’s proposal to measure the

1 CCP will not work. In other words, even if there were a problem (and
2 there is not), any such problem could not be addressed by adding
3 performance measurements.
4

5 Q. ON PAGE 21, LINE 8, THROUGH PAGE 23, LINE 8, MS. KINARD
6 MAKES REPEATED REFERENCES TO THE NEED FOR NOTICES OF
7 OUTAGES OF, AND CHANGES TO, BELL SOUTH'S INTERFACES,
8 CITING THE HARM THAT CAN COME TO ALECS IF SUCH NOTICES
9 ARE NOT RECEIVED IN A TIMELY MANNER. DOES BELL SOUTH
10 PROVIDE APPROPRIATE OUTAGE AND CHANGE NOTIFICATIONS?
11

12 A. We certainly do. BellSouth is aware of the concerns of the ALECs, and
13 makes every effort to provide information that is both timely and accurate
14 in circumstances such as outages and proposed changes. The CCP is
15 the vehicle for such notices.
16

17 As this Commission is aware from my testimony from a previous hearing
18 (Docket 000731-TP), BellSouth absolutely understands and agrees that
19 ALECs are entitled to have access to the OSSs utilized by BellSouth to
20 provide service to its customers. To facilitate this access, the various
21 ALEC interfaces have been developed which allow ALEC access to
22 BellSouth's OSS. Obviously, changes in these interfaces are of
23 importance to both BellSouth and the CLECs. The Change Control
24 Process is the collaborative process by which BellSouth and the CLECs
25 manage requested changes to the CLEC interfaces, the introduction of

1 new interfaces, and provide for the identification and resolution of issues
2 related to change requests. This process covers change requests that
3 affect external users of BellSouth's electronic interfaces, associated
4 manual process improvements, performance or ability to provide service
5 including defect notification. Associated documentation is included in this
6 process.

7
8 The Change Control Process itself is documented in a publication that is
9 now in version 2.1a (posted to the BellSouth CCP website on February 16,
10 2001), and that document is attached to my testimony as Exhibit RMP-1.
11 Since the CCP is an evolving process, there is also a companion
12 document (provided as Exhibit RMP-2) that indicates those issues for
13 which there are changes pending, or where there remain differences
14 between the ALECs and BellSouth on specific steps of the process.
15 Those issues remain under review by sub-teams within the CCP, or by
16 BellSouth as it investigates whether it can meet the requests of the
17 ALECs.

18
19 I'll address the issue of system outage notification first. Beginning on
20 Page 15 of Exhibit RMP-1 is Section 4.0 – Change Control Process Flow,
21 containing an overview of six distinct process flows. A system outage is
22 designated as Type-1 (highest priority). Beginning on Page 16 and
23 continuing through Page 20 is a detailed explanation of how the process
24 works, including – notably – the notification steps that take place when a
25 system outage occurs – i.e., initial notification for outages exceeding 20

1 minutes, status notifications on 2-4 hour intervals, resolution notification at
2 24 hours after outage occurs, final resolution notification within three days
3 of outage, and even an escalation step that is appropriate at any time
4 during the outage if cycle times exceed the times defined by the process.
5 All notifications are readily accessible by all ALECs via the BellSouth
6 Interconnection website, and provided by e-mail to ALECs that are
7 registered CCP members.

8
9 The notification process is comprehensive, effective, and, importantly,
10 accepted by the ALECs as the defined process. While I can understand
11 Ms. Kinard's concerns with the ALECs receiving timely outage notification,
12 she has failed to provide any support for her claim that there is a problem
13 in this area.

14
15 With regard to notifications of changes to the interfaces, there is also a
16 defined process by which the CCP manages the introduction of changes.
17 The process is outlined beginning on Page 21 of Exhibit RMP-1 (Section
18 4.0, Part 2 – Types 2-5 Process Flow). As previously noted, and in
19 response to CLEC requests, BellSouth has also proposed changes in the
20 notification process regarding user requirements for software releases (90
21 and 45 days advance notification for draft and final requirements,
22 respectively), new TCIF mapping (180 days advance notification for
23 implementation release date, and 120 and 60 days advance notification
24 for draft and final requirements, respectively), and retirement of interfaces
25 (120 days advance notification for the retirement of old versions of

1 interfaces). These proposed changes are found on Pages 22-23 and 32-
2 34 of Exhibit RMP-2.

3
4 Another change regarding notifications to which BellSouth has agreed is
5 related to documentation for non-system-affecting documentation. In
6 response to CLEC requests and as a major improvement over earlier
7 versions of the CCP document, BellSouth will now provide all
8 documentation 30 days in advance. The proposed documentation
9 wording is found on Page 23 and Pages 34-35 of Exhibit RMP-2.

10
11 Again, while BellSouth understands the concerns of ALECs regarding
12 inadequate advance notification about system changes, Ms. Kinard's
13 testimony provides no substantiation regarding her implications of
14 BellSouth's negligence in that area. BellSouth and the ALECs have jointly
15 developed a comprehensive process for notifications, and that process will
16 improve with the acceptance of BellSouth's proposed changes to the
17 notification intervals.

18
19 **Q. ON PAGE 23 AT LINE 3, MS. KINARD ALLEGES THAT BELL SOUTH**
20 **IGNORES THE ALEC CHANGE REQUEST PRIORITIZATION AND**
21 **IMPLEMENTS CHANGES WHENEVER IT CHOOSES. IS THIS TRUE?**

22
23 **A. No. Ms. Kinard is absolutely incorrect, but she at least recognizes that the**
24 **ALECs prioritize the change requests. As I have stated in previous**
25 **testimony about the CCP before this Commission (Docket No. 000731-**

1 TP), BellSouth is a firm believer in the CCP, and has never acted
2 irresponsibly upon change requests in the manner that Ms. Kinard has
3 alleged, nor does BellSouth plan to do so in the future. There is an entire
4 section of the CCP process devoted to release management, including CR
5 prioritization and release scheduling, and it is part of the same Section
6 4.0 – Part 2 that I have defined in the previous answer.

7
8 It is clearly noted on Page 23 of Exhibit RMP-1 that BellSouth has the
9 ability to reject change requests for reasons of cost, industry direction and
10 technical unfeasibility during the CR acceptance review step. Once the
11 CRs have been accepted as candidates for implementation and are
12 prioritized, BellSouth is committed to implement the CRs as scheduled.
13 With that said, it is not without precedent that individual features from
14 prioritized CRs were not actually implemented at the time of the release,
15 but it is a fact of life in an electronic and software environment that
16 unforeseen anomalies can occur in the testing and implementation phase
17 of a release. Rather than jeopardize an entire release for the sake of
18 individual features, BellSouth sometimes chooses to remove the offending
19 feature(s) from the initial release. Those feature defects are repaired, and
20 the features installed in a sub-release at a later date.

21
22 It may also seem to the uninitiated that BellSouth sometimes installs lower
23 priority features in a release, while not including higher priority features.
24 This is a function of release capacity or development capability. Some
25 features require small amounts of software memory or do not have high

1 development resource requirements. Since these features are to be
2 installed at some point anyway, they can sometimes be added to a
3 release with a minimum of resource expenditure – and not at the expense
4 of a higher priority feature. A higher priority feature would have required
5 more space in the software than was available, or extended development
6 time might have caused a release interval that was not acceptable to the
7 ALECs.

8

9 Q. IN THE SECTION ON FLOW-THROUGH ON THE SECOND PAGE
10 (UNNUMBERED) OF HER EXHIBIT KK-1, MS. KINARD STATES IN THE
11 FIRST SENTENCE THAT “BELLSOUTH’S SQM (“SERVICE QUALITY
12 MEASUREMENTS”) SHOULD NOT EXCLUDE ORDERS THAT FALL TO
13 MANUAL, THROUGH NO FAULT OF THE ALEC, FROM THE METRIC”.
14 IN A LATER SENTENCE, SHE FURTHER STATES THAT “IT
15 [BELLSOUTH] SHOULD BE HELD ACCOUNTABLE FOR ITS DECISION
16 NOT TO PROVIDE FLOW-THROUGH”. PLEASE RESPOND.

17

18 A. Ms. Kinard appears to incorrectly assume that everything – except those
19 service requests that fall out due to ALEC error – should flow through
20 BellSouth's systems without the need for manual intervention. That simply
21 is not the case, and, as I will discuss in more detail below, there is
22 regulatory support for BellSouth's position on flow-through and associated
23 calculations.

24

1 When Ms. Kinard makes reference to BellSouth's "decision not to provide
2 flow-through", she is referring to types of orders for which there currently is
3 no designed capability for converting an ALEC's Local Service Request
4 ("LSR") format to a BellSouth Service Order Communications System
5 ("SOCS") format. For a number of service offerings orderable by ALECs
6 electronically, there is justification for BellSouth having made such a
7 decision – and a number of regulatory precedents allowing such a
8 decision.

9
10 In a letter from the FCC's Common Carrier Bureau Staff in February 1999
11 (provided as Exhibit RMP-3), Bureau Chief Lawrence Strickling, in an
12 interpretation of the Commission's BellSouth Louisiana II Order, confirmed
13 in Section 1 that BellSouth could exclude complex orders from flow-
14 through calculations. That same letter further confirmed in Section 4 that
15 there is no requirement that all types of orders be capable of electronic
16 submission by an ALEC.

17
18 Further, in its approval of in-region interLATA services for both
19 Southwestern Bell Telephone Company for Texas (Para. 180) and Bell
20 Atlantic for New York (Footnote 488), the FCC recognized that some
21 services could be properly designed to fall out for manual processing. In
22 those orders, the FCC also upheld that nondiscriminatory access does not
23 require that all service requests be submitted electronically in the first
24 place.

25

1 In addition to the exclusion of complex orders from the flow-through
2 requirement – and, consequently, exclusion from the flow-through
3 calculations – BellSouth has, in fact, determined that certain other types of
4 service requests do not lend themselves to flow-through. These decisions
5 were made due to the complexities or impossibilities of developing the
6 programming to translate the LSR format to the SOCS format, or the fact
7 that it does not make economical business sense to expend the resources
8 to do such translation programming for service request types that have a
9 relatively low-volume ordering incidence.

10
11 Included in this non-complex, non-flow-through category are services or
12 situations such as ALEC-requested expedites, requests with special
13 pricing plans associated, some partial migrations, restore or suspend for
14 UNE combos, requests with more than 25 lines, some special directory
15 listing requests, and situations where new telephone numbers have not
16 yet posted to BOCRIS. Many of these services or situations are unique to
17 the ALEC environment, and, thus, have no BellSouth equivalent.

18
19 BellSouth has published a list of service request types and situations that
20 are designed for fall-out. For a complete overview of the list of flow-
21 through/non-flow-through services and situations, I have provided an
22 excerpt (Pages 1-4) of the Florida Interim Performance Metrics Flow-
23 Through Matrix as Exhibit RMP-4. As BellSouth's interfaces and OSS
24 have region-wide capabilities, this list is consistent throughout the nine
25 states of the BellSouth region.

1 I will mention that if an ALEC wishes a certain type of service or request to
2 flow through or be submitted electronically, there is a defined process for
3 making such a request to BellSouth. An ALEC can issue a CR through
4 the CCP to determine the whether such a request is feasible. BellSouth is
5 committed to investigating all such requests to the fullest extent possible
6 to satisfy ALEC needs whenever possible.

7

8 Q. IN THAT SAME SECTION OF EXHIBIT KK-1, MS. KINARD CITES AN
9 OBLIGATION FOR BELLSOUTH TO "PROVIDE PARITY SERVICE" AS
10 IT RELATES TO ORDER PROCESSING AND A "LACK OF EVIDENCE
11 THAT SUCH ORDERS FALL OUT FOR MANUAL PROCESSING FOR
12 ITS RETAIL OPERATION." PLEASE RESPOND.

13

14 A. Regarding the supposed "lack of evidence that such orders fall out for
15 manual processing for its retail operation", I refer to the letter from FCC
16 Common Carrier Bureau Chief Strickling that was previously discussed
17 (Exhibit RMP-3, Section 1). The FCC recognized that BellSouth does, in
18 fact, manually process its own retail complex requests. These requests
19 must be correctly built in a SOCS-compatible format as a BellSouth
20 representative submits such orders to SOCS. In a sense, a BellSouth
21 retail request of this type – as well as those for more complex situations –
22 'began life' in a fall-out condition. Further, SOCS will not accept the
23 request unless it is correctly built. As I stated earlier, many of the services
24 and situations that fall out for ALECs have no equivalent in a BellSouth

1 retail environment, and, therefore, no comparison can be – nor needs to
2 be – made.

3

4 Q. DOES THIS CONCLUDE YOUR TESTIMONY?

5

6 A. Yes.

1 BY MR. CARVER:

2 Q Mr. Pate, could you summarize your testimony, please.

3 A Yes. Good evening. The purpose of my testimony is to
4 provide BellSouth's response to certain issues raised by
5 Ms. Kinard of WorldCom and Mr. Allen of Covad in their direct
6 testimony on behalf of the joint ALECs. Specifically, I will
7 provide clarification in response to allegations made regarding
8 operations support systems, OSS, as it relates to loop makeup and
9 change management, as well as respond to issues raised regarding
10 the flow through performance measurement.

11 The first issue I will address deals with BellSouth's
12 obligations under the FCC UNE remand order to provide access to
13 loop makeup information. In Paragraph 427 of the UNE remand
14 order the FCC stated, and I quote, we clarify that pursuant to
15 our existing rules, an incumbent local exchange carrier must
16 provide the requesting carrier with nondiscriminatory access to
17 the same detailed information about the loop that is available to
18 the incumbent, end quote. The FCC further concluded in Paragraph
19 431, and I quote, that access to loop qualification must be
20 provided to competitors within the same time intervals it is
21 provided to the incumbent local exchange carrier's own retail
22 operations, end quote.

23 Nondiscriminatory access does not imply nor require
24 that detailed information about loops must be available
25 electronically and involve no manual processes. To comply with

1 the UNE remand order, BellSouth implemented a manual loop
2 makeup service inquiry process on February 17th, 2000. This
3 process provides CLECs with nondiscriminatory access to the same
4 underlying loop makeup information that is available to
5 BellSouth. In addition to the manual service inquiry, on
6 November 18th, 2000, BellSouth implemented electronic access to
7 the detailed loop makeup information contained within BellSouth's
8 loop facilities assignment and control system, LFACS, L-F-A-C-S.
9 LFACS is the database where loop makeup information resides
10 within the BellSouth OSS.

11 An issue requiring clarification concerns the loop
12 makeup information contained within LFACS and its accuracy. The
13 allegation has been made that loop makeup information will not be
14 available on every loop in LFACS and that the information in
15 LFACS may be an inaccurate 10 percent or more of the time.
16 First, let me clarify that all BellSouth loops are populated in
17 LFACS. However, detailed loop makeup information is not
18 populated in LFACS on every loop. This does not constitute a
19 failure on the part of BellSouth to provide parity. In fact,
20 BellSouth is in compliance with the FCC's UNE remand order in
21 that it provides ALECs nondiscriminatory access to the same
22 information about the loop makeup that it provides to itself.

23 As a point of clarification, both Ms. Kinard and
24 Mr. Allen are mistaken in their statement that information housed
25 in LFACS may be inaccurate 10 percent or more of the time. The

1 10 percent accuracy issue relates to BellSouth's loop
2 qualification system, LQS. LQS is a tool for network service
3 providers, the purchasers of BellSouth's tariffed ADSL offering,
4 to determine whether a particular service location qualifies for
5 the service. LQS is designed to generate a yes/no level of
6 response based on a set of parameters defined by the technical
7 requirements of BellSouth's ADSL offering. LQS does not provide
8 loop makeup information as contemplated by the FCC's UNE remand
9 order. With that said, subsequent to the FCC's UNE remand order,
10 access to LQS was provided to ALECs at no charge.

11 One final point regarding LQS. The database for loop
12 makeup information is LFACS. Thus, the source of loop makeup
13 information in LQS is LFACS. While LFACS is utilized in the
14 yes/no determination, it would be more accurate to say that
15 incomplete information LFACS leads to an error in an LQS query as
16 opposed to the error being caused by inaccurate LFACS
17 information.

18 The next issue in my testimony deals with change
19 management.

20 CHAIRMAN JACOBS: Mr. Pate, I'm going ask your
21 indulgence here since we are somewhat limited on time. If it
22 would be okay with your counsel, if there is additional
23 information in your summary that you would like to include in the
24 record, I'm assuming that I have the leverage to allow you to put
25 that into the record in written form since I see you have it in

1 written form, and we can proceed with cross. Is that acceptable
2 to you, Counsel?

3 MR. CARVER: Yes, sir. I think the copy that he has is
4 a marked up one, so we'll have to get a clean copy. But once we
5 do that, we can certainly insert it into the record.

6 CHAIRMAN JACOBS: Very well. If that's being the case,
7 then we can submit him for cross?

8 MR. CARVER: Yes, sir, he is.

9 CHAIRMAN JACOBS: Okay.

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BELLSOUTH TELECOMMUNICATIONS, INC.
SUMMARY FOR REBUTTAL TESTIMONY OF RONALD M. PATE
BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION
DOCKET NO. 000121-TP

Good morning (afternoon). The purpose of my testimony is to provide BellSouth's response to certain issues raised by Ms. Kinard of WorldCom and Mr. Allen of COVAD in their direct testimony on behalf of the joint ALECs. Specifically, I will provide clarification in response to allegations made regarding Operations Support Systems (OSS) as it relates to Loop Make-Up and Change Management, as well as, respond to issues raised regarding the Flow Through performance measurement.

The first issue I will address deals with BellSouth's obligations under the FCC UNE Remand Order to provide access to Loop Make-Up information. In paragraph 427 of the UNE Remand Order the FCC stated "We clarify that pursuant to our existing rules, an incumbent LEC must provide the requesting carrier with non-discriminatory access to the same detailed information about the loop that is available to the incumbent". The FCC further concluded in paragraph 431 "that access to loop qualification must be provided to competitors within the same time intervals it is provided to the incumbent LEC's own retail operations". Non-discriminatory access does not imply nor

require that detailed information about loops must be available electronically and involve no manual processes.

To comply with the UNE Remand Order BellSouth implemented a manual Loop Make-Up Service Inquiry (SI) process on February 17, 2000. This process provides ALECs with non-discriminatory access to the same underlying loop make-up information that is available to BellSouth. In addition to the manual Service Inquiry, on November 18, 2000, BellSouth implemented electronic access to the detailed Loop Make-Up information contained within BellSouth's Loop Facilities Assignment and Control System ("LFACS"). LFACS is the database where loop make-up information resides within the BellSouth OSS.

An issue requiring clarification concerns the loop make-up information contained within LFACS and its accuracy. The allegation has been made that loop make-up information will not be available on every loop in LFACS and that the information in LFACS may be inaccurate 10% or more of the time. First let me clarify that all BellSouth loops are populated in LFACS. However, detailed loop make-up information is not populated in LFACS on every loop. This does not constitute a failure on the part of BellSouth to provide parity. In fact, BellSouth is in compliance with the FCC's UNE Remand Order in that it provides ALECs nondiscriminatory access to the same information about the LMU that it provides to itself.

As a point of clarification, both Ms. Kinard and Mr. Allen are mistaken in their statement that information housed in LFACS may be inaccurate 10% or more of the time. The 10% accuracy issue relates to BellSouth's Loop Qualification System (LQS). LQS is a tool for Network Service Providers, the purchasers of BellSouth's tariffed ADSL offering, to determine whether a particular service location qualifies for the service. LQS is designed to generate a Yes/No level of response based on a set of parameters defined by the technical requirements of BellSouth's ADSL offering. LQS does not provide loop make-up information as contemplated by the FCC's UNE Remand Order. With that said, subsequent to the FCC's UNE Remand Order, access to LQS was provided to ALECs at no charge.

One final point regarding LQS. The database for loop make-up information is LFACS. Thus, the source of loop information in LQS is LFACS. While LFACS is utilized in the Yes/No determination, it would be more accurate to say that incomplete information in LFACS leads to an error in an LQS query, as opposed to the error being caused by inaccurate LFACS information.

The next issue in my testimony deals with change management. BellSouth has various interfaces that ALECs use to interact with our operational systems. The ALECs use these interfaces to accomplish various functions such as to get preordering and ordering information

from BellSouth and to track their orders. Obviously changes in these interfaces are of importance to both BellSouth and the ALECs. As a result, there is a process, called the Change Control Process or CCP, by which BellSouth and the ALECs manage requested changes to the ALEC interfaces, the introduction and retirement of interfaces, and provide for the identification and resolution of issues related to change requests. This process defines various types of change requests and associated processes such as outages, regulatory orders, industry standards, ALEC initiated enhancements, BellSouth initiated enhancements, and defects. For each of these a comprehensive and effective notification process has been defined through an extensive work effort with the ALECs participating in CCP.

An issue raised with respect to the CCP is Ms. Kinard's request for a metric to measure the percentage of BellSouth change requests implemented for the ALEC interfaces versus the number of ALEC change requests implemented. Ms. Kinard alleges that while ALECs prioritize the change requests, BellSouth implements these changes whenever it chooses, and it ignores the prioritization. Let me first state that Ms. Kinard's allegation that BellSouth ignores the prioritization is not true. With that said, the measure proposed by Ms. Kinard ignores the content and importance of the change requests themselves. Surely Ms. Kinard recognizes that some change requests are more important and impacting upon the ALEC community than others. The proposed measure would be nothing

more than stroke-tally without any consideration for the impact of the implemented changes.

One final point on CCP, BellSouth is a firm believer in the CCP and has never acted irresponsibly upon change requests. With that said, it is not without precedent that individual features from change requests prioritized by the ALECs were not actually implemented at the time of the release, but it is a fact of life in an electronic and software environment that unforeseen anomalies can occur in the testing and implementation phase of a release. Rather than jeopardize an entire release for the sake of individual features, BellSouth sometimes chooses to remove the offending feature(s) from the initial release. Those feature defects are repaired, and the features installed in a sub-release at a later date.

It may also seem that BellSouth sometimes installs lower priority features in a release, while not including higher priority features. This is a function of release capacity or development capability. Some features require small amounts of software memory or do not have high development resource requirements. Since these features are to be installed at some point anyway, they can sometimes be added to a release with a minimum of resource expenditure – and not at the expense of a higher priority feature. A higher priority feature may have required more space in the software than was available, or extended development time might have caused a release interval that was not acceptable to the ALECs.

My final issue concerns the metric of Flow-Through. Ms. Kinard requests that this Commission not allow the exclusion of Local Service Requests (LSRs) submitted electronically to BellSouth which fall out by design for human intervention from the Flow-Through calculation. As I stated in my testimony, even the FCC recognizes that some complex orders have to be submitted manually and in its letter from the Common Carrier Bureau Staff in February 1999, provided as an exhibit to my testimony, then Bureau Chief Lawrence Strickling, in an interpretation of the FCC's BellSouth Louisiana II Order, confirmed that BellSouth could exclude complex orders from the flow-through calculations. I would note that, to put a point on this, that the FCC approved Southwestern Bell Telephone Company's application to provide in-region, interLATA services in Texas as well as approved Bell Atlantic's application for New York and in both cases recognized that some services could be properly designed to fall out for manual processing. As a final note, the measure that Ms. Kinard request is being provided monthly for diagnostic purposes. The monthly Flow-Through Report provides for three calculations of the data. The column labeled "Achieved Flowthrough" provides a result that includes in the calculation those LSRs that fell out by design for manual processing. This particular measure is the result of the "Issued Service Orders" divided by the "Total Mech LSRs" which is the total number of LSRs submitted electronically adjusted for CLEC input errors and supplemental LSRs that result in a "Z status" category. However, the primary measure of flow-through upon which

the benchmarks are justifiably established is the result in the column labeled "CLEC Error Excluded Calculation". It is this result that is commonly referred to as flow-through.

Thank you. This concludes my summary.

CROSS EXAMINATION

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BY MR. O'ROARK:

Q Good evening, Mr. Pate.

A Good evening.

Q My name is D. O'Roark, and I represent WorldCom. We've met before.

A Yes.

Q I have made a promise to the Commission to keep this to ten minutes, and I'm going to honor that.

CHAIRMAN JACOBS: We'll give you a little bit more.

MR. O'ROARK: Thank you, Mr. Chair.

CHAIRMAN JACOBS: We can open the doors, I guess.

BY MR. O'ROARK:

Q Mr. Pate, let's talk just a little bit about change management which you were just about to tell us about in your summary.

A Yes.

Q Very quickly, as part of the change management process, ALECs may submit to the change management process a prioritized list of changes that they would like to see made in BellSouth's OSS; is that correct?

A Yes, that's partially correct, but in clarification, they actually submit a change request first, and then those change requests are prioritized. And I think that's what you're referring to, is their input on the prioritization of all those

1 change requests then.

2 Q Thank you for the clarification. And BellSouth has
3 veto power as to whether to implement any of those prioritized
4 changes; is that correct?

5 A Well, I always take exception to the word "veto power,"
6 and I think this Commission has heard me discuss that before.
7 BellSouth has the ability to decline some of those requests based
8 on established criteria in the CCP process itself, the change
9 control process. And those criteria is based on a financial
10 justification or technical justification, as well as the
11 feasibility from a technical standpoint.

12 Q And I'm looking at your rebuttal testimony at Page 14,
13 Line 9. You say that BellSouth has the ability to reject change
14 requests for reasons of cost, industry direction, and technical
15 unfeasibility. What is industry direction?

16 A Industry direction referring to standards. If there's
17 some industry standards that are coming out and someone would be
18 proposing a change request, that either the industry standard
19 when it comes out would deal with it or it would be requested --
20 would maybe go against the industry standards. It would be based
21 on that.

22 Q In any event, you understand that the ALEC concern is
23 that BellSouth might abuse its ability to decline to implement
24 change requests; is that right?

25 A That's correct. I understand your concern, and that's

1 why built in with the process also is -- you know, we're
2 obligated to come back and tell you why we've made that change
3 and even produce the subject matter experts said in one of the
4 next meetings to explain that. And that's detailed in the
5 process as well.

6 Q And BellSouth is proposing no metric that would measure
7 how often BellSouth rejects ALEC changes; isn't that right?

8 A I'm not aware of any metric of such.

9 Q Let's move to network and interface outages, which you
10 discuss in your rebuttal testimony. We'll start with interface
11 outages. You are aware that BellSouth has proposed a measure --
12 a metric CM-5 that deals with interface outages?

13 A Yes, I've reviewed that briefly.

14 Q As I understand the process, first, you have the
15 interface outage; then somebody tells BellSouth about it or
16 BellSouth learns about the interface outage; then BellSouth
17 verifies that there has, in fact, been an interface outage; and
18 then BellSouth notifies ALECs of the outage. Is that basically
19 how it works?

20 A That's basically it. Just for clarification, either
21 BellSouth or an ALEC could notify us of the outage. There's a
22 number they call, and based on that notification, if that outage
23 lasts 20 minutes, there's a written notification sent back out to
24 the CLECs. Those that are registered participants will get that
25 via e-mail, as well as there's a notification posted on that Web

1 site, and that notification is done within 15 minutes of that 20
2 minutes lapse time.

3 Q And it's within 20 minutes of the verification; is that
4 right?

5 A Yes, that's what I mean by the lapsed time.

6 Q What is involved in verification? What constitutes
7 verification?

8 A Well, it requires someone that's a technical person,
9 the area which they call, to actually go and quickly resource the
10 problem. Typically, you're talking about connectivity issues
11 when we're talking about an outage. So they would -- based on
12 whatever the particular item that's been reported, these are
13 people that have been working in this area for many years, and
14 they know where to typically go and start to look and quickly try
15 to resolve what has actually caused that particular situation.
16 So each one is situational, but a technician with a lot of
17 experience would initiate looking in the areas that they think is
18 the most likely cause.

19 Q But for verification, aren't you really -- isn't what
20 you're really doing is just determining that there is, in fact,
21 an outage?

22 A Yes, yes. But you could have an outage experience from
23 an individual ALEC, and really, that is something not working
24 properly on their side of the interface, and they just don't know
25 it. So they would go in and take a look to see if anybody else

1 is experiencing it or has reported it. Obviously, if we have
2 several people calling at once, it's verified.

3 Q Let's move over to interface outages. We can agree
4 that -- or excuse me, network outages. We can agree that network
5 outages are a big deal, can't we?

6 A Help me with your definition of what a network outage
7 is.

8 Q Well, maybe I better -- do you have an understanding as
9 to what a network outage is?

10 A No, I'm not familiar with the term when you say
11 "network outage."

12 Q You've never heard that term before or anything like
13 that?

14 A Well, not in the context we're discussing here, a
15 network outage. We were talking about change control process,
16 and I'm usually more aware of the electronic interfaces having
17 a -- I refer to the term "system outage." So when you use the
18 term "network outage," it's just, I haven't talked in that
19 context before.

20 Q So if I use the term "system outage" as distinguished
21 from interface outage, we're communicating?

22 A To me, they are one and the same. So I want to make
23 sure I answer your question properly; that's why I was seeking a
24 definition.

25 Q I see. I'll tell you what --

1 COMMISSIONER JABER: Counsel, perhaps you could ask
2 him if he agrees with your definition of network outage. Because
3 how does he know that a system outage is the same as a network
4 outage if he doesn't understand what a network outage is?

5 MR. O'ROARK: I believe the witness said that his
6 understanding is that a system outage is the same as an interface
7 outage.

8 THE WITNESS: Yes. From change control process, I
9 referred to them as one and the same.

10 COMMISSIONER JABER: I'd love to know what you're
11 talking about.

12 MR. O'ROARK: Well, I thought I knew what I was talking
13 about. A network outage, to me, means that you have switches
14 down and that you are not able to transmit telecommunications.
15 And I thought as a layman that that was something that Mr. Pate
16 would understand, and we're not communicating. So I'm just going
17 to move on to the next area, if that would be okay.

18 COMMISSIONER JABER: Your choice.

19 BY MR. O'ROARK:

20 Q Let's talk for a bit about flow through.

21 A Sure.

22 Q Something we have talked about before.

23 A Yes.

24 Q At your testimony at Page 15, you say that Ms. Kinard
25 appears to incorrectly assume that everything except those

1 service requests that fall out due to ALEC error should flow
2 though BellSouth's systems without the need for manual
3 intervention. Do you understand that what Ms. Kinard is asking
4 for are really two flow through measurements? One that would
5 measure total flow through, that is, without any exclusions for
6 things that fall out for manual processing; and then an achieved
7 flow through measure, which would exclude things that fall out
8 for manual processing.

9 A Yes, I understand that reading her testimony. I guess
10 what I'm puzzled by is, currently on the monthly flow through
11 report, there is reported an achieved flow though that I think
12 meets her definition. It's placed in there as a result of a
13 Georgia Public Service Commission request. It may be in the form
14 of an order. I don't recall exactly how it got there; however,
15 it's placed there for diagnostic purposes.

16 Q Are you proposing to use that same total flow through
17 measure here in Florida?

18 A It's on the report. The flow through report that we
19 have is a regional report, so it doesn't differ any by state.
20 But my point I want to make clear, it's not -- when we've
21 commonly refer to it as the flow through rate, that achieved flow
22 through is not the one I'm referring to. It's one on that report
23 that talks about, I think it's entitled "CLEC error excluded
24 calculation." That one includes or, shall I say, is adjusted for
25 those transactions that fall out by design.

1 Q One of the things that we talk about when we talk about
2 this flow through measurement is what should be excluded,
3 particularly orders that fall out for manual processing; is that
4 right?

5 A Yes.

6 Q And one of the things you say in your testimony, Page
7 16, the paragraph beginning at Line 10, you refer to the FCC's
8 Common Carrier Bureau staff letter, which is attached to your
9 testimony as RMP-3. And you say that in that letter,
10 Mr. Strickling confirmed that BellSouth could exclude complex
11 orders from flow through calculations. Do you see that in your
12 testimony?

13 A Yes, I do.

14 Q And then do you have RMP-3 in front of you, or can you
15 cause it to be in front of you?

16 A I have it.

17 Q And then if you look at Section 1, the first sentence
18 after Bureau staff response what it, in fact, says is, "The
19 Bureau staff stated in its view that, in principle, complex
20 orders that are manually processed for BellSouth's retail
21 customers could be excluded from flow through calculations." Is
22 that accurate?

23 A Yes, you've read that. That's the first sentence under
24 that section where it starts with "Bureau staff response."

25 Q The staff did not say that all of BellSouth's complex

1 orders are manually processed, did it?

2 A No, it did not say that all of BellSouth's complex
3 orders are manually processed.

4 Q Are you aware of any FCC decision saying that it's okay
5 for all of the BellSouth's complex orders to be excluded from
6 flow through?

7 A No. Really, what the FCC has said that any -- really,
8 it's okay to exclude anything that's not designed for flow
9 through is my understanding of orders in Texas, New York. I even
10 read this week the Massachusetts record, and they make it clear
11 that they base a flow through report on those transactions, those
12 local service requests that are designed to flow through.

13 Q Let's take an example, Mr. Pate, one that we've talked
14 about before, and with this I'll be done. We've talked about
15 BellSouth's MegaLink service and the EEL product that ALECs
16 order. And you recall those discussions that we've had before?

17 A Yes, we have.

18 Q An EEL is a combination of a DS1 loop and
19 DS1 transport; is that right?

20 A That's your basic definition, yes.

21 Q And MegaLink also is a combination of a DS1 and
22 DS1 transport?

23 A That's where we've had our discussions, and I'm still
24 negligent in verifying the exact technical aspects to make sure
25 they run the same. I know they are similar. I'm not sure that

1 they are 100 percent the same.

2 Q ALECs today that want to order EELs using an LSR have
3 to fax the LSR into BellSouth; is that right?

4 A That's correct. We have not had that process to be
5 made available for electronic ordering; however, that's in the
6 process of development.

7 Q And the way it works is, once it's faxed into
8 BellSouth, somebody at BellSouth then keys the order into the
9 BellSouth ordering system and submits it?

10 A Yes.

11 Q And then on the BellSouth side, for a BellSouth rep
12 that wants to order MegaLink, the BellSouth rep would use the
13 BellSouth ROS system; is that correct?

14 A That's right. And there's different types of MegaLink
15 than you and I have talked about this for. They have got a
16 point-to-point MegaLink and a channelized MegaLink. The ROS
17 system, if I remember correctly, supports a point-to-point
18 MegaLink. And what I mean by "supports," it has fields -- fields
19 is not the proper term -- it has folders built within that that
20 define a process that a representative would walk through to
21 enter the information, and uses a point-and-click technology
22 behind the scenes. It's actually developing that order for that.

23 In the case of the MegaLink for channelized, those --
24 ROS is still used to submit the order, but it doesn't have a
25 process flow built. Instead, they have to essentially input that

1 in a very archaic way, typing everything in almost like you were
2 in one of the older systems, looking like a DOS format.

3 Q So with the point-to-point MegaLink, the BellSouth rep
4 can use point and click and pull in preordering information and
5 populate a good bit of the order; is that right?

6 A That's my understanding, yes.

7 Q And then with the channelized MegaLink, more of the
8 order is going to have to be typed in my hand?

9 A That's correct.

10 Q But in either case, once that rep is done, essentially
11 the rep pushes the send key, and that order is then going to
12 automatically go to SOCS?

13 A Yes, it automatically goes to SOCS, the service order
14 communication system. SOCS is the common point of entry for
15 transactions for both BellSouth's retail as well as from the ALEC
16 community for then further processing by the downstream
17 operations support systems.

18 Q And I said that this was an example. There are other
19 products and services that BellSouth reps can order. Like the
20 MegaLink point-to-point service, they are going to have this
21 point-and-click capability; is that right?

22 A Yes. Yes, there are others where they have the point
23 and click, just like an ALEC has point and click for the products
24 through the interfaces we offer to them.

25 Q But the ALEC that wants to order an EEL can't do a

1 point and click, it's got to do a fax; right?

2 A That's what I said earlier. That's under development.
3 Electronic ordering will be forthcoming.

4 Q So just to get to the bottom line when we're talking
5 about the flow through measurement, what all this means, even for
6 the point-to-point MegaLink service that a BellSouth rep could
7 order, when it comes to actually measuring flow through,
8 BellSouth is going to exclude that MegaLink point-to-point order
9 from the flow through calculation; is that correct?

10 A I think we're confusing things because the flow
11 through -- the MegaLink point-to-point was the ROS item.

12 Q Correct.

13 A When we talk about flow through -- I'm getting confused
14 with your question because I'm thinking in terms of the flow
15 through calculation for ALEC submission. So please help me
16 understand what you're asking.

17 Q Well, when BellSouth -- as you know, BellSouth does a
18 comparison of flow through between itself and a -- well, does
19 BellSouth do a comparison between itself and a CLEC for flow
20 through?

21 A Not for business at the moment. We're still even
22 trying to figure out a way to develop a comparison. You know,
23 our position has been, really, that there's not an equivalent
24 flow through for business, and we even considered there to be
25 zero flow through for business. However, we are taking a look

1 for those ROS items where I said they have process flows to see
2 if we can develop a way of identifying and calculating that.
3 Today, it does not exist.

4 Q So for all of the orders that we've just been
5 discussing, all the ones that are like MegaLink point-to-point
6 and all the ones that are like MegaLink that's channelized,
7 BellSouth would exclude all of those orders from flow through,
8 and so that's how you come up with a flow through of zero?

9 A Today, that's what our position is. It's been a flow
10 through of zero because those orders really don't deal -- they
11 don't have that service order generator component. It's what
12 we've discussed. Let me elaborate what I mean by that.

13 It's easier first to explain it from a local service
14 request standpoint that ALECs submit. A big part of the flow
15 through is, you have to take that local service request that's
16 being submitted on that industry standard format and have to
17 translate that into a service order format acceptable by
18 BellSouth's SOCS system for provisioning further downstream.
19 That translation is what I mean by that service order generator
20 component. That component really doesn't exist in ROS the way
21 it's designed because you're building that service order.
22 There's not a service order generator in there. You build that
23 format. Even though it's point and click, it's built that way.
24 And so you don't have to translate it from one format to another
25 for SOCS to be accepted. That's why, you know, our position has

1 been that there's not any flow through there.

2 Q And the bottom line is that you end up with no
3 comparison between the fax system used for ALECs and the ROS
4 system used for BellSouth; is that right?

5 A Today, that's correct. And that's -- as I stated
6 earlier, though, we are trying to look at a means to capture
7 those that -- where there's a process flow in ROS, but it doesn't
8 exist today. And we have a team that's looking at that right now
9 at the request of the Georgia Public Service Commission. So we
10 can at least capture that and you can use it for whatever
11 purposes, but it will definitely not be an apples-to-apples
12 comparison.

13 MR. O'ROARK: Thank you, Mr. Pate. I have no further
14 questions. Mr. Chairman, I did exceed my ten minutes, I
15 apologize.

16 CHAIRMAN JACOBS: Very well. Ms. Boone.

17 CROSS EXAMINATION

18 BY MS. BOONE:

19 Q I only have one quick subject matter, Mr. Pate. I know
20 you find that hard to believe. Electronic loop makeup. Now, you
21 are aware that BellSouth is proposing in this docket that it be
22 measured on delivering electronic loop makeup responses
23 90 percent of the time in 5 minutes; is that correct?

24 A I don't recall what the measure is. If you can show
25 me, I'll be glad to look at it.

1 Q Sure. Or you could --

2 A I'm aware of the measure, I just don't recall the
3 benchmark.

4 Q I'll just show it to you really quick.

5 A Yes. I cite that. I guess this is coming out of
6 the -- well, I see it in the top left-hand corner, the Florida
7 Performance Metrics. And there is a benchmark of 90 percent in 5
8 minutes.

9 Q And are you aware that the ALECs in this proceeding are
10 proposing 95 percent, that it should be returned 95 percent of
11 the time in 1 minute?

12 A No, I'm not aware specifically what you are proposing.

13 Q Are you aware that the New York Commission ordered that
14 loop makeup information be returned 95 percent of the time in 1
15 minute?

16 A I do seem to recall seeing that, but I'll accept that,
17 subject to check.

18 Q And that a similar order with similar benchmarks was
19 issued by the Texas Commission?

20 A Yes.

21 Q Well, what is it about BellSouth's systems that take
22 five times as long to return the same information?

23 A I don't think there's anything particular about the
24 systems of BellSouth that's different from the others. I don't
25 know. I can't compare those. I know they each individual --

1 Bell Operating Company has made advances to its systems based on
2 whatever their business plans were at the point of split-up. So
3 I can't speak specifically as to where they are, what they've
4 done. I can only speak to BellSouth, and so --

5 Q Could you achieve 95 percent in 1 minute?

6 A It's going to be a challenge. If it's within five
7 minutes, yes, we can get there. We're already there, frankly.
8 And for the months of December, January and February, we were at
9 99 percent plus within 5 minutes.

10 Q So that means that when the CLEC puts in the
11 information and sends it off to BellSouth, we wait five minutes
12 to get the information back?

13 A Within five minutes, it's coming back. I mean, I did
14 personally on my own house, just for having fun, about two or
15 three weeks ago using the LENS, and I can assure you in that
16 situation it was well within five minutes. It was under five
17 minutes.

18 Q I'm going to hand you a copy of the Georgia order in
19 the performance measures docket which your counsel already has.
20 If you would just turn -- there's been a lot of talk about this
21 order. Turn to Page 14 where I have it marked there. Would you
22 agree with me that Georgia has ordered the benchmark you
23 proposed, which is 90 percent in 5 minutes?

24 A It's -- if I'm looking at the one correct, loop makeup
25 inquiry, electronic, it says EDI, TAG, and LENS. We don't have

1 EDI for loop makeup but TAG and LENS, because we don't have
2 preordering in EDI. But it says 90 percent in 5 minutes; 6
3 months after going into production, 95 percent in 1 minute.

4 Q So under the Georgia order, you are going to have to
5 produce at the level of 95 percent in 1 minute; is that correct?

6 A That's my understanding. That's what I've heard, and
7 that's what the organization is striving for. As I said earlier,
8 it's going to be a stretch --

9 Q Can you turn to the front page of that order and tell
10 us what day that order was issued on? It's date-stamped.

11 A The date stamp -- well, it was date-stamped
12 January 17th; somebody scratched out the 7 to the January 16th.

13 Q Okay. So would you take that to mean that by June 16th
14 or 17th, BellSouth will have to be at 95 percent returning loop
15 makeup in 1 minute?

16 A I'm not sure exactly what the effective date of the
17 order is. That's a -- the date stamp says, received by the
18 executive secretary. So I'm not the counsel here that would say
19 what date you go by. I will agree with you that within six
20 months of whatever that effective date is, that's --

21 Q So if that's what the ALECs in this proceeding are
22 proposing and that's what BellSouth is going to have to do for
23 Georgia, these are the same systems in Georgia and in Florida;
24 right?

25 A They are basically the same systems, yes.

1 Q So why won't you accept what the ALECs are proposing?

2 A I really don't know. Mr. Coon would have been a better
3 person to ask that. I have not been involved with the actual
4 benchmarks associated with loop makeup. So I don't know what the
5 issue or concern is to why they would want anything different.

6 MS. BOONE: Thank you. I have nothing further.

7 CHAIRMAN JACOBS: Very well. Staff.

8 CROSS EXAMINATION

9 BY MR. FUDGE:

10 Q Mr. Pate, during a deposition last week of Mr. Coon, he
11 was asked about all the wire centers in the state of Florida and
12 the percent of copper loops that have detailed loop makeup
13 information in LFACS. In response to that question, he filed a
14 Late-Filed Exhibit Number 1, which is now part of Exhibit Number
15 6. Mr. Vinson is going to give you a copy of that.

16 Staff has analyzed this exhibit and noticed that the
17 majority of wire centers, over 85 percent, have less than 50
18 percent of loops with detailed loop makeup information in LFACS.
19 Could you please explain the ramifications to the ALECs of the
20 lack of loop data in LFACS when they are requesting such
21 information electronically.

22 A Well, the ramification would be, without the detailed
23 loop makeup information, they may not be able to make an
24 assessment as to whether that loop would qualify for the xDSL
25 product line they are wanting to offer. Let me just flip through

1 this for one second. I've looked at this before. And if I
2 recall properly, this is compiled based on all segments
3 associated with a loop.

4 And you can get to the back page of this, one that's
5 the last page, and you can see that there is some areas of wire
6 centers at the top. This particular wire center I'm looking at
7 is wire center NSBHFLMA. It's a wire center in Miami. What
8 you're going to see by looking at this is areas in the highly
9 populated, high density areas such as a Miami, probably such as a
10 Jacksonville, you're going to see higher percentages where those
11 complete segments are populated. Some of the other areas,
12 outlying areas, there's not going to be as much. So the area of
13 concentration where I would suspect that the ALEC community is
14 concentrating its marketing efforts, there's going to be more
15 data available in LFACS.

16 Also, there's a couple of other things I want to make
17 sure that this Commission is aware of. If the data is not there
18 in the LFACS to satisfy their need, then they will submit, at
19 that point in time, a manual request. When that manual request
20 has worked, that information is then loaded into LFACS. So the
21 next time if there's a request for that same loop, the LFACS is
22 updated. On top of that, we are in process now of initiating a
23 project throughout four states where we will be able to get
24 information out of our corporate facilities database and upload
25 that into LFACS. The challenge associated with the project is,

1 it's going to take about 18 months to do it. The reason being
2 is, you have to do that during times when those systems aren't
3 being operationally used for their normal purpose. So that means
4 you're working in a short time period certain nights unless the
5 systems are down for maintenance.

6 What this is going to achieve over a period of time is
7 getting LFACS information even more populated with detailed loop
8 makeup, and we're doing this by prioritizing the wire centers
9 based on where the ALECs had given us input based on their
10 forecasts or priority to them, as well as looking at where we
11 don't have a lot of information in that wire center to try to
12 establish, you know, which ones do you do first.

13 Q In what states will this plan be effective?

14 A I'm sorry, I didn't hear the question.

15 Q In which states will this plan be effective?

16 A This deals with the states of Florida, Georgia, North
17 Carolina, and South Carolina. It also touches Alabama and 13
18 wire centers. The reason for that, this is drawn upon what's
19 referred to as the BellSouth corporate facilities database. In
20 that corporate facilities database, we house our plats
21 electronically. In the other states, that database is not
22 utilized. The plats are actually stored on paper. So we are
23 tapping into this database which has all the detailed information
24 of the plats; therefore, it's all the necessary information you
25 need to get detailed loop makeup pulled from that over that

1 period of time and get it populated into LFACS.

2 Q Do you know when the final implementation date is?

3 A Well, as I said, it's going to take -- right now we
4 estimate about 18 months, and we just have started this. It has
5 taken us a while to write the queries and scripts to get the
6 information from one database to the other, because sometimes you
7 have the same thing called by a different name, and identifying
8 all that, we've just now, we think, worked out all the details.
9 And so that's why it's just started. I think it's either
10 February or March time frame, and it will take at least 18 months
11 from there.

12 Q Does BellSouth have any other plans to increase the
13 percent of loop info in LFACS?

14 A Well, I think that's a major plan alone that impacts
15 the state of Florida. And when you do that in conjunction
16 with -- as I said, anytime there's a manual request, that
17 information will then be populated to the LFACS. One other thing
18 that happens, if BellSouth itself from its retail units actually
19 sells a design service product, then that information would be
20 populated into LFACS. Now, by definition if it's something they
21 sold, it's an existing facility, so most likely, the CLEC will
22 not have access to that facility for their own xDSL product.
23 However, by the fact that if it's in LFACS, if that customer, end
24 user, quit subscribing to that service, well, then you've got the
25 loop makeup information there and available and populated.

1 MR. FUDGE: Thank you, Mr. Pate.

2 COMMISSIONER JABER: Mr. Chairman, did we ever get an
3 answer on how many wire centers BellSouth has?

4 CHAIRMAN JACOBS: Yes.

5 COMMISSIONER JABER: How many?

6 CHAIRMAN JACOBS: 196.

7 And other questions? RoboTAG, none of the measures
8 list it as an interface. Will it be one of the interfaces
9 through which measurements are made?

10 THE WITNESS: RoboTAG and TAG, you can think
11 synonymous from a measurement standpoint because RoboTAG
12 goes into the TAG gateway.

13 CHAIRMAN JACOBS: Thank you. Redirect.

14 MR. CARVER: Yes, just a few.

15 Actually, before I do the redirect, there was a
16 question that, I believe, Commission Palecki asked of Mr. Coon
17 that he deferred to Mr. Pate. It was one having to do with
18 identification of categories that fall out by design. And I
19 think Mr. Pate might be able to answer that question, if that
20 would be helpful.

21 COMMISSIONER PALECKI: If you could. I don't even
22 remember what my question was right now, but maybe you could
23 repeat it for me.

24 MR. CARVER: Yeah. The note that I have, I think it
25 was a request for identification of categories that fall out by

1 design. Does that --

2 CHAIRMAN JACOBS: Actually, that was part of my reason
3 for wanting to go through that table that was also referred to
4 Mr. Pate from Mr. Coon. And I think, if I'm not mistaken, this
5 is in measure P--

6 MR. CARVER: I think it might be O-6. I'm not sure.

7 CHAIRMAN JACOBS: Yeah, there's a table there. That
8 sounds like it, O-6. I don't know. If you don't want to pursue
9 the question -- Commissioner, is that what I hear?

10 COMMISSIONER PALECKI: No, I would like to hear the
11 question. I just don't remember what my question was. If you
12 recall, if you could ask the witness.

13 MR. CARVER: Okay. Mr. Pate, can you identify the
14 categories that fall out by design?

15 THE WITNESS: Yes. And I was present when you asked
16 the question of Mr. Coon. And as I recall, you were referring to
17 O-6 from his -- I think it's his exhibit number 1. And there's a
18 table in the back that lists different products. If you can tell
19 by me just holding it up, it lists the different products, and
20 then noted across the top, some different labels by column. And
21 if I recall your question, you were trying to understand from
22 this table which ones fell out by design.

23 And there is, if you count over on this table, the
24 fifth column over, it says, "planned fall out for manual
25 handling." And indicated in that column with a "yes" are all

1 those areas where that particular local service request, if
2 submitted, would then fall out by design to be handled by a
3 service representative in the local carrier service center.

4 For example, you can see the ones noted on the
5 first page is the basic rate ISDN. There is a DID with PBX
6 activity type W on the second page. DID, which is direct inward
7 dial, with activity type W right below that. Directory listing,
8 indentions, and directory listing captions. Hunting MLH stands
9 for multiline hunting.

10 Down towards the bottom of Page 2, INP to LNP
11 conversions right below that. Then on the third page there's LNP
12 with complex listing, LNP with partial migrations, LNP with
13 complex services. At the bottom of that page, it has PBX
14 standalone, activity types A, C and D, as well as PBX trunks
15 right below that. And on the final page, there are two items,
16 port/loop PBX and Synchronet.

17 COMMISSIONER PALECKI: Thank you.

18 CHAIRMAN JACOBS: Now, as to measure 0-4.

19 THE WITNESS: Yes, sir.

20 CHAIRMAN JACOBS: Those functions that are planned to
21 fall out, will they or will they not be captured in the measure
22 for 0-4?

23 THE WITNESS: It will be adjusted in that measure, so
24 they are excluded from that measure as far as the flow through
25 result.

1 CHAIRMAN JACOBS: Thank you.

2 MR. CARVER: I have just two or three redirect
3 questions.

4 REDIRECT EXAMINATION

5 BY MR. CARVER:

6 Q Mr. Pate, these questions all have to do with the
7 discussion that you had with Mr. O'Roark about the change control
8 process. If an ALEC submits a request to BellSouth and BellSouth
9 declines the request, is there an escalation process?

10 A Most definitely there is. It's an internal process
11 that they can escalate withing BellSouth as to a couple of
12 different paths depending on what the change request is, so they
13 can get a response from the -- all the way up to the senior
14 management.

15 Q Now, is there also a dispute -- separate from the
16 escalation process, is there also a dispute resolution process
17 that would allow the dispute to be taken to a Commission?

18 A Yes, there is. And it's one of the reasons I always
19 take exception to this veto power that the word has been used.
20 The dispute process allows the ALEC to take it before any
21 Commission that they deem appropriate for resolution. So it's
22 not -- you just can't say BellSouth has the final word. If it's
23 that strong to them, there is a dispute process in place that
24 they can take appropriate action.

25 MR. CARVER: Thank you. That's all I have.

1 CHAIRMAN JACOBS: Very well. Thank you. Exhibits.

2 MR. CARVER: Yes, BellSouth moves Exhibit 24.

3 CHAIRMAN JACOBS: Without objection, show Exhibit 24 is
4 admitted.

5 (Exhibit 24 admitted into the record.)

6 CHAIRMAN JACOBS: Thank you very much. Here's what
7 we'd like to do. We're going to break here for the evening.
8 We'll start back in the morning at 8:30. We'll work through
9 lunch and with the intent of completing tomorrow. It is not our
10 intent to go after hours tomorrow. If it becomes absolutely
11 necessary, we'll circle up in mid afternoon and begin to identify
12 another day, but hopefully it won't be necessary. I'm happy to
13 see that. And with that, we're in recess for the evening. Thank
14 you all for indulging.

15 (Hearing recessed at 7:35 p.m. and will resume at
16 8:30 a.m. on April 27, 2001, at the same location.)

17 (Transcript continues in sequence with Volume 6.)

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1 STATE OF FLORIDA)
2 : CERTIFICATE OF REPORTER
3 COUNTY OF LEON)

4
5 I, TRICIA DeMARTE, Official Commission Reporter, do hereby
6 certify that the hearing in Docket No. 000121-TP was heard by the
7 Florida Public Service Commission at the time and place herein
8 stated.

9 IT IS FURTHER CERTIFIED that I stenographically
10 reported the said proceedings; that the same has been transcribed
11 under my direct supervision; and that this transcript, consisting
12 of 133 pages, Volume 5 constitutes a true transcription of my
13 notes of said proceedings and the insertion of the prescribed
14 prefiled testimony of the witnesses.

15 I FURTHER CERTIFY that I am not a relative, employee, attorney
16 or counsel of any of the parties, nor am I a relative or employee
17 of any of the parties' attorneys or counsel connected with the
18 action, nor am I financially interested in the action.

19 DATED THIS 2ND DAY OF MAY, 2001.

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24
25

TRICIA DeMARTE
FPSC Official Commission Reporter
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