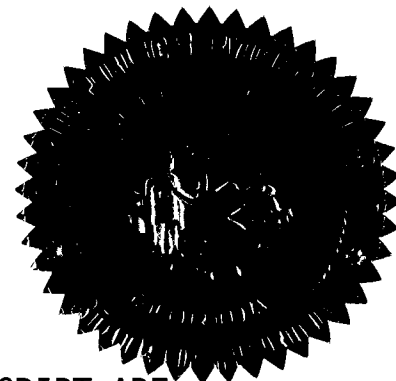


+BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 010740-TP

IN THE MATTER OF:

REQUEST FOR ARBITRATION CONCERNING
COMPLAINT OF IDS TELCOM LLC AGAINST
BELLSOUTH TELECOMMUNICATIONS, INC.
REGARDING BREACH OF INTERCONNECTION



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VOLUME 1

PAGES 1 THROUGH 157

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: Friday, September 21, 2001

TIME: Commenced at 9:30 a.m.

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

REPORTED BY: JANE FAUROT
Chief, Office of Hearing Reporter Services
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FLORIDA PUBLIC SERVICE COMMISSION

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14 Commission Staff.

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P R O C E E D I N G S

CHAIRMAN JACOBS: Good morning. We are here in Docket Number 010740-TP. We apologize for the delay in beginning, but we will be acting posthaste, hopefully, from this point on.

Counsel, read the notice.

MS. HELTON: Pursuant to notice published in the Florida Administrative Weekly on August the 31st, 2001, the hearing for Docket Number 010740-TP was set for this time and place. The purpose of the hearing is more fully set forth in the notice.

CHAIRMAN JACOBS: Take appearances.

MR. MEZA: Jim Meza, Patrick Turner, and Doug Lackey on behalf of BellSouth.

MS. SUMMERLIN: Suzanne Summerlin, John O'Sullivan, Brian Miller, and Bruce Culpepper on behalf of IDS Telecom.

MS. HELTON: Mary Anne Helton on behalf of the Commission Staff.

CHAIRMAN JACOBS: Very well. Staff, do we have any preliminary matters to resolve?

MS. HELTON: Yes, Mr. Chairman, we do. BellSouth filed a motion to substitute corrected Exhibit PR-1 to Pat Rand's surrebuttal testimony after the prehearing order was issued and after Commissioner Deason issued the order that revised some of the prehearing matters. IDS has filed a notice

1 of intent to use summaries. And this morning, IDS filed a
2 motion to compel and a request for confidential treatment.

3 CHAIRMAN JACOBS: Do we need to take care of those
4 now or as those witnesses appear?

5 MS. HELTON: I think it might be best to take care of
6 them now.

7 CHAIRMAN JACOBS: Okay.

8 MS. HELTON: BellSouth's motion to substitute the
9 corrected exhibit, I would assume that is not contested and
10 that we can just move right past that.

11 CHAIRMAN JACOBS: Ms. Summerlin, on the motion.

12 MS. SUMMERLIN: I'm sorry. I did not hear your last
13 statement, Mary Anne.

14 CHAIRMAN JACOBS: As to the motion to substitute an
15 exhibit, do you --

16 MS. SUMMERLIN: Pat Rand's exhibit? We don't have
17 any objection to that.

18 CHAIRMAN JACOBS: All right. Then show that granted.

19 MS. HELTON: And then the request for confidential
20 treatment, that was filed this morning because there was a
21 miscommunication, I think, between staff and IDS about what was
22 required as far as confidentiality requests go. They filed a
23 claim when they should have filed a request under Commissioner
24 Deason's order, and they have corrected that by filing it
25 today. The request does not need to be ruled on today, just by

1 the mere fact of it being filed it maintains the
2 confidentiality of the information. So I think that could
3 probably wait.

4 The notice of intent to use the summaries, I think
5 that should probably be discussed right now. And I guess it is
6 up to IDS whether they want to discuss the motion to compel
7 right now.

8 CHAIRMAN JACOBS: BellSouth, are you in agreement as
9 to the confidentiality request, we are okay with that today,
10 you don't need to pursue that any further?

11 MR. TURNER: Yes, sir.

12 CHAIRMAN JACOBS: Okay. Then let's go, then, to the
13 motion -- I'm sorry, the notice for summaries.

14 Do you want to lead out on that, Ms. Summerlin?

15 MS. SUMMERLIN: I am going to let Mr. O'Sullivan lead
16 on that particular --

17 CHAIRMAN JACOBS: Okay. Sullivan?

18 MS. SUMMERLIN: O'Sullivan.

19 CHAIRMAN JACOBS: Let me go back, so I make sure. I
20 have Brian Miller and Joe Sullivan.

21 MS. SUMMERLIN: John. John O'Sullivan.

22 CHAIRMAN JACOBS: O'Sullivan. Very well.
23 Mr. O'Sullivan?

24 MR. O'SULLIVAN: Okay. We have, I think, two groups
25 of materials. One is the Power Point presentation which may or

1 may not be technically feasible at this point. I'm not sure.

2 Pardon?

3 MR. RUMSEY: The e-mail hasn't come yet.

4 MR. O'SULLIVAN: If so, there are portions of that
5 that BellSouth has reviewed with us that they don't object to
6 which relate to the witnesses' testimony. There are a few
7 categories of things that they do object to, and those are
8 documents. They are just pictures of documents that have been
9 produced in this case, several of them by BellSouth, which were
10 not part of the witnesses' direct testimony. They weren't
11 exhibits to the testimony. In some cases they were produced by
12 BellSouth subsequent to the original paper filing. In some
13 cases the witnesses retrieved them from the BellSouth website,
14 and we have an objection to deal with on that. And that really
15 is the same objection we have. I think they are probably a
16 couple of pages like that in the binders that we have prepared
17 for all the Commissioners and the Staff that just have the
18 documents that are probably going to come up in the testimony.

19 CHAIRMAN JACOBS: Now, so the motion to compel is
20 your motion?

21 MR. O'SULLIVAN: Yes. And that is not what I was
22 addressing. I was dealing with the summary issues.

23 CHAIRMAN JACOBS: I'm sorry. I'm sorry. That's
24 right.

25 MR. O'SULLIVAN: I think on the motion to compel, in

1 fairness to everybody, that motion was served and filed early
2 this morning, and it probably relates much more to documents
3 that would be dealt with in the testimony that would come up in
4 the second day. So that is not necessary to deal with this
5 morning if we don't have to.

6 CHAIRMAN JACOBS: I'm sorry. You're right. I did
7 ask about the summaries.

8 BellSouth, as to the summaries?

9 MR. TURNER: Thank you, Mr. Chairman. Patrick Turner
10 representing BellSouth. Our objection is just as he said. The
11 summary, I will be honest, when I saw the motion I was
12 confused. I thought they were going to try to summarize
13 voluminous documents under the rules. And our objection to
14 that was we had no idea which documents they wanted to
15 summarize. That is no longer before us, I don't think.

16 Our objection now is they intend to use a slide show
17 while their witnesses present summaries of their testimony.
18 Some of them are bullet points of what they are going to talk
19 about, and we have no problem with those. They did, however,
20 attempt to add documents into their summary presentation, and
21 those documents don't appear in their testimony. They are not
22 attached to their testimony. And it is an attempt to get
23 documents that have not been presented to us in the form of
24 testimony into a summary, and that is what we object to.

25 CHAIRMAN JACOBS: Just so I'm clear, you are not

1 proposing this presentation to be an exhibit. It is simply --
2 purely as demonstrative?

3 MR. O'SULLIVAN: It's purely demonstrative. I think
4 the pieces that we are talking about now, which are the actual
5 documents, will end up being moved into the record with the
6 direct testimony. And, again, for the most part we are dealing
7 with BellSouth's own documents that they produced in the case.

8 And I do have one possible compromise proposal, which
9 is if we can't resolve it as a matter of dealing with it in
10 their summaries -- I think the reason the witnesses have picked
11 out these documents is that they explain or help demonstrate
12 some of the things that are going to get talked about
13 inevitability, either in the questions from BellSouth or the
14 questions from the IDS lawyers -- we could have them not refer
15 to them in that summary, five-minute talk, but they will be
16 available to everybody if they do come up. If they don't come
17 up, they're in the record anyway, we won't deal with them. I
18 don't know if that would address the objection from BellSouth.

19 CHAIRMAN JACOBS: So you are saying they would
20 exclude them from the presentation.

21 MR. O'SULLIVAN: From the speech in the beginning or
22 the talk in the beginning, but we will have them available so
23 that if they come up either in --

24 CHAIRMAN JACOBS: If it comes up in cross?

25 MR. O'SULLIVAN: Right, or in redirect.

1 CHAIRMAN JACOBS: And you can take care of that in
2 terms of your presentation, as well?

3 MR. O'SULLIVAN: I think they would just skip those
4 slides, yes.

5 CHAIRMAN JACOBS: Okay. Is that acceptable?

6 MR. TURNER: That's fine.

7 CHAIRMAN JACOBS: Very well. Thank you.

8 And do you agree with the assessment as to the motion
9 to compel, that it is not necessary to take that up today?

10 MR. TURNER: We do.

11 CHAIRMAN JACOBS: Okay. Very well. That was
12 relatively painless.

13 Anything else, staff?

14 MS. HELTON: The only other thing that I could think
15 of that we might want to talk about, it is my understanding
16 that this morning IDS agreed to waive confidential treatment
17 for some information. And I don't know that that information
18 needs to be identified specifically right now, but maybe when
19 each witness comes up we can talk about what is confidential
20 and what is not. I think that will make the hearing process go
21 much smoother with them doing that.

22 CHAIRMAN JACOBS: Okay.

23 MR. O'SULLIVAN: I think that Ms. Helton asked us
24 that this morning, and we are not globally issuing a blanket
25 waiver of the confidentiality, but we are going to try to be

1 very flexible to keep it open and public and to let the people
2 talk about what is in the record, even if it was designated
3 properly as confidential when it was produced.

4 CHAIRMAN JACOBS: Okay.

5 MR. O'SULLIVAN: And I just had one more follow-up
6 point. Could we -- the issue we just dealt with goes to both
7 the Power Point presentation and the binders that we have put
8 together. And I just wanted to make sure that it is okay,
9 given that compromise, that we hand out the binders to the
10 Staff and to the Commission that we are going to refer to.
11 BellSouth has seen those.

12 CHAIRMAN JACOBS: And, again, that is not for
13 evidence, the binders are just for the summary?

14 MR. O'SULLIVAN: Right, just as a demonstrative aid
15 as we go along.

16 MR. MEZA: That's fine. I just want to point out
17 that the binders do contain the documents that we object to.

18 CHAIRMAN JACOBS: Okay. We could give those back. I
19 don't have a problem at all giving those back.

20 MR. O'SULLIVAN: At the end, or we will have dealt
21 with those objections by the time we get to the end.

22 Thank you.

23 CHAIRMAN JACOBS: Very well.

24 MS. SUMMERLIN: Commissioners, I have just one item
25 if we are through with the other preliminary matters.

1 CHAIRMAN JACOBS: Yes, Ms. Summerlin, I believe so.

2 MS. SUMMERLIN: Mr. Chairman, the Prehearing Officer,
3 Commissioner Deason, issued an order denying our request to
4 have customer testimony this morning by telephone. And IDS
5 understands why that order was issued. We read the rationale
6 in the order, and we realize that the request was made late in
7 the game, or it appeared to be late in the game. And one of
8 the reasons for being concerned about us asking for that at
9 that point was that we did not bring it up at the prehearing
10 conference.

11 What I would like to just ask is that there be
12 another effort to consider this possibility, that the day after
13 the prehearing conference we have had this national tragedy
14 that has made the possibility of people flying anywhere a lot
15 less easy and safe. And the customers that might want to be
16 able to appear before you to share their testimony would not be
17 able -- you know, this has caused things to be much more
18 difficult for them, and that's why we asked to do the telephone
19 customer testimony.

20 The customers that we are talking about at this point
21 are customers that have filed affidavits in this case, so their
22 sworn affidavit is already before you. BellSouth has seen that
23 testimony. They, to our understanding, have already had --
24 made attempts to contact most of those customers, if not all.
25 We don't know for sure if all of them have been, but we know

1 that there have been a number of those customers contacted. So
2 the issue of prejudice to BellSouth, I think, is much less.

3 We would just ask if you all would take under
4 consideration maybe, you know, during the day here whether or
5 not you might be able to reconsider that decision and let us
6 try to provide that testimony at the next date for this hearing
7 on October 1st. That would give BellSouth whatever opportunity
8 they believe they need to have to do whatever they need to do
9 in response to that.

10 And we are just asking for you to consider it again
11 in light of the fact that we have had this serious thing that
12 happened the day after the prehearing conference and the fact
13 that these are customers that BellSouth would be fully aware
14 of, you know, in terms of they are people that have filed
15 affidavits in this case. And IDS, the only reason we are
16 bringing this up again at all is that it is very important for
17 the Commission to hear from customers on these issues, and we
18 just sincerely ask that you reconsider that.

19 CHAIRMAN JACOBS: As I understand it this is
20 essentially a motion for reconsideration of --

21 MS. SUMMERLIN: Yes. Respectfully. It is not a
22 request to argue about what the prehearing officer did, because
23 I understand what his rationale was. I'm just asking him and
24 the rest of you to think about it in light of the fact that
25 travel for these customers to the hearing, which is what we did

1 discuss at the prehearing conference, has been made much more
2 complicated and much more difficult.

3 CHAIRMAN JACOBS: I'm trying to figure -- excuse me,
4 I'm sorry -- which order we are dealing with. I guess it
5 really doesn't matter. Okay. All right.

6 And I assume you stand by your objections?

7 MR. MEZA: And I would like to make just some minor
8 comments in response to Ms. Summerlin's re-urging of the
9 Commission to address that motion. First, you know, BellSouth
10 fully understands what has happened to our country the last two
11 weeks, and I am somewhat surprised by Ms. Summerlin's
12 statements today because they made the same argument in their
13 motion. And I don't think that anyone should use what happened
14 to our country to try to re-urge arguments in a legal
15 proceeding. I mean, the fact is it happened. All of us are
16 affected by it. But life goes on and business proceeds. I
17 mean, this Commission's hearing hasn't been postponed because
18 of it.

19 All of the lawyers sitting here today, except for Ms.
20 Summerlin, traveled from outside of Tallahassee, I would
21 presume, via airplane to get here. So it is possible. The
22 fact of the matter is that their motion is late, and
23 Commissioner Deason properly dismissed it. The other fact of
24 the matter is that BellSouth has a right to face the people who
25 are going to testify against them in person. We don't -- if

1 you allow customers to testify via phone, we don't have the
2 benefit and you don't have the benefit to fully evaluate the
3 credibility of the witness. You can't look at the witness'
4 demeanor. You can't check his body language. You can't check
5 his response to cross examination. And that is not due
6 process. We have the right to address in person and
7 cross-examine any witness that they try to bring up to support
8 their case.

9 Which brings me to my final point, is that
10 Commissioner Deason made it very clear at the prehearing
11 conference that neither party should use customer testimony as
12 a means to circumvent direct testimony. If you read
13 Mr. Leiro's deposition, IDS has contacted these witness about
14 coming here. These witnesses have not contacted IDS. The only
15 reason why they would come or want to testify by phone is to
16 present testimony in favor of IDS's case. They are not doing
17 it on their own volition.

18 MS. SUMMERLIN: Commissioners, can I respond, please?

19 CHAIRMAN JACOBS: Before we move too far into where
20 we have come to oral argument on your ore tenus motion, staff
21 -- first of all, I am unclear as to reconsideration of a
22 prehearing order. Can we take that up?

23 MS. HELTON: Yes, sir. The rules of -- our
24 procedural rules allow for a motion for reconsideration of an
25 order by a presiding officer. So you may reconsider

1 Commissioner Deason's order. And if you do so, then it would
2 be reconsideration by the full Commission.

3 CHAIRMAN JACOBS: Okay. That was my thought, as
4 well, it would have to be by the full Commission. We are not
5 going to rule on it now. I will come back to you after lunch
6 and get your recommendation on how to proceed from here, and
7 I'm not going to -- we're not going to have -- we won't have
8 arguments on it, and I will get a recommendation from staff as
9 to procedurally how to handle your motion, and then we will go
10 from there.

11 COMMISSIONER JABER: Mr. Chairman, may I interrupt
12 for just a minute? Since this needs to be ruled on by the full
13 Commission, perhaps staff could help all of us by letting us
14 know what the issue was at the prehearing and kind of giving us
15 a history, so that when we do talk about it I will have more.

16 CHAIRMAN JACOBS: Okay.

17 COMMISSIONER JABER: Do you mind if --

18 CHAIRMAN JACOBS: That's fine with me.

19 MS. HELTON: I can do that now if you want, or I
20 can --

21 COMMISSIONER JABER: That would help me. I'm trying
22 to put the pieces together.

23 MS. HELTON: The prehearing conference was last
24 Monday, September the 10th. And during the prehearing
25 conference Ms. Summerlin requested that customers be allowed to

1 testify at the hearing. And Commissioner Deason told her that
2 customers would be allowed to testify, however, he admonished
3 her from going out and recruiting customers.

4 Then on September the 18th, which was -- I can't
5 remember if that was Monday or Tuesday; I think it was Tuesday,
6 Ms. Summerlin filed a motion in which she requested that
7 customers be allowed to testify via the telephone. BellSouth
8 filed a response on September the 19th in which it argued in
9 opposition to that request. Commissioner Deason issued an
10 order on September the 20th in which he denied IDS's request.
11 Do you want me to go into any of the rationales, or did you
12 just want to have kind of a procedural history?

13 COMMISSIONER JABER: No, you have clarified it for
14 me. The distinction was customers are free to testify on their
15 own. Customers can come to any hearing and participate, but
16 parties were admonished not to recruit customers to testify on
17 behalf of the company because the time for direct testimony had
18 passed.

19 MS. HELTON: Exactly. Commissioner Deason was
20 concerned that customer testimony, live customer testimony,
21 could be used to circumvent the process of prefiling testimony
22 that this Commission follows.

23 COMMISSIONER JABER: I understand.

24 CHAIRMAN JACOBS: Very well. Thank you. So we will
25 address that again after lunch.

1 Anything else? Very well.

2 I understand we have opening statements from the
3 parties. And since it is your case, you may begin. Now, is
4 there a time limitation? I was looking. That's what I was
5 trying to find just now.

6 COMMISSIONER JABER: Ten minutes, I think.

7 CHAIRMAN JACOBS: Ten minutes. Okay.

8 You may begin, Ms. Summerlin.

9 MS. SUMMERLIN: Good morning, Mr. Chairman and
10 Commissioners. On behalf of IDS Telecom, I would like to thank
11 you for permitting us the opportunity to come before you today
12 to present our case on the expedited basis that you have
13 provided. We appreciate the efforts of Commissioner Deason as
14 the Prehearing Officer, and Mary Anne Helton as the Staff
15 attorney, and Cheryl Bulecza-Banks, Wayne Macon, and the rest
16 of the staff that have been assigned to this case. I know and
17 IDS knows that it has required special effort on all of your
18 parts to deal with such an expedited schedule.

19 IDS is an alternative local exchange company that has
20 been providing local telecommunications services in Florida
21 since 1997, primarily to small business customers with three to
22 ten lines. Unlike some ALECs, IDS is not a completely new
23 start-up telecommunications company. IDS has successfully
24 provided long distance services to the same market of small
25 business customers since 1989.

1 IDS is here today because you alone have the
2 authority to hear this complaint. The Telecommunications Act
3 of 1996 and Chapter 364, Florida Statutes, gave this Commission
4 not only the jurisdiction and authority to handle complaints
5 based on breaches of interconnection agreements. They have
6 placed an affirmative mandate on you as the Florida Public
7 Service Commission to promote competition in the local exchange
8 services market. It has been five years since the
9 Telecommunications Act was passed, and there is no measurable
10 competition in the local exchange market in the State of
11 Florida. I know you take seriously your obligation to fulfill
12 the directives from the U.S. Congress and the Florida
13 Legislature to bring the benefits of competition to Florida
14 consumers. So why are we where we are today?

15 I submit to you that we have no local exchange
16 competition in the State of Florida in the areas in which
17 BellSouth operates because BellSouth has committed itself to
18 assuring that such competition does not develop. Contrary to
19 all its assertions and demonstrations, contrary to all its
20 statements and statistics and money spent on developing special
21 programs to train CLECs on special systems created for CLECs to
22 submit orders, BellSouth is not a friend to CLECs in any way,
23 shape, or form. From BellSouth's point of view, any customer
24 won by a CLEC is a customer stolen from BellSouth.

25 There will never be local exchange competition in any

1 measurable degree if you do not recognize the inherent and
2 overwhelming economic motivation on BellSouth's part to do only
3 what is absolutely minimally necessary to be able to appear as
4 if it has complied with the Telecommunications Act and the
5 related orders and regulations issued both by the FCC and this
6 Commission.

7 Later today you will see two newspaper ads that I had
8 hoped we would have available right now that are exhibits to
9 Brad Hamilton's testimony. These are ads that BellSouth put in
10 the Miami Herald and the Atlanta Journal Constitution in the
11 last several months to promote its efforts to win back
12 customers from CLECs. When you look at those exhibits, you
13 will see one ad that has a bridge on it. And you will see a
14 huge chunk of the bridge is missing. And the language in the
15 ad that BellSouth put in that ad says that what is missing for
16 customers of competitors, meaning customers of CLECs, is,
17 quote, reliable service, end quote.

18 This ad encapsulates the story of this complaint,
19 Commissioners. Reliable service is missing, and it is missing
20 because BellSouth does not provide it to the CLECs that must
21 depend upon BellSouth to provide services to the CLECs'
22 customers.

23 There are just a few major points I want to make.
24 One way BellSouth has won its war to stop the development of
25 local exchange competition is through litigation like we are

1 doing here today. BellSouth is a litigation machine.
2 BellSouth has tremendous advantages against any and all CLECs
3 in this forum. These advantages include that BellSouth has
4 large numbers of practiced witnesses that have filed
5 substantially similar, if not identical, testimony in this
6 proceeding as they have filed in other proceedings both here
7 and across the Southeast. BellSouth has a huge legal staff and
8 support personnel. BellSouth has the advantage of having
9 litigated before this Commission for as long as this Commission
10 has existed.

11 The process involved in litigating at this Commission
12 is extremely onerous; having to prefile every page of testimony
13 and every exhibit months or weeks prior to the hearing, having
14 to provide 15 copies at a minimum of every piece of paper,
15 having to choose between an extremely tight schedule with
16 impossible deadlines or an extremely protracted schedule with a
17 delayed conclusion, having literally countless procedural
18 requirements placed on how cases are presented.

19 The truth is, Commissioners, 99 percent of CLECs
20 simply will not file a complaint here or at any state
21 commission or at the FCC. This is because they cannot afford
22 the money it takes to pay enough lawyers to handle such a case.
23 They cannot afford to take their key employees away from their
24 job responsibilities to file testimony and try to respond to
25 overwhelming discovery requests.

1 In spite of these overwhelming hurdles, IDS has come
2 to you because it had no choice. BellSouth was quite simply
3 destroying IDS. IDS's witnesses are not professional witnesses
4 with a huge support system backing them up. IDS's witnesses
5 are simply business people trying to survive and run their
6 business. Their testimony, and I will concede this to you
7 right now, is not perfect. There are inconsistencies and there
8 are discrepancies. And only two of them have ever testified
9 anywhere before, and those two only once before. It will be
10 extremely easy for BellSouth to make them look like they don't
11 know precisely every figure and date and detail. And that is
12 what they will spend most of the day doing.

13 BellSouth will tell you that IDS's witnesses are not
14 telling the truth because they don't have documents for every
15 statement they make. But I want you to stop a minute and think
16 about how a very small company operates. They quite frequently
17 do not document things because they don't have the luxury of
18 the time or the human resources to do so. They are struggling
19 to survive.

20 BellSouth will tell you IDS has been used as a puppet
21 by AT&T because we have had several excellent lawyers from the
22 Akerman Senterfitt law firm working to help me represent IDS in
23 this proceeding. They have worked extremely hard to help us,
24 but this help has come quite late in the game. Seeking this
25 help was an act of desperation by IDS. This help didn't come

1 until the point at which IDS needed to file its rebuttal
2 testimony. IDS didn't have any help from all of these other
3 lawyers in trying to prepare its direct testimony or trying to
4 respond to BellSouth's two rounds of discovery. The first
5 round of which included 103 interrogatories and 122 requests
6 for production of documents that had to be responded to within
7 20 days because of the expedited hearing, which, admittedly,
8 IDS asked for because of its desperate situation.

9 Due to its business demands, IDS's witnesses were
10 forced to put together their testimony extremely quickly. IDS
11 had no additional people at their company to spend days and
12 days searching and compiling the tremendous amount of
13 information that BellSouth requested, and that IDS itself would
14 have liked to have been able to put before you today. The
15 people pulling together the testimony and discovery were IDS's
16 key employees, each of whom has a tremendous amount of
17 responsibility in trying to run this company on a day-to-day
18 basis.

19 It is interesting to note that while IDS was
20 struggling to meet the deadlines in this case, BellSouth's
21 Intellectual Property Corporation found it timely to file suit
22 against IDS, the same little company, in federal court in
23 Georgia over the alleged misuse of BellSouth's name. They did
24 not find it appropriate to file that in front of you or in
25 front of the Georgia Commission.

1 If you can manage to see the forest and not be
2 distracted by BellSouth's efforts to focus you on the trees
3 today, you will learn some startling things. Most of the major
4 assertions IDS is making in this case BellSouth has admitted.
5 BellSouth admits that it offered a bulk ordering product to the
6 CLEC community that was not ready and that resulted in a loss
7 of features, including hunting, remote call forwarding, or
8 remote access to call forwarding, memory call, et cetera, for
9 400 IDS customers with a total loss of dial tone for four
10 customers. IDS admits its D&N process for CLEC orders
11 sometimes results in disconnections of service or features for
12 IDS and other CLECs' customers.

13 BellSouth's admits that the single C process does not
14 have the same risks of disconnection that the D&N process has.
15 BellSouth's chose not to develop a single C process for CLEC
16 orders for conversion of CLEC resale or BellSouth's retail
17 customers to UNE-P. BellSouth admits that the less manual
18 inputting of data a CLEC is required to do in submitting an
19 order, the less opportunity there is for mistakes by that CLEC
20 that will result in the order being rejected or clarified back
21 to the CLEC causing a delay in connecting or converting a CLEC
22 customer. BellSouth admits that the switch as-is, also known
23 as the W activity type, eliminates a substantial amount of data
24 inputting by the CLEC in submitting an order, but BellSouth has
25 not offered this to the CLEC community.

1 BellSouth admits that it fixed the problems with its
2 bulk ordering product, but it has not offered this product to
3 the CLEC community. BellSouth admits that it pursued IDS's
4 customers to attempt to win them back with its full circle
5 program and other such programs offering discounts of up to 20
6 percent. BellSouth admits that it had telemarketers that
7 called IDS's customers and disparaged IDS with statements such
8 as IDS was going out of business or going into bankruptcy.

9 There are also critical facts that BellSouth can't
10 seriously dispute. BellSouth -- IDS, I'm sorry, has lost many
11 customers back to BellSouth. Because of the requirement for
12 manual inputting of data by CLECs, the potential for errors in
13 the submission of CLEC orders for conversion of BellSouth
14 retail or CLEC resale customers to UNE-Ps is greater than the
15 potential for errors in BellSouth's retail systems.

16 BellSouth's CRIS database did not updates LENS in a
17 timely fashion in the fall of 2000, and this prohibited IDS
18 from knowing when a customer was actually converted to IDS's
19 service. IDS could not enter a repair order for its customers
20 while they were reflected in a pending service order status on
21 LENS because BellSouth's repair center did not consider the
22 customer IDS's until the CRIS database updated the customer
23 service record, even though the BellSouth's LCSC stated that it
24 considered the customer IDS's once the PON due date had been
25 reached.

1 IDS's testimony and exhibits, including affidavits of
2 customers, the cross examination of BellSouth's witnesses, and
3 BellSouth's own documents will prove IDS's case, that BellSouth
4 has not provided IDS, OSS, and UNE-Ps at parity and that
5 BellSouth has engaged in anticompetitive activities against
6 IDS.

7 IDS does not have specific evidence regarding each
8 and every customer that went back to BellSouth, because of
9 BellSouth's failure in converting their service in a timely and
10 accurate fashion; nor does it have specific evidence on each
11 and every incident in which BellSouth called an IDS customer
12 and won them back.

13 IDS does have documentation related to a sampling of
14 customers and testimony from key employees that have personal
15 knowledge of customers calling in to IDS and reporting to IDS
16 over and over again that these events had occurred. The
17 testimony of witnesses with personal knowledge is more than
18 adequate to support findings by this Commission.

19 IDS, in conclusion, simply asks that you use your own
20 judgment in listening to the company's story, and not follow
21 BellSouth down a bunch of insignificant rabbit trails. There
22 are extremely few companies left in Florida like IDS that are
23 even attempting to hang on to the possibility of providing
24 competitive local exchange services. IDS asks you to pay
25 attention to what BellSouth has done here. Nothing less than

1 the future of local exchange competition in Florida is at
2 stake.

3 Thank you.

4 CHAIRMAN JACOBS: Thank you.

5 We allowed some latitude, a little bit of time over,
6 so you will have the same, Mr. Lackey. You may proceed.

7 MR. LACKEY: Thank you, Mr. Chairman. I hope not to
8 take my full ten minutes.

9 Good morning, Commissioners. My name is Doug Lackey.
10 Together with Jim Meza and Patrick Turner, we will be
11 representing BellSouth in this proceeding.

12 I don't want to be overly dramatic, but I want to
13 begin my opening statement by telling you exactly how important
14 this case is to BellSouth. Basically, IDS has accused us of
15 anticompetitive activities. Can you imagine a more chilling
16 accusation at a time when we have spent millions upon millions
17 of dollars to open the local market and at a time when we are
18 trying to ask this Commission to let us provide subscribers in
19 Florida interLATA long distance service?

20 Now, this case is going to take some time to present
21 for reasons I think will be quickly obvious. I think there are
22 23 witnesses. And contrary to what Ms. Summerlin said, a
23 significant number of my witnesses have never seen the inside
24 of this room, have never been on a witness stand, and are just
25 ordinary employees of my company. They are not professional

1 witnesses.

2 Now, one theme I would like to keep in mind here, and
3 Ms. Summerlin touched on it. Her opening statement was very
4 good. She preempted several of the comments I was going to
5 make. What I want you to do is think about the evidence you
6 are going to hear about the accusations that are leveled
7 against BellSouth. And I want you to listen when we ask for
8 details what we get. They are going to be able to make the
9 remarkable statement that our technicians went out to their
10 customer's premise and our technicians said to their customers
11 we're here to cut your service off. IDS told us to. I mean,
12 it's pretty serious stuff. Okay, tell me the name of the
13 customer. I don't know. Tell me the place it happened. I
14 don't know. Tell me the name of the technician. I don't know.
15 Tell me the time it happened. I don't know. Think about how
16 you all would like to defend yourselves against a serious
17 accusation based on evidence like that.

18 Now, it's easy to excuse these problems by saying
19 that BellSouth is a big company and it can take care of itself.
20 It's easy to say we have got virtually unlimited resources.
21 But the one thing I do agree with Ms. Summerlin on is that we
22 do have an excellent team of lawyers. I will fully concede
23 that on the record. But, you know, for IDS to portray itself
24 as the David, the small little firm trying to break into the
25 market, well, I think that the record is going to show

1 something that Ms. Summerlin alluded to, and that is that IDS
2 is getting a little help in this case. You think it is a
3 coincidence that the law firm that is sitting over there now is
4 AT&T's law firm? I don't think so. I think you are going to
5 be quite surprised with the evidence when we get to that point
6 about what poor little IDS has.

7 Now, am I telling you that BellSouth is completely
8 without fault in this case? I'm not going to try to tell you
9 that; it's not true. We made some mistakes, and we paid for
10 those mistakes. We have paid for those mistakes.

11 One such incident that you are going to hear about is
12 this bulk ordering conversion that was talked about a little
13 bit earlier. Basically, IDS's customers were resale customers;
14 that is, they were using our service and paying us resale
15 rates. IDS wanted to convert them to UNE-P, which makes
16 perfect sense because UNE-P is cheaper and they could make more
17 money on it. No problem, they can do that. BellSouth tried to
18 develop a bulk conversion process so they could just convert
19 all of their resale customers to UNE-P. And we had a program,
20 and the program didn't work completely correctly. Some got
21 converted. Some had problems. We admit that the bulk
22 conversion program did not work as it should.

23 But what the evidence is going to show you is that
24 the person who was in charge of the bulk conversion process
25 during a critical period when this was announced, was in and

1 out of the office with a personal family crisis and that
2 another BellSouth employee inadvertently and mistakenly told
3 the CLECs that the process worked when it didn't. It was a
4 simple mistake. When we found out about it, we shut it down
5 within 24 hours. We tried to make it right. We wrote a letter
6 of apology to IDS that they could hand out to anybody they
7 wanted to. And we paid them \$31,000, which IDS does not
8 dispute was correctly calculated under the liability provisions
9 of our interconnection agreement. We have paid them for that
10 error under the interconnection agreement.

11 Now, moreover, I'm not going to try to excuse the
12 fact that we made a mistake. But I want you to know that the
13 evidence is going to show that IDS had some information right
14 when this happened that should have raised a red flag and
15 should have caused them to do something, that if they had would
16 have prevented the entire problem. Again, I am not trying to
17 duck responsibility for the problem, I am just telling you it
18 wasn't intentional; it wasn't malicious; it could have been
19 prevented by us, probably it could have been prevented by them.

20 What about IDS's other big claim that our employees
21 disparaged IDS and that our wholesale operation was
22 using -- was telling -- I'm sorry, was telling our retail
23 operation what customers were leaving BellSouth and going to
24 IDS. See, that is a big part of this claim. A big part of the
25 claim is the gas station would leave BellSouth, somebody from

1 the wholesale group would tell the retail group and the retail
2 group would call the filling station real quick and say, please
3 don't leave us, we will give you a discount. That's part of
4 the accusation. Well, what about the disparagement comments?
5 Well, we got these accusations that our service reps were
6 disparaging IDS. So what did we do? We went to the
7 telemarketer. We're using telemarketers. We went to the
8 telemarketer, whose actual name, I think, is mentioned in some
9 of the these affidavits, said we have got this problem, we want
10 to know what is going on. The telemarketer refused to
11 cooperate with us. Okay. We have discharged that
12 telemarketer. That telemarketer is suing us now.

13 I expect the evidence to show that our conduct in
14 this aspect of the case when it was brought to our attention
15 was exactly what IDS said it would have done in the same
16 situation. That they would have gone to the telemarketer, and
17 if the telemarketer had violated their instructions, they would
18 have discharged the telemarketer.

19 Now, what about the allegations that we were using
20 CPNI, customer proprietary network inappropriately, stealing
21 their customers? And, I mean, that's the word they use. They
22 say in their testimony that we stole their customers. They
23 argue the facts show that we converted thousands of their
24 customers. Their customers -- we're talking about IDS
25 customers who went to IDS and came back to BellSouth or who

1 supposedly were in the process of going and came back. Well,
2 that is true. Thousands of IDS customers have come back to
3 BellSouth. I don't dispute that. It's true. But we expect
4 the evidence to show that of the IDS customers who came back to
5 us in the first month that they were with IDS, that 40 percent
6 of them said they were slammed, and that overall -- I think it
7 is 29 percent of the customers that came back to us said they
8 were slammed. So it is not surprising if they were slamming
9 customers that we got thousands of them back. That's what you
10 would expect.

11 There is no evidence that our wholesale operation was
12 sending notices over to the retail operation that said, you're
13 losing these customers, you better do something. They don't
14 have any evidence like that.

15 What about the other claims that our OSS systems
16 don't work? Well, the first two witnesses you are going to
17 hear from today are former BellSouth employees. And they left
18 BellSouth and went over to IDS and another company called
19 Unified Solutions for the purpose of starting up a business to
20 sell conversion, conversion services to other ALECs. They went
21 over and got in this corporation. And these first two
22 witnesses, I think, even own part of this corporation, whose
23 job is going to ALECs and saying let me convert your resale to
24 wholesale, I will do it for you.

25 Well, now, if the OSS systems don't work, why did

1 these two BellSouth employees leave BellSouth and go form a
2 corporation to sell that exact service to other ALECs? Why are
3 the other ALECs paying them the money that we are going to be
4 talking about later today for this service if it doesn't work?
5 The objective evidence, I think, if fairly viewed with an open
6 mind, will show that IDS really isn't the victim in this
7 proceeding. If you convict, and that is what it is at this
8 stage in the game with the 271 case out there and with all that
9 is going on, if you convict BellSouth on the kind of evidence
10 that IDS will present here, none of us are safe. I mean -- and
11 that is the truth, none of us are safe.

12 Now, if all of this is about nothing, as I keep
13 telling you, why are we here? Well, IDS wants money out of us.
14 I mean, that's the bottom line. They want you to award
15 damages. Now, we have had this discussion before. You know I
16 take the position you can't award damages. They are trying to
17 get around that by saying, well, just order a refund of what we
18 paid. Well, let me tell you how they calculated the
19 significant part of their damages, \$4.2 million. What they
20 basically said was we think the industry churn rate is
21 7 percent, and this came from talking to unnamed industry
22 people and bankers. The churn rate for BellSouth was 10
23 percent. You take the difference, it's all BellSouth's fault,
24 it equals 10,000 lines, multiply -- that is what the 3 percent
25 equals, is 10,000 lines. Multiply it times their damage

1 calculation, wallah, you have got something like a 27 percent
2 figure that you multiply times a \$15 million figure and you get
3 your 4.2.

4 The problem is and what they don't tell you is, is
5 the 10 percent figure isn't a Florida figure, it's a regional
6 figure. The \$15 million isn't a Florida figure, it's a
7 regional figure. The 4.2 million isn't a Florida figure, it's
8 a regional figure. And when you look at the Florida figures,
9 while Florida was over this 7 percent threshold, if it is
10 valid, during some months in 2000, on average the churn rate in
11 Florida is lower than the 7 percent. Now, you can pick
12 selected periods of time and get it over, but on average it is
13 below that. So if being above it proves that we did something
14 bad, does being below it prove that we are innocent? I guess
15 so.

16 We are certainly not always innocent. I would like
17 to be able to claim that, but if we were, I guess they wouldn't
18 need me. We make mistakes, but we are not the bad guys here.
19 We are not the bad guys here just because we are BellSouth.
20 And IDS is not the poor victim just because it is an ALEC.

21 If you will just look at the evidence objectively and
22 with an open mind, I think the conclusion will have to be that
23 while there were some mistakes made, BellSouth is not guilty as
24 charged.

25 Thank you.

1 CHAIRMAN JACOBS: Very well. Staff, did you have an
2 opening statement?

3 MS. HELTON: No, Mr. Chairman.

4 CHAIRMAN JACOBS: Very well. So I believe we are at
5 the moment where we can swear the witnesses. Will all of those
6 who are here to testify please stand and raise your right hand?

7 (Witnesses sworn.)

8 CHAIRMAN JACOBS: Thank you very much. You may be
9 seated.

10 MS. SUMMERLIN: Commissioners, IDS's first witness
11 panel will be William Gulas and Becky Wellman.

12 All right. Are we ready? Okay.

13 Because we have a panel, Commissioners, I'll go
14 through the routine questions that we do for individual
15 witnesses for both of these people.
16 Whereupon,

17 WILLIAM P. GULAS and BECKY WELLMAN
18 were called as witnesses on behalf of IDS Telcom, LLC, and
19 having been first duly sworn, was examined and testified as
20 follows:

21 DIRECT EXAMINATION

22 BY MS. SUMMERLIN:

23 Q I'll start with Mr. Gulas. Are you the same William
24 Gulas who filed 33 pages of rebuttal testimony in this
25 proceeding?

1 A (Witness Gulas) Yes, I am.

2 Q If I asked you these questions here today, would your
3 answers be the same?

4 A Yes, they would be.

5 Q Do you have any changes or corrections to your
6 testimony?

7 A No.

8 Q Okay. Did you file two exhibits with your rebuttal
9 testimony?

10 A Yes.

11 Q Okay. And they are identified as WG/BW-1, and that's
12 one page, is that correct?

13 A I believe so, yes.

14 Q Okay. And the other is WG/BW-2, and that's two
15 pages, is that correct?

16 A Yes.

17 Q Okay. Did you prepare these exhibits, or were they
18 prepared under your direct supervision?

19 A Yes.

20 MS. SUMMERLIN: I need to go through Ms. Wellman's, I
21 guess, before we try to get these moved in and identified since
22 they are both jointly sponsoring these things.

23 BY MS. SUMMERLIN:

24 Q Are you the same Becky Wellman who filed 33 pages of
25 rebuttal testimony in this proceeding?

1 A (Witness Wellman) Yes, I am.

2 Q If I asked you these questions here today, would your
3 answers be the same?

4 A Yes.

5 Q Do you have any changes or corrections to your
6 testimony?

7 A No.

8 Q Okay. Did you also jointly file the two exhibits
9 that I just referred to with Mr. Gulas?

10 A Yes, I did.

11 Q And were you involved in the preparation of those
12 exhibits, also?

13 A Yes.

14 MS. SUMMERLIN: Okay. Let me go ahead and finish
15 this, and then we will go back and let Ms. Wellman do her
16 direct, also, while she is up here at the same time.

17 CHAIRMAN JACOBS: Is it agreed that we are going to
18 do rebuttal and direct at the same time? Because they are
19 separately listed, I just wanted to be sure.

20 MS. SUMMERLIN: Yes, Commissioner, we are doing
21 direct and rebuttal at the same time.

22 CHAIRMAN JACOBS: Very well.

23 MS. SUMMERLIN: I think we had listed Ms. Wellman
24 after the panel, but, apparently, because she is sitting there,
25 we'll just go ahead and do her direct and rebuttal at the same

1 time, and it will be more efficient.

2 I guess that we will go ahead and ask that these
3 exhibits, the two exhibits, WG/BW-1 and 2 be identified for the
4 record at this point.

5 CHAIRMAN JACOBS: Would you restate that, Ms.
6 Summerlin, please?

7 MS. SUMMERLIN: Well, what we are trying to do at
8 this point is to get the two exhibits that both Mr. Gulas and
9 Ms. Wellman are sponsoring together identified for the record.

10 CHAIRMAN JACOBS: Very well. Show that identified as
11 -- and that is -- let me get the identification of it. That
12 would be BW --

13 MS. SUMMERLIN: Yes. It was WG/BW-1.

14 CHAIRMAN JACOBS: Okay. Show that marked as
15 Exhibit 1.

16 MS. SUMMERLIN: Okay. And the other is WG/BW-2.

17 CHAIRMAN JACOBS: Can they be a composite?

18 MS. SUMMERLIN: That's fine. That's fine. So
19 Composite Exhibit Number 1?

20 CHAIRMAN JACOBS: Yes.

21 (Composite Exhibit Number 1 marked for
22 identification.)

23 MS. SUMMERLIN: All right. Let me go back to
24 Mr. Gulas.

25 BY MS. SUMMERLIN:

1 Q Mr. Gulas, did you prepare a summary of your
2 testimony for the Commission?

3 A (Witness Gulas) Yes, I did.

4 Q Would you please give your summary for the Commission
5 right now?

6 A Sure.

7 MR. TURNER: Mr. Chairman, if I may, as a
8 housekeeping, did you want to move the direct exhibit in for
9 Ms. Wellman, as well?

10 MS. SUMMERLIN: What I was going to do is go through,
11 you know, the introduction of her direct and her exhibit and
12 all of that after we finish this panel, if that's okay.

13 MR. TURNER: Okay.

14 CHAIRMAN JACOBS: So he is asking if you want to mark
15 Ms. Wellman's separate exhibit as a different exhibit?

16 MR. TURNER: Well, the thing I want to make sure of
17 is my understanding is that Ms. Wellman has filed direct
18 testimony.

19 CHAIRMAN JACOBS: Correct.

20 MR. TURNER: She has also filed two sets of panel
21 rebuttal. The first set being with Mr. Gulas. And I want to
22 make sure that we are putting up Ms. Wellman's direct, as well
23 as the Wellman/Gulas panel rebuttal all at the same time.

24 MS. SUMMERLIN: Yes, we are going to do that. Yes.
25 So we can go ahead and --

1 CHAIRMAN JACOBS: Move her --

2 MS. SUMMERLIN: -- identify the direct exhibit at
3 this point.

4 CHAIRMAN JACOBS: That is BW-1.

5 BY MS. SUMMERLIN:

6 Q Let me just ask you, Ms. Wellman, are you the same
7 Becky Wellman who filed 23 pages of direct testimony in this
8 proceeding?

9 A (Ms. Wellman) Yes.

10 Q Okay. If I asked you these questions here today,
11 would your answers be the same?

12 A Yes, with any corrections that I have already
13 submitted on my rebuttal. Yes, they would be the same.

14 Q I couldn't hear your answer. Have you got your
15 microphone on?

16 A Yes. I must -- I need to be closer. Is that better?

17 Q Yes. Just speak a little bit louder.

18 A All right. Just tell me if you can't hear me.

19 Q Okay.

20 A Yes, on the whole my direct testimony was correct
21 with any corrections that I have submitted on my rebuttal.

22 Q Okay. If you would just talk a little bit closer to
23 the microphone so we can all hear you. You have got a soft
24 voice.

25 A Okay. Sorry.

1 Q So, did you file one exhibit with your direct
2 testimony?

3 A Yes, I did.

4 Q Okay. And was that exhibit identified as Becky
5 Wellman, or BW-1?

6 A Yes.

7 Q Okay. Did you prepare that exhibit?

8 A Yes, I did.

9 MS. SUMMERLIN: I would ask that Ms. Wellman's direct
10 exhibit be identified for the record, please.

11 CHAIRMAN JACOBS: Show that marked as Exhibit 2.

12 (Exhibit Number 2 marked for identification.)

13 BY MS. SUMMERLIN:

14 Q All right. At this point I would ask that Mr. Gulas
15 be able to give his summary of his testimony.

16 A (Witness Gulas) Good morning, Commissioners.

17 CHAIRMAN JACOBS: Did you request insertion of the
18 testimony? I don't recall that we took care of that.

19 MS. SUMMERLIN: I didn't ask for that, so may we
20 insert their --

21 CHAIRMAN JACOBS: Did you want to wait until after
22 the summary? Why don't we go ahead and take care of that, and
23 then do his summary.

24 MS. SUMMERLIN: Okay. Could we have Mr. Gulas'
25 direct -- I mean, rebuttal panel testimony inserted into the

1 record as though read.

2 CHAIRMAN JACOBS: Without objection, show it entered
3 into the record as though read.

4 MS. SUMMERLIN: And Ms. Wellman's rebuttal panel
5 testimony inserted into the record as though read.

6 CHAIRMAN JACOBS: Without objection, show Ms.
7 Wellman's direct (sic) entered into the record as though read.

8 MS. SUMMERLIN: And Ms. Wellman's direct testimony
9 inserted as though read.

10 CHAIRMAN JACOBS: Right.

11 MS. SUMMERLIN: Thank you.

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1 Q. MR. GULAS, PLEASE STATE YOUR NAME AND YOUR BUSINESS
2 ADDRESS.

3 A. My name is William P. Gulas. My business address is 1525 N.W. 167th
4 Street, Miami, Florida 33169.

5

6 Q. FOR WHOM ARE YOU EMPLOYED AND IN WHAT POSITION?

7 A. I am employed by IDS. My position with IDS is Vice President of Local
8 Services.

9 Q. PLEASE DESCRIBE YOUR DUTIES AT IDS.

10 A. My duties and functions include responsibility for negotiating and
11 administering interconnection agreements between IDS and Incumbent Local
12 Exchange Carriers ("ILECS") and dealing with regulatory issues. I also have
13 been responsible for supervising the ordering and customer service
14 operations.

15

16 Q. PLEASE DESCRIBE YOUR EDUCATIONAL BACKGROUND.

17 A. I hold a Masters Degree in Marketing and an undergraduate degree in
18 Business Administration from the University of Alabama, as well as a
19 Masters Certificate in Project Management from George Washington
20 University.

21

1 Q. PLEASE DESCRIBE YOUR WORK EXPERIENCE AS IT APPLIES TO
2 YOUR QUALIFICATIONS TO ADDRESS THE SUBJECT MATTER OF
3 YOUR TESTIMONY?

4 A. Before joining IDS, I worked for 11 years at BellSouth Telecommunications,
5 Inc. ("BellSouth"), most recently as a product manager for BellSouth's
6 switched combination services, or what is known in the industry as the UNE-
7 P product. As product manager, I designed the product, wrote the marketing
8 plan, guided the product team through its development of the service, and
9 educated both senior BellSouth management and its sales force about the
10 product.

11
12 I also was involved with negotiating for BellSouth interconnection
13 agreements with Alternative Local Exchange Carriers ("ALECs"), including
14 AT&T, WorldCom, and Sprint, and I helped the sales force by making
15 presentations to customers about the product and answering their questions.

16
17 Before becoming a product manager, I worked in the competitive analysis
18 and market research groups in BellSouth, and as such am very familiar with
19 the telecommunications competitive landscape.

20

21 Q. HAVE YOU PREVIOUSLY FILED TESTIMONY IN THIS
22 PROCEEDING?

1 A. No.

2

3 Q. MS. WELLMAN, PLEASE STATE YOUR NAME AND YOUR
4 BUSINESS ADDRESS.

5 A. My name is Becky Wellman. My business address is 1525 N.W. 167th
6 Street, Miami, Florida 33169.

7

8 Q IN YOUR DIRECT TESTIMONY, YOU STATED THAT YOU ARE
9 EMPLOYED BY IDS AS ASSISTANT VICE PRESIDENT OF LOCAL
10 OPERATIONS. IN ADDITION TO THE JOB DUTIES YOU
11 IDENTIFIED IN YOUR DIRECT TESTIMONY, PLEASE DESCRIBE
12 ANY ADDITIONAL DUTIES RELEVANT TO YOUR TESTIMONY IN
13 THIS PROCEEDING.

14 A. In addition to what I stated in my earlier testimony, I also represent IDS in
15 the national Ordering and Billing Forum, the BellSouth Change Control
16 Process, the BellSouth UNE-P user group and the BellSouth Flow-Through
17 Task Force.

18

19 Q. HAVE YOU PREVIOUSLY FILED TESTIMONY IN THIS
20 ARBITRATION?

21 A. Yes. I filed direct testimony in this case on July 23, 2001.

22

1 Q. MR. GULAS, WHAT IS THE PURPOSE OF YOUR TESTIMONY?

2 A. The purpose of my testimony is to rebut many of the assertions in the direct
3 and rebuttal testimony of BellSouth witnesses regarding Issue One ("Has
4 BellSouth breached its Interconnection Agreement with IDS by failing to
5 provide IDS OSS at parity?) and Issue Two ("Has BellSouth breached its
6 Interconnection Agreement with IDS by failing to provide IDS UNE-P at
7 parity?) filed with the Florida Public Service Commission on August 20 and
8 27, 2001. I will address the OSS used by BellSouth to process IDS's orders
9 that place IDS at a competitive disadvantage.

10

11 Q. MS. WELLMAN, WHAT IS THE PURPOSE OF YOUR TESTIMONY?

12 A. The purpose of my testimony also is to rebut assertions in the direct and
13 rebuttal testimony of BellSouth witnesses regarding Issue One and Issue
14 Two. However, I will address, in particular, how the existing BellSouth OSS
15 used to process IDS's and other ALECs customer requests work, and how
16 alternative and better systems, which BellSouth chooses not to use for ALEC
17 business, work.

18

19 Q. MR. GULAS, DO YOU HAVE ANY OVERALL OBSERVATIONS
20 CONCERNING THE OSS AND UNE-P ISSUES?

21 A. Yes. IDS is dependent on BellSouth. If a BellSouth customer wants to
22 switch service to IDS or if an IDS resale customer wants to switch to UNE-P

1 service, IDS must rely on BellSouth to help accomplish the switch.
2 However, IDS regularly encounters OSS-related problems during this
3 process. These problems arise because BellSouth has made deliberate
4 decisions to utilize inferior systems that require ALECs to jump through a
5 variety of hoops in order to process each customer conversion request. Each
6 step along the way introduces a greater risk of error, the need for human
7 intervention, and service problems and delays affecting the ALEC customers
8 directly. For IDS's customers, the consequences include delays in having
9 their service requests completed and sometimes even the loss of service; for
10 IDS, the consequences include the loss of customers.

11
12 What is particularly disturbing is that BellSouth currently has the ability to
13 correct this situation, but it chooses not to do so. BellSouth presently has
14 certain ordering systems that, if made available to ALECs, would
15 significantly reduce the number and frequency of the OSS-related problems
16 that cause IDS's and other ALECs' inability to provide adequate service to
17 their customers and their inability to effectively compete for local telephone
18 service business.

19
20 BellSouth is required to provide IDS and all ALECs parity and non-
21 discriminatory access to what BellSouth uses for its own customer orders.
22 BellSouth's witnesses testify that BellSouth is in compliance with these

1 requirements simply because BellSouth does make available systems that
2 enable a customer to switch from BellSouth to IDS or from IDS resale to
3 UNE-P. In addition, BellSouth has withheld information, such as the
4 complete BellSouth Customer Service Record ("CSR") file layout, without
5 which the ALECs and vendors cannot create their own comparable front-end
6 systems with the same features and functions as BellSouth's ordering
7 systems. However, the concepts of parity and non-discrimination must take
8 into account the *quality* of the systems that BellSouth makes available to IDS
9 and other ALECs, compared to what BellSouth uses for its own retail orders.
10 As my and Ms. Wellman's testimony shows, the quality of the OSS that
11 BellSouth uses for ALEC orders is inferior to what it uses for its own retail
12 orders and what it has available, but simply will not share with IDS or other
13 ALECs.

14
15 Q. HOW WOULD YOU CHARACTERIZE BELL SOUTH'S TESTIMONY
16 REGARDING WHETHER IT PROVIDES OSS AND UNE-P AT PARITY?

17 A. BellSouth's testimony on this subject is, for the most part, non-responsive,
18 evasive and misleading. I have read BellSouth's testimony closely, and
19 BellSouth's witnesses do not deny that BellSouth has available or could
20 implement better systems than what it allows IDS and other ALECs to use.
21 They simply make excuses, none of which is adequate to justify BellSouth's
22 withholding of these better OSS systems.

1 Q. MS. WELLMAN, WOULD YOU PLEASE ELABORATE AND
2 IDENTIFY THE PARTICULAR OSS ITEMS THAT MR. GULAS IS
3 REFERRING TO WHEN HE SAYS THAT BELL SOUTH HAS
4 AVAILABLE OR COULD IMPLEMENT BETTER OSS BUT CHOOSES
5 NOT TO?

6

7 A Yes. I will focus in this panel testimony on two issues, each of which factors
8 into a different stage in the processing of an ALEC's customer request to
9 convert service.

10

11 BellSouth has available, and itself uses, ordering systems that automatically
12 correct certain errors in customer service requests. Specifically, these are the
13 "DOE" and "SONGS" systems. However, BellSouth refuses to give IDS
14 direct access to these systems, which would reduce the number of steps in
15 the ordering process and reduce the risk of orders that have to be
16 reprocessed.

17

18 BellSouth also has the ability to change the ordering process that triggers a
19 conversion to UNE-P service from its current two-step process, called
20 "D&N", to a single-step process, called the single "C." This change would
21 virtually eliminate the risk of a customer's loss of service between the
22 disconnection of BellSouth service and the connection of IDS service.

1 However, BellSouth made a business decision not to implement such a
2 system.

3
4 Additionally, BellSouth has kept hidden until very recently a superior
5 method of ordering the conversion of BellSouth retail and ALEC resale
6 accounts to UNE-P accounts, called "Activity Type W." I and Keith Kramer
7 discuss the "W" issue in separate rebuttal panel testimony.

8

9 I. REBUTTAL OF BELL SOUTH TESTIMONY REGARDING "DOE" AND "SONGS"

10 Q: MS. WELLMAN, YOU RECOMMENDED IN YOUR DIRECT TESTIMONY
11 THAT THE FLORIDA PSC ORDER BELL SOUTH TO PROVIDE IDS WITH
12 DIRECT ACCESS TO "DOE" AND "SONGS." HAVE YOU PERSONALLY
13 WORKED DIRECTLY WITH THE DOE AND/OR SONGS SYSTEMS?

14 A: Yes, I worked directly with DOE during my eleven-year tenure as a customer service
15 representative for BellSouth retail. As a BellSouth customer service representative,
16 I manually entered service requests using DOE for several years. Although I no
17 longer work for BellSouth, my knowledge regarding BellSouth's operations is
18 current in all pertinent respects, despite BellSouth witnesses' assertions to the
19 contrary.

20

21 Q: PLEASE EXPLAIN THE DOE AND SONGS SYSTEMS.

1 A: Essentially, DOE and SONGS are front-end editing and order input systems used by
2 BellSouth's Local Carrier Service Centers ("LCSC") to manually input the ALECs'
3 local service requests that cannot be processed electronically by BellSouth's system.
4 DOE and SONGS enable the LCSC service representative to eliminate thousands of
5 errors in a service request at the data entry stage. As I stated in my direct testimony,
6 DOE and SONGS provide automatic prompts if certain information is missing or
7 invalid, and they also format certain information properly if entered incorrectly. For
8 example, if a service request for "Call Forward Don't Answer" is being entered into
9 DOE or SONGS, and the individual entering the data fails to identify the number of
10 rings before the call is to be forwarded, DOE or SONGS will automatically input
11 four rings.

12
13 Because the ALECs do not have direct access to DOE and SONGS, when an ALEC
14 submits a local service request with invalid or missing data, the BellSouth system
15 will either electronically reject the local service request back to the ALEC for
16 clarification or the local service request will "fall out" of electronic processing to the
17 LCSC for manual handling through DOE and SONGS. This fallout can delay the
18 generation of an ALEC's order for hours or even days. Thus, if IDS and the other
19 ALECs had direct access to DOE and SONGS, the ALECs could eliminate
20 thousands of errors before the service request information even hits BellSouth's
21 system.

22

1 Q: WHAT CAUSES ERRORS ON A LOCAL SERVICE REQUEST?

2 A: Invalid or missing data on a local service request can be the result of problems with
3 the way the ALEC enters the data or problems on BellSouth's end. As I indicated
4 in my direct testimony, the ALEC must follow the specific and extensive BellSouth
5 Business Rules for Local Ordering ("BBRLO"), which are available for review on-
6 line or on paper. However, the formatting required by the business rules is not
7 currently prompted as edits when the ALEC enters data into the local service
8 ordering interface. Other problems include invalid formatting embedded in
9 BellSouth customer service records and obsolete Universal Service Order Codes
10 ("USOC"). Thus, when Ms. Harris, on page 4, lines 17-25 of her rebuttal attributes
11 fall out to "missing, incorrect or incomplete information" on a local service request,
12 she fails to disclose that the missing, incorrect or incomplete information is in part
13 caused by missing or invalid information on BellSouth's own customer service
14 records.

15

16 Q: PLEASE EXPLAIN HOW DOE AND SONGS FIT INTO BELL SOUTH'S ORDER
17 PROCESSING SYSTEM.

18 A: When an ALEC, such as IDS, submits a local service request electronically to
19 BellSouth, the local service request is first run through an editing system called
20 Local Exchange Ordering ("LEO"). LEO will look for basic information that each
21 order must have, such as a purchase order number and a telephone number. If any
22 required information is missing or incorrect, LEO will send the service request back

1 to the ALEC for clarification. If the local service request is correct from the
2 perspective of LEO, the local service request will then be sent to the Local Exchange
3 Service Order Generator ("LESOG") system. If LESOG does not catch any errors,
4 then LESOG will generate an order into BellSouth's Service Order Communications
5 Systems ("SOCS") and a Firm Order Commitment ("FOC") will be sent to the
6 ALEC with a due date assigned to the order. However, if a problem remains
7 embedded in the BellSouth customer service record or if the service request cannot
8 be processed electronically, the service request will fall out from the electronic
9 processing and then will be sent to BellSouth's LCSC for manual handling. The
10 BellSouth service representative manually keys the service request information into
11 DOE or SONGS. If the BellSouth LCSC service representative can process the
12 service request without clarification from the ALEC, the service representative will
13 issue an FOC to the ALEC and will generate an order into SOCS using DOE or
14 SONGS. The service representative has ten (10) business hours to issue a FOC or
15 to return the service request to the ALEC for clarification from the time the service
16 request first hits BellSouth's systems. From SOCS the order will flow through
17 BellSouth's downstream systems for completion of the order, including the issuance
18 of a final bill and a new customer service record.

19
20 Q: WHAT HAPPENS IF THE BELLSOUTH LCSC SERVICE REPRESENTATIVE
21 SENDS THE LOCAL SERVICE REQUEST BACK TO THE ALEC FOR
22 CLARIFICATION?

1 A: If the BellSouth service representative sends the local service request back to the
2 ALEC for clarification, the generation of the order will be delayed. The BellSouth
3 service representative has up to ten business hours from the time the local service
4 request first enters BellSouth's system to send the local service request back to the
5 ALEC for clarification. In addition, the FOC or clarification deadline starts ticking
6 anew each time a clarified local service request is resubmitted to BellSouth.
7 Accordingly, once the local service request is resubmitted, the BellSouth service
8 representative has an additional ten business hours to issue an FOC or a clarification.
9 If the BellSouth representatives does not identify every error for clarification on the
10 first go around (and the representatives often fail to identify all errors for
11 clarification on the first try), the generation of an order can be delayed for days.

12
13 Q: ON PAGE 21, LINES 6 - 7, OF HIS DIRECT TESTIMONY, MR. JERRY
14 WILSON STATES THAT DOE AND SONGS ARE USED PRIMARILY BY
15 BELLSOUTH LCSC SERVICE REPRESENTATIVES TO ENTER ALEC
16 ORDERS THAT WERE SUBMITTED MANUALLY BY THE ALEC. IS THAT
17 AN ACCURATE STATEMENT?

18 A: No. IDS submits more than 90% of its local service requests electronically to
19 BellSouth. However, for reasons already discussed earlier in this testimony, many
20 simple local service requests do not electronically flow through to SOCS. Thus, as
21 I stated earlier, when a local service request falls out to LCSC, the BellSouth service

1 representative manually processes the local service request through DOE or SONGS.

2

3

4 Q: WHAT TYPE OF SIMPLE LOCAL SERVICE REQUESTS TEND TO "FALL
5 OUT?"

6 A: Many local service requests fall out if the following simple activities are requested:

7 • Accounts with more than twenty-five lines;

8 • Related Purchase Order Number;

9 • Denial/Restoral orders with conversion and disconnect (which means deny
10 service until a bill is paid, restore service after a bill is paid, or disconnect if
11 the bill is not paid);

12 • Transfer orders (which means transferring service for a customer moving to
13 a new location); and

14 • Multi-line hunting orders (which means enabling incoming calls to search
15 for an available line on accounts with sixteen or more lines or with complex
16 services).

17

18 BellSouth refers to these local service requests as "designed fallouts," meaning that
19 local service requests of this type are designed to fall out to BellSouth's LCSC for
20 manual handling because BellSouth's electronic systems cannot process them.

21

1 Q: ON PAGE 20, LINES 13-15 OF HIS REBUTTAL TESTIMONY, MR. WILSON
2 STATES THAT "THE SAME TYPES OF REQUESTS FLOW THROUGH, OR
3 FALL OUT FOR MANUAL HANDLING, FOR BOTH ALECS AND
4 BELLSOUTH RETAIL." IS THAT STATEMENT ACCURATE?

5 A: No, on page 19 of his rebuttal testimony, Mr. Wilson presents a chart of products
6 and services which, when submitted by the ALECs to BellSouth as a service request,
7 will fall out for manual handling. These same service requests, when processed by
8 BellSouth retail for its own customers, will flow through electronically. In addition,
9 on page 20, lines 6-8 of his rebuttal testimony, Mr. Wilson states that the types of
10 local service requests that fall out for manual handling on ALEC requests, such as
11 requests for complex services, also impact BellSouth's retail flow through.
12 However, Mr. Wilson neglects to disclose that many requests by ALECs for simple
13 services fall out as well, including those about which I just testified. The only
14 BellSouth simple service request that Mr. Wilson identifies as being prone to fall out
15 is a BellSouth retail service request for more than 25 lines (page 19, line 13-15 of
16 Mr. Wilson's rebuttal testimony). BellSouth is clearly not providing OSS at parity,
17 as demonstrated by the disparity in the number and types of ALEC service requests
18 that fall out, as compared to the BellSouth's service requests that fall out.

19
20 Q: WHAT IMPROVEMENT IN ORDER PROCESSING WOULD IDS
21 EXPERIENCE IF IT WERE GIVEN DIRECT ACCESS TO DOE AND SONGS?

1 A: A local service request that is returned by LEO/LESOG for clarification is typically
2 returned to IDS within twenty to thirty minutes after IDS's submission. As I
3 discussed earlier, a local service request that drops out to BellSouth's LCSC for
4 manual handling can take hours longer or even days longer. If IDS had direct access
5 to DOE and SONGS, IDS would have the capability of entering orders directly into
6 SOCS without manual or electronic intervention by BellSouth. This would
7 eliminate the risk of a ten business hour (or more) delay in having BellSouth
8 generate the order.

9
10 Additionally, IDS would also be able to issue real time appointments for the
11 completion of the service orders when necessary. Without DOE and SONGS, IDS
12 must rely on time frames published by BellSouth on the worldwide web for the
13 completion of the orders, instead of being able to set deadlines for the completion
14 of the orders based on BellSouth's actual workload. BellSouth does not use these
15 published due dates for its own end users' orders.

16
17 Q: PLEASE EXPLAIN WHY BELLSOUTH'S FAILURE TO GIVE IDS AND
18 OTHER ALECS DIRECT ACCESS TO DOE AND SONGS MEANS THAT
19 BELLSOUTH IS NOT PROVIDING NONDISCRIMINATORY ACCESS TO
20 BELLSOUTH'S OSS.

21 A: As I discussed earlier, direct access to DOE and SONGS would allow IDS to input
22 its orders directly into SOCS without manual or electronic intervention by

1 BellSouth. IDS could shorten by several hours, and even days, the time it takes to
2 generate orders from manually handled local service requests. Direct access to DOE
3 and SONGS would allow IDS to generate orders with a comparable speed and
4 efficiency with which BellSouth retail generates orders for its end users.

5
6 Q: MR. GULAS, ON PAGE 25, LINES 1-19 OF HIS DIRECT TESTIMONY, MR.
7 WILSON LISTS SIX REASONS WHY BELL SOUTH SHOULD NOT BE
8 REQUIRED TO GIVE IDS AND OTHER ALECS DIRECT ACCESS TO DOE
9 AND SONGS. PLEASE COMMENT ON MR. WILSON'S REASONS.

10 A Mr. Wilson's reasons for not giving ALECs direct access to DOE and SONGS are
11 deficient at best. First, on page 25, lines 1-2 of his direct testimony, Mr. Wilson
12 claims that "DOE and SONGS are older systems that, over time, are being replaced
13 (by ROS and RNS, for example)." Mr. Wilson also states on page 21, lines 13 -15
14 of his direct testimony that "RNS and ROS are not designed to support BellSouth's
15 Resale or UNE offering" Mr. Wilson's own testimony demonstrates that
16 BellSouth is not providing nondiscriminatory access to BellSouth's system, as the
17 LCSC is using older and less effective systems to manually enter the ALECs' service
18 requests while BellSouth's newer and more powerful retail systems were developed
19 to exclude resale or UNE-P ordering. Also, if Mr. Wilson's concern is that
20 BellSouth will be replacing these older systems, then BellSouth can give the ALECs
21 access to DOE and SONGS now and upgrade the ALECs to the newer system when
22 BellSouth upgrades the LCSC.

1
2 Mr. Wilson's second reason for not giving IDS direct access to DOE and SONGS is
3 that "[t]here are capacity limitations and our ability to expand DOE is increasing
4 limited by unavailability of necessary equipment" (page 25, lines 4-5 of Mr.
5 Wilson's direct testimony). However, the number of orders will be the same whether
6 the local service requests are processed by the LCSC or whether the ALECs enter
7 the requests directly through DOE and SONGS to generate an order. Moreover, if
8 BellSouth in fact does not have the "necessary equipment," the ALECS could limit
9 their use of DOE and SONGS for the local service requests designed to fallout to the
10 LCSC.

11
12 Third, Mr. Wilson states that "DOE and SONGS do not have the needed security
13 elements to protect customer information should direct access be allowed to all
14 ALECs" (page 25, lines 7-8 of Mr. Wilson's direct testimony). BellSouth has
15 already designed software in its LENS, TAG and EDI ordering systems to prevent
16 ALECs from reviewing other ALECs orders. In addition, BellSouth has shown that
17 it has already overcome the security risks posed by the ALECs sharing the same
18 systems as BellSouth retail because the ALECs and BellSouth retail are both using
19 Trouble Analysis and Facilities Interface ("TAFI") for maintenance and trouble
20 tickets.

1 Fourth, Mr. Wilson asserts that “[m]ethods and procedures are only developed for
2 the BellSouth service representative and would require development and/or
3 modification for ALECs in a direct access environment” (pages 25, lines 10-12 of
4 Mr. Wilson's direct testimony). Mr. Wilson is merely stating that the ALECs would
5 need training, and this concern has already been solved by BellSouth's LCSC. Ms.
6 Miller-Fields describes in detail on pages 2 through 6 of her direct testimony the
7 training the LCSC service representatives receive before they are allowed to enter
8 ALEC orders. The ALECs would simply need the same training, slightly modified,
9 if given access to DOE and SONGS.

10
11 Fifth, Mr. Wilson asserts that “[w]hile the nondiscriminatory interface for ALECs
12 are based on national standards, DOE/SONGS are not Ordering and Billing Forum
13 compliant” (page 25, lines 14-15 of Mr. Wilson's direct testimony). However, the
14 Ordering and Billing Forum ("OBF") “standards” are not mandatory. OBF members
15 have the right not to adopt OBF recommendations and BellSouth itself is not OBF
16 compliant in some of its fields and forms.

17 Sixth, Mr. Wilson states that IDS already has nondiscriminatory access to
18 BellSouth's systems. Mr. Wilson also asserts on page 22, lines 14 through
19 16 of his direct testimony, that "IDS chooses to primarily use LENS
20 electronic interface, which does not offer the integration capabilities of TAG,
21 RoboTAG™, or EDI." Mr. Wilson is comparing apples to oranges. EDI,
22 RoboTAG and EDI are simply gateways that allow the ALECs to send

1 service requests to BellSouth. Giving the ALECs a means to send
2 information is not the same as giving the ALECs a means to process orders
3 with comparable speed and efficiency as BellSouth retail. In addition, Mr.
4 Wilson fails to tell the Commission that BellSouth prevents IDS and other
5 ALECs to create true, robust front-end programs compatible with
6 BellSouth's retail systems because BellSouth will not provide the ALECs
7 with the full record layout of BellSouth's customer service records. If
8 ALECs were allowed this information, they could develop systems that
9 would mirror BellSouth's retail ROS and RNS systems or even the inferior
10 systems of DOE and SONGS.

11
12 II. REBUTTAL OF BELL SOUTH TESTIMONY REGARDING "D&N" AND "C"

13
14 Q. MS. WELLMAN, PLEASE EXPLAIN THE "D&N" PROCESS YOU
15 REFERRED TO EARLIER IN YOUR TESTIMONY.

16 A. "D&N" is an order process implemented internally by BellSouth, after it
17 receives a completed IDS local service request, to activate the conversion of
18 a customer from BellSouth or IDS resale to IDS UNE-P. In order to trigger
19 the actual conversion process, BellSouth generates a "D" service order to
20 disconnect the end user, and then issues an "N" order to install new service
21 for the end user. It is a two-step process. In the past, "D&N" also was used
22 to activate the conversion of a customer from BellSouth retail to an ALEC's

1 resale. For those conversions, however, the "D&N" process has been
2 replaced by the "C" process.

3

4 Q. WHAT IS THE "C" PROCESS?

5 A. "C" is also a type of order generated internally by BellSouth, after receiving
6 a completed local service requests from IDS, to convert a customer from
7 BellSouth retail to IDS resale. It was implemented by BellSouth sometime
8 in 1997 or 1998 to replace the "D&N" process for the retail to resale
9 conversions. The significant difference between the "C" and "D&N"
10 processes is that the "C" is a single-order process, and the "D&N" is a two-
11 order process.

12

13 Q. WHY IS IT SIGNIFICANT THAT "C" IS A ONE-ORDER PROCESS
14 AND "D&N" IS A TWO-ORDER PROCESS?

15 A. Let me give you some of the history of the two processes, and that will help
16 to explain the importance of the distinction. Until sometime in 1997 or
17 1998, for a conversion request from BellSouth retail to an ALEC's resale, the
18 "D&N" process was used to complete the conversion. However, BellSouth
19 discovered that the two-order "D&N" process was causing service outages
20 to customers during these conversions. For this reason, a single-order "C"
21 process was developed for resale conversions in 1997 or 1998. The change
22 to a single-order process, or what is often referred to as a "single C," greatly

1 reduced the possibility of service disruptions during conversions because
2 only one order is generated to effectuate these conversions, as opposed to
3 two orders that have to be kept together as they flow through BellSouth's
4 systems. Additionally, BellSouth retail has for years used the single "C"
5 process for changing its basic service customers from flat rate to measured
6 service, which is similar to a UNE-P conversion.

7
8 As you can see, the significance is that the two-order "D&N" process
9 introduces a greater risk of service interruption because, in order to prevent
10 customers from experiencing service outages, the two orders have to be
11 generated and then kept together as they travel through BellSouth's systems.
12 The single "C" does not present this problem because it involves only one
13 order. Service outages created by the "D&N" process inconvenience IDS's
14 new customers, and they can even prompt customers to cancel IDS service
15 before it is even completely converted.

16
17 Q. HAS BELLSOUTH EVER CONSIDERED USING THE SINGLE "C"
18 PROCESS FOR CONVERSIONS FROM BELLSOUTH RETAIL OR AN
19 ALEC'S RESALE TO THE ALEC'S UNE-P?

20 A. Yes. Beginning in 1997, when development began for the port-loop
21 combination and in 1998 during the development of the Network
22 Combinations (which combined the port, loop and transport UNEs, as well

1 as a professional services fee), the same "D&N" process used for resale
2 conversions was also used for these types of conversions. In March 1999,
3 BellSouth asked the Network Combinations team that I was working on to
4 develop a single "C" process for UNE-P because of the same concerns that
5 surrounded the process during the resale conversions. Jean Smith, the
6 project manager for the single "C" product that was developed to replace the
7 "D&N" for resale conversions was brought onto the Network Combinations
8 product team to help in the development of a single "C" for conversions to
9 Network Combinations service. After just one meeting, however, BellSouth
10 made a decision to delay that development based on its priorities and
11 resources. As of today, that process is still not developed for use in the
12 UNE-P conversions, although I understand it is in development for release
13 in 2002.

14
15 Q. CONSIDERING THAT BELL SOUTH SUCCESSFULLY DEVELOPED
16 A SINGLE "C" PROCESS FOR RESALE CONVERSIONS, IF YOUR
17 TEAM HAD BEEN PERMITTED TO GO FORWARD, COULD IT HAVE
18 DEVELOPED A SINGLE "C" FOR THE NETWORK COMBINATIONS
19 PRODUCT THAT WOULD THEN BE AVAILABLE FOR THE UNE-P
20 CONVERSIONS PRODUCT?

21 A. BellSouth could have developed a single "C" process for Network
22 Combinations conversions. There was nothing about the technology or

1 complexity that would have made it impossible to do that. Nevertheless,
2 BellSouth decided for business reasons to put the development of the
3 improved conversion process on hold.

4
5 Q. HOW WOULD A SINGLE-STEP "C" PROCESS IMPROVE IDS'S UNE-P
6 CONVERSIONS, COMPARED WITH THE "D&N" PROCESS THAT IS
7 CURRENTLY USED?

8 A. When the "D" and "N" orders are issued to convert a customer to IDS's
9 UNE-P service, the customer's service can be negatively affected because of
10 the separation of the two orders. For example, if BellSouth's LCSC omits
11 certain required data on a service order, the "D" and "N" orders can get
12 separated and then processed individually, which in turn can cause a
13 customer to lose dial tone.

14
15 As recently as July 2001, the orders could have been issued incorrectly,
16 causing the orders to be separated farther downstream. It was not until July
17 21, 2001, after the IDS complaint was filed, that BellSouth finally put in
18 place an internal edit to attempt to prevent the "D" and the "N" orders from
19 separating.

20
21 The use of the single "C" process would virtually eliminate the risk inherent
22 with the "D&N" process.

1 Q. MR. GULAS, BELL SOUTH WITNESS SANDRA HARRIS TESTIFIES
2 THAT THE SINGLE "C" PROCESS IS NOT APPROPRIATE FOR USE
3 IN CONNECTION WITH UNE-P CONVERSIONS. DO YOU HAVE
4 ANY RESPONSE TO THAT TESTIMONY?

5 A. Yes. Ms. Sandra Harris' testimony leads the reader to believe that converting
6 a customer from BellSouth retail or IDS's resale to IDS's UNE-P service is
7 a complex process, and as such requires the two-order "D&N" process
8 because the "C" is not appropriate for a complex conversion. In her
9 testimony, at page 10, lines 21-25, and page 11, lines 1-6, Ms. Harris uses
10 as an example of a complex conversion a switch of a basic local exchange
11 customer to BellSouth's Centrex Service, which is like a virtual PBX service
12 provided by BellSouth. While I would agree with Ms. Harris that switching
13 a basic local exchange customer to Centrex is a complex process, it is not a
14 realistic example of what happens when converting a BellSouth retail or IDS
15 resale customer to IDS's UNE-P service. The conversion of a BellSouth
16 retail or IDS resale customer to UNE-P is nowhere as difficult as the
17 complex move of a customer from basic service to Centrex.

18

19 Q. WHAT WOULD BE A FAIR COMPARISON?

20 A The conversion of a BellSouth retail or IDS resale customer to UNE-P is
21 more comparable to converting a BellSouth retail customer from flat rate
22 service to measured rate service.

1 Q. WHICH TYPE OF PROCESS IS USED IN THAT SITUATION - - A
2 "D&N" OR A "C"?

3 A. When a BellSouth retail flat rate customer contacts BellSouth and wants to
4 change to BellSouth retail measured rate service, the service representative
5 enters a single "C" order. This order changes the class of service the
6 customer had from flat rate to measured rate and notifies the switch to start
7 recording calls so that BellSouth can bill measured rates to the customer.

8

9 Q. BUT, MS. HARRIS TESTIFIES ON PAGE 9, LINES 16-25, AND PAGE
10 10, LINES 1-15, THAT THERE ARE SEVERAL REASONS WHY THE
11 SINGLE "C" PROCESS CANNOT BE USED FOR CONVERSIONS
12 FROM RESALE TO UNE-P. HOW DO YOU RESPOND?

13 A. I will address each of Ms. Harris's reasons, one at a time. Ms. Harris' first
14 explanation of why the "C" cannot be used for resale to UNE-P conversions
15 is that resale is a flat rate and UNE services are measured. While this is
16 correct, Ms. Harris fails to tell the Commission that BellSouth already
17 switches its own flat rate to measured rate customers using the single "C",
18 as I have already testified. Ms. Harris' second reason is that line class codes
19 would have to be changed to allow for the billing of measured elements. She
20 neglects, however, to acknowledge that BellSouth already does this when it
21 moves its own retail customers from flat rate service to retail measured rate
22 service. For her third reason, Ms. Harris asserts that daily usage files would

1 have to be created. However, she again neglects to advise the Commission
2 that BellSouth already does this when its own retail customers move from
3 BellSouth flat rate to BellSouth retail measured services. For her fourth
4 reason, Ms. Harris states that a final bill would have to be issued because
5 billing rates are different between UNE-P and resale. Much like before, Ms.
6 Harris withholds the fact that when BellSouth customers move from
7 BellSouth retail to ALECs' resale services, BellSouth issues final bills to the
8 customers and then billing to the ALECs begins. Furthermore, "D&N"
9 orders are not required to make this happen. Provisions have been made
10 within BellSouth systems to create these final bills, and the same types of
11 systems could be used to create final bills when customers switch to UNE-P
12 service.

13
14 Q. MS. HARRIS ALSO SUGGESTS, ON PAGE 8, LINES 1-11 OF HER
15 DIRECT TESTIMONY, THAT BELL SOUTH HAS SUCCESSFULLY
16 CONVERTED ALECS' ENTIRE CUSTOMER BASES FROM RESALE
17 TO UNE-P USING THE "D&N" PROCESS, AND THAT YOU EVEN
18 HOSTED A CELEBRATION OF THOSE SUCCESSFUL CONVERSIONS
19 WHILE EMPLOYED AT BELL SOUTH. HOW DO YOU RESPOND?

20 A. While it is true that a conversion did take place and that BellSouth celebrated
21 its success, it is completely inappropriate and misleading for Ms. Harris to
22 use that conversion as an example of the effectiveness of the "D&N"

1 process. During that conversion, BellSouth did not utilize the same front-
2 end ordering systems that ALECs use to place requests with BellSouth, and
3 thereby avoided most of the OSS problems that plague ALECs. During that
4 particular conversion, BellSouth bypassed all of the front-end OSS systems.
5 Those particular conversion orders were electronically created by BellSouth
6 using MECHSO (Mechanized Service Order), a BellSouth-created system
7 that writes service orders en masse, and fed into the BellSouth network
8 systems directly. Additionally, BellSouth employees babysat that entire
9 conversion process.

10
11 IDS and the other ALECs do not have access to MECHSO and therefore
12 cannot bypass the front-end OSS systems that create most of the OSS
13 problems. Nor do IDS and the other ALECs have the resources to babysit
14 each and every request they process through BellSouth.

15
16 Additionally, Ms. Harris fails to tell the Commission that the reason
17 BellSouth performed those conversions for ALECs Access One and Access
18 Integrated is because those ALECs had been unsuccessful in their own
19 attempts to get their orders through BellSouth's EDI.

20
21 Q. MR. GULAS, YOU ALSO WERE ON THE BELL SOUTH NETWORK
22 COMBINATIONS TEAM THAT WAS ASKED TO DEVELOP A SINGLE

1 "C" PROCESS FOR UNE-P. DO YOU CONCUR WITH YOUR
2 COLLEAGUE MS. WELLMAN'S TESTIMONY ABOUT THE
3 WEAKNESS OF THE "D&N" PROCESS AND BELL SOUTH'S
4 DECISION NOT TO PURSUE DEVELOPING A BETTER, SINGLE-STEP
5 "C" FOR UNE-P?

6 A. Ms. Wellman's testimony is correct. Prior to the FCC's Third Report and
7 Order and Fourth Notice of Proposed Rulemaking (FCC-99-238), which
8 basically gave birth to the UNE-P, BellSouth had not planned on offering
9 UNE combinations at UNE rates. Therefore, when the FCC Order was
10 issued and became effective on Feb. 17, 2000, BellSouth was required to
11 quickly implement a way to pre-order, order, provision, maintain, and bill
12 UNE combinations.

13
14 Prior to this, BellSouth had developed and rolled out the Network
15 Combinations product, which also utilized the disconnect "D" and new "N"
16 connect process. I and Ms. Wellman were on the Network Combination
17 team. During the development of that process, specifically in May 1998, our
18 team expressed concerns about the "D&N" process to BellSouth upper
19 management. In our Steering Committee meetings with Marketing and
20 Operations Vice Presidents and Assistant Vice Presidents in July and August
21 of 1998, it was recognized that something needed to be done about the
22 problematic "D&N" process. In fact, one of my action items from these

1 meetings was to write a work request for the development of a single "C"
2 process.

3
4 As Ms. Wellman testified, our first and only meeting to discuss the
5 development of a single "C" process was in March 1999. I believe that
6 BellSouth realized from that meeting that the development of a single "C"
7 was not going to be a quick fix, and it made the decision to shelve the project
8 based on priorities and resource commitments. BellSouth has had the ability
9 ever since then to develop a single "C" process for conversions of customers
10 to ALECs' UNE-P service. BellSouth simply has chosen not to do so.

11
12 III. REBUTTAL OF BELL SOUTH TESTIMONY REGARDING THE "BULK
13 ORDERING INCIDENT" AND CLARIFICATIONS TO MS. WELLMAN'S DIRECT
14 TESTIMONY

15
16 Q. MR. GULAS, CONCERNING A DIFFERENT ISSUE, BELL SOUTH'S
17 WITNESSES CLAIM THE "BULK ORDERING INCIDENT" WAS
18 MERELY THE RESULT OF AN INTERNAL MISCOMMUNICATION.
19 DO YOU HAVE ANY INSIGHT ON THIS ISSUE?

20 A. Yes. Based on my years of experience working at BellSouth, I cannot
21 imagine that, with all of the checkpoints in BellSouth's internal operations,
22 the bulk ordering functionality could have been released inadvertently. From

1 the time when software, such as the bulk ordering process, is conceived
2 through the time it is actually implemented, it passes through many
3 checkpoints in order for BellSouth to be certain that a product is not released
4 prematurely. As shown in Exhibit "WG/BW-1" attached to this testimony,
5 the process of writing the business rules, writing the system requirements,
6 coding, testing and final release is an extensive one. Also, after significant
7 testing by both BellSouth's IT group, the User Acceptance Testing group, the
8 Release Manager, the Release Manager's Supervisor, the Test Manager, the
9 LCSC Subject Matter Expert and the System Project Manager participate in
10 a conference call during which they decide whether or not to implement the
11 release.

12
13 Additionally, if a Carrier Notification Letter regarding the new software has
14 to be released to the ALEC community, this letter must be written and
15 requires approval from BellSouth's Marketing, Sales, Operations and IT
16 departments. Depending on the type of Carrier Notification letter, this
17 involves from 25 to 35 people, any one of whom can make changes to the
18 letter or stop it from being released. BellSouth indeed released two such
19 Carrier Notification letters regarding the bulk ordering, one dated March 16,
20 2000 and superseded on April 6, 2000 and another dated April 6. (Copies
21 of those Carrier Notification letters are attached to this testimony as
22 Composite Exhibit "WG/BW-2". Because the March 16, 2000, Carrier

1 Notification letter was superseded by one of the April 6, 2000 letters, the
2 earlier one is unavailable to IDS.)

3 In addition, BellSouth sent Agendas and Notices of Presentations to the
4 ALECs beginning in March 2000, notifying the ALECs of the Inforum
5 scheduled for May 2-3, 2000 and the topics that would be covered, including
6 OSS systems enhancements, updates and products. (IDS has asked in
7 discovery for a copy of that agenda, but has not yet received it.)

8
9 Certainly, considering all of the steps and all of the BellSouth personnel
10 involved in the release of software such as the bulk ordering process, it
11 appears inconceivable that BellSouth's release of that software was merely
12 the result of miscommunication.

13 Q: MS. WELLMAN, IN REVIEWING YOUR DIRECT TESTIMONY THAT WAS
14 FILED ON JULY 23, 2001, IS THERE ANYTHING THAT NEEDS TO BE
15 CLARIFIED?

16 A: Yes, in responding to the question on page 8 regarding how BellSouth internal
17 systems processes its orders for BellSouth's retail customers, the following
18 clarifications to my direct testimony should be made. I understand that BellSouth
19 retail has replaced DOE and SONGS with newer and more powerful front-end
20 editing and order input systems called ROS and RNS. While employed at
21 BellSouth, I knew that BellSouth was developing ROS and RNS. However, because
22 my positions with BellSouth changed over the years, I was unaware that BellSouth

1 had deployed ROS and RNS. Notwithstanding, BellSouth's LCSC still uses DOE
2 and SONGS to manually key in local service requests that cannot be electronically
3 processed. In addition, in my answer on page 9 of my direct testimony, I stated that
4 a BellSouth service representative will input an order directly into DOE or SONGS
5 while the BellSouth customer is on line. Here, I was referring to residence and small
6 business service requests, which the BellSouth service representatives do input into
7 ROS and RNS while the customer is on line.

8
9 In responding to the question on page 9 regarding BellSouth's LCSC, I stated that
10 the LCSC service representatives have eighteen business hours to generate an order,
11 to return an FOC to the ALEC, or to send the local service request back to the ALEC
12 for clarification. I understand this time frame was changed. It is my understanding
13 that the LCSC service representatives now have ten business hours in which to
14 generate an order, issue a FOC, or return the local service request with a clarification
15 to the ALEC from the time the local service request entered BellSouth's system.

16
17 Q. MR. GULAS AND MS. WELLMAN, DOES THIS CONCLUDE YOUR
18 TESTIMONY?

19 A. Yes.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 010740-TP

DIRECT TESTIMONY OF BECKY WELLMAN

1 Q: Please state your name and business address.

2 A: My name is Becky Wellman. My business address is 1525 NW 167th Street,
3 Miami, Florida 33169.

4 Q: For whom are you employed and in what position?

5 A: I am employed by IDS Telcom, LLC ("IDS"). My position with IDS is Assistant
6 Vice President of Local Operations.

7 Q: Please describe your duties at IDS.

8 A: I am responsible for the provisioning of end user requests to install, convert,
9 or otherwise modify the telephone service and related features of IDS
10 telephone subscribers. In addition, I establish and maintain operational
11 policies and procedures as they relate to the provisioning of Resale and
12 Unbundled Network Element Platform ("UNE-P") products obtained from
13 BellSouth Telecommunications, Inc. ("BellSouth") pursuant to the
14 Interconnection Agreement, as amended, executed by IDS and BellSouth and
15 approved by the Florida Public Service Commission.

16 QUALIFICATIONS AND EXPERIENCE

17 Q: Please describe your education and work experience.

18 A: My resume is attached to this testimony and identified as Exhibit BW-1.

19 Q: What is your educational background?

1 A: I graduated from Sandy Springs High School in 1965 and attended the
2 University of Georgia from 1965-1966.

3 Q: What work experience have you had in the telecommunications field?

4 A: I worked for BellSouth Telecommunications, Inc. ("BellSouth") for thirty years
5 in a variety of job categories, beginning as an Operator. I subsequently
6 worked for BellSouth as a Retail Service Representative, Maintenance
7 Administrator, and Load Control Manager. When I left BellSouth in July 2000,
8 I held the position of Operations Staff Support Manager for all BellSouth Local
9 Carrier Service Centers ("LCSCs"). For a total of approximately eleven years,
10 I was a Customer Service Representative for BellSouth in its Retail Division.
11 During that period of time, the overall processing of customer service
12 requests or service orders evolved from a paper order which had to be
13 handwritten and handled manually from beginning to end to having the ability
14 to process an order totally electronically as it exists today. The actual flow of
15 the orders remained much the same but was developed and refined to
16 eliminate unnecessary manual intervention. This electronic process allows
17 BellSouth to enter its customers' requests into its internal ordering systems in
18 real time, correcting immediately any input errors whether they were caused
19 by a simple typing error or because a customer provided incorrect
20 information. These systems even give Service Representatives prompts for
21 inputting correct data so that when the customer hangs up, he has been
22 assured of the correctness of his order and its due date. As a Maintenance
23 Administrator for three years, I handled BellSouth customers' reports of

1 trouble on their telephone line. My responsibilities included testing to
2 determine the origin of the trouble, verifying line translations to ensure all line
3 services (hunting, call waiting, etc.) were correct, and checking the facilities in
4 the central office switch. If I detected trouble, I was responsible for
5 categorizing the trouble ticket so that it would be given to the type of
6 technician who was best suited to clear the trouble. I was then promoted to
7 Load Control Manager for the entire downtown Atlanta area. For six years my
8 main responsibilities were to determine and set repair and installation
9 intervals based on the forecasted load, to dispatch technicians to install or
10 repair lines within the time frame which the customer was given, and to
11 effectively reduce overtime costs while increasing productivity and quality. In
12 addition to my regular job duties, I also set up and ran the 1996 Olympic
13 operations. I was consistently ranked as one of the top three Load Control
14 Managers in the entire state of Georgia. I then was promoted to BellSouth
15 Interconnection Staff supporting the LCSC and became the Subject Matter
16 Expert ("SME") in BellSouth for Selective Call Routing, Interim Number
17 Portability, Port, and UNE-P.

18 Q: What are your credentials in regard to the specific subject matter of your
19 testimony?

20 A: Besides the knowledge and experience I have accumulated in my tenure of
21 more than thirty years working for what is now known as BellSouth
22 Telecommunications, Inc., during the period from May 1998 through July

1 2000, I held the position of Operations Staff Support Manager for all
2 BellSouth LCSCs.

3 Q: What were your responsibilities as the Operations Staff Support Manager
4 during the above period of time?

5 A: Beginning in July 1998, I was intimately involved with the development of the
6 provisioning of local telephone service and features through UNE-P or similar
7 arrangements with CLECs and actually wrote BellSouth's Methods and
8 Procedures currently used by the BellSouth Service Representatives in all the
9 LCSCs . These Methods and Procedures outlined the responsibilities of the
10 Service Representatives and specifically instructed them on how to review a
11 Local Service Request ("LSR") for correctness, and input an accurate order in
12 relation to the products I supported. These M & Ps were developed for the
13 sale of local telephone services and features through UNE-P arrangements
14 with CLECs.

15 Q: Are there any other factors regarding your qualifications or tenure as
16 Operations Staff Support Manager that are relevant to your testimony?

17 A: Yes. Prior to November 1999 and the release of the Federal
18 Communications Commission's ("FCC's") 319 Remand, I was part of a project
19 team that was developing a product called "Network Combination." This
20 project was a BellSouth offering which became the basis for the development
21 of what is known today as the Unbundled Network Element Platform or "UNE-
22 P."

1 In approximately November 1999, when the FCC released its 319
2 Remand, I was re-assigned to the project team that was dedicated to the
3 development of the UNE-P products as mandated by the FCC. My role was
4 to represent the BellSouth LCSCs on that project team. During the
5 development of these UNE-P products, I worked closely with the Subject
6 Matter Experts ("SME") from various BellSouth departments including
7 Network and Billing, Recent Change Memory Administration Center
8 ("RCMAG"), Line Facility Administration Center ("AFIG"), and CRIS Billing. I
9 worked with the project team five days a week exclusively on product
10 development for the UNE-P in order to meet the FCC imposed deadline of
11 February 17, 2001.

12 I was directly involved in the development and testing of BellSouth's
13 internal procedures related to the processing of LSRs on behalf of CLECs
14 and as directed by the FCC's 319 Remand during November 1999.

15 Q: What BellSouth employees were assigned to the UNE-P Project Team and
16 what were their respective titles?

17 A: The main BellSouth employees on the UNE-P Project Team, besides myself,
18 were the PCU ("Product Commercialization Unit") Project Manager, Ms.
19 Sandra Harris, the Network Subject Matter Expert, Ms. Carla Lockerd, the
20 RCMAG SME, Mr. Frank Eberle, the AFIG SME, Ms. Jayne Sullivan, the
21 CRIS Billing SME, Ms. Debbie Williams, and the Product Manager, Mr.
22 William Gulas.

23 Q: Who presided over the meetings of the UNE-P Project Team?

1 A: As the Project Manager, Ms. Sandra Harris presided over the meetings of the
2 UNE-P Project Team. Part of her responsibilities as Project Manager was to
3 document every aspect of the development and testing of the UNE-P
4 products in order to report to upper management.

5 Q: To whom did the Project Team report in the BellSouth management?

6 A: The Project Team reported to Ms. Suzy Lavett, Director of PCU, and Ms.
7 Peggy Caldwell, Senior Director of PCU.

8 Q: Have you previously testified before any regulatory authority or courts of law?

9 A: No.

10 PURPOSE AND SUMMARY OF TESTIMONY

11 Q: What is the purpose of your testimony?

12 A: I will address Issue One ("Has BellSouth breached its Interconnection
13 Agreement with IDS by failing to provide IDS OSS at parity?") and Issue Two
14 ("Has BellSouth breached its Interconnection Agreement with IDS by failing to
15 provide IDS UNE-Ps at parity?") as identified by the parties and established
16 by the Prehearing Officer in this proceeding.

17 Q: Please summarize your testimony.

18 A: My testimony describes the specific procedures by which BellSouth provides
19 services to its own retail customers and the specific procedures by which
20 BellSouth provides Operational Support Systems ("OSS") and UNE-Ps to IDS
21 and other CLECs generally. It is my experience that BellSouth has not
22 provided and cannot provide IDS OSS and UNE-Ps at parity to those services
23 provided to BellSouth's own customers through its Retail Division because of

1 the inherently flawed structure of its CLEC Interfaces and the Local Carrier
2 Service Center operation. My testimony provides a detailed explanation of
3 the Methods and Procedures ("M & P") used by all BellSouth Service
4 Representatives at the three BellSouth LCSCs and an analysis of those
5 Methods and Procedures as they have affected IDS and other CLECs. These
6 Methods and Procedures include among many other topics, CLEC order
7 processing and network access and billing processes and procedures used
8 by BellSouth under current arrangements with CLECs and in particular with
9 IDS.

10 Q: Regarding Issue One in this proceeding, what is your understanding as a lay
11 person of the term "parity" in relation to BellSouth's obligation to provide IDS
12 OSS at parity?

13 A: My definition of "parity" as a lay person in this context is that BellSouth is
14 required to provide IDS Operational Support Systems that process IDS'
15 orders for new customers or changes or additions to the services of existing
16 IDS customers that are equivalent in all respects to those systems BellSouth
17 utilizes for its own retail customers. To me, this means that if BellSouth can
18 provide installation of a certain type of telecommunications service to one of
19 its retail customers in a certain time frame and at a certain level of quality, it
20 must provide installation of that same type of telecommunications service to
21 IDS' customer in an equivalent time frame and at the same level of quality.

22 Q: Has it been your experience that BellSouth has provided IDS OSS at parity?

1 A: No, it has been my experience that BellSouth has continually and consistently
2 provided IDS OSS that is far below parity.

3 Q: Why do you believe BellSouth provides IDS OSS that is not at parity?

4 A: BellSouth has failed to develop Operational Support Systems for the
5 processing of orders for IDS and other CLECs that are capable of providing
6 services at parity to those provided to BellSouth's retail customers. There is
7 no comparison, much less parity, between the internal systems BellSouth
8 utilizes to process orders for its retail customers and the Local Carrier Service
9 Centers that process orders for IDS and other CLECs.

10 Q: Can you explain why you say this?

11 A: I say this because I am intimately familiar with the internal systems BellSouth
12 utilizes to process orders for its own retail customers and I am intimately
13 familiar with the Operational Support Systems BellSouth has utilized to
14 process orders for IDS and other CLECs.

15 Q: Can you describe your experience with BellSouth's internal systems?

16 A: As a Service Representative and Maintenance Administrator, I worked with
17 BellSouth's internal systems on a daily basis. I gained vast knowledge from
18 regularly interfacing with BellSouth employees in downstream work groups to
19 expedite orders or resolve troubles. Also as a Load Control Manager, I
20 worked closely with the translations, facilities, and central office groups.

21 Q: Can you describe how BellSouth's internal systems process orders for
22 BellSouth's retail customers?

1 A: When a retail customer calls BellSouth for service, he speaks directly to the
2 Service Representative who will input an order directly into one of their
3 ordering systems, SONGS or DOE, while the customer is on line. The
4 ordering systems are designed to prompt the Service Representative during
5 the input process if certain information, which is required for processing, is
6 missing or invalid. This permits the Service Representative to question the
7 customer for correct information in real time and allows her to change it
8 immediately. Information is also formatted properly by the systems even if it
9 was not entered correctly by the Service Representative. The ordering
10 system assigns a telephone number if necessary and the earliest due date
11 available based on what the end user's address facilities are and on the Load
12 Control Manager's forecast for that type of service. The ordering system will
13 continue to perform online edits to ensure accuracy before it allows the order
14 to be released giving the Service Representative repeated opportunities to
15 obtain all necessary information while the customer is still online. Depending
16 on the service request, the order will flow downstream to RCMAG, AFIG,
17 WMC and CRIS to be completed. This can generally be done electronically
18 with no manual intervention unless a dispatch is required.

19 Q: Now that you have described how BellSouth 's internal systems process
20 orders for BellSouth's retail customers, can you give us a comparably clear
21 description of how BellSouth's current Local Carrier Service Centers are set
22 up and how BellSouth processes orders from IDS and other CLECs?

1 A: Yes. When a CLEC submits an LSR, it must follow the specific BellSouth
2 Business Rules for Local Ordering ("BBRLO") which are available for review
3 on line or on paper, but which are not necessarily going to be present as an
4 edit while the LSR is being entered into the electronic interface. Because of
5 defects in the internal BellSouth OSS, the LSR might go through only to be
6 returned for clarification a day or two later. Once the LSR is accepted by the
7 interface, editing is performed by a BellSouth system called LEO and if there
8 are errors, the LSR will be rejected back to the CLEC for correction and
9 resubmission. If there are no errors, LESOG will generate an order and send
10 it to downstream systems and send the CLEC an FOC ("Firm Order
11 Confirmation") with the due date that has been assigned to the order. If a
12 condition exists that will not allow LESOG to generate an order (multi-line
13 hunting, denials, restorals, BellSouth Customer Service Record errors, etc.),
14 the request will drop to the LCSC to review the request and determine what
15 needs to be done to generate an order. The LCSC Service Representative
16 has eighteen business hours (two days and two hours) to generate the order
17 and return an FOC or send it back for clarification from the CLEC. The
18 clarifications that are returned are often invalid and a call to the LCSC is
19 required to get the LSR processed. If the clarification is valid, the CLEC must
20 submit a supplemental request and may again have to wait for the eighteen
21 business-hour FOC. Although the LCSC Service Representative should
22 provide all clarifications after the first review, often this process will have to be
23 repeated several times. The process for submitting a supplemental request

1 cannot be overridden, so the CLEC is basically at the mercy of the LCSC for
2 the timely processing of LSRs. Once the LCSC Service Representative is
3 ready to input the order, she or he uses the same order input systems that
4 BellSouth Retail Service Representatives use. However, if she encounters an
5 edit from the system, she may reject it back to the CLEC for clarification and
6 the whole process will begin again. If she is able to submit the order, the due
7 date is assigned based on the BellSouth Interval Guide, not on the first
8 available appointment per the Load Control Manager as it is in the Retail
9 Division. At that point, an FOC is sent back to the CLEC with the due date.

10 Q: Can you describe your involvement in the development of the UNE-P product
11 for BellSouth?

12 A: Beginning in July 1998, I was intimately involved with the development of
13 BellSouth's Methods and Procedures ("M & Ps") currently used by the
14 BellSouth Service Representatives and all the LCSCs related to provisioning
15 of local telephone service and features through UNE-P arrangements with
16 CLECs. These M & Ps outlined the responsibilities of the Service
17 Representatives and specifically instructed them on how to do their jobs in
18 relation to the products I supported. These M & Ps were developed for the
19 sale of local telephone services and features through UNE-P arrangements
20 with CLECs.

21 Q: What was the directive given to the UNE-P Project Team by BellSouth
22 management in November 1999 that you alluded to earlier?

1 A: We were instructed to develop the UNE-P products as mandated by the FCC
2 and be prepared to roll-out the products by the February 17, 2001, deadline
3 established by the FCC order.

4 Q: Did the UNE-P Project Team encounter difficulty developing this product?

5 A: Yes. During the development and testing process for the UNE-P program,
6 the Project Team experienced end-user outages. We also learned that during
7 the original conversions of Retail customers to a CLEC's Resale service
8 processed using the Disconnect and New ("D & N") procedure, end-users
9 also frequently experienced outages. As such, the Resale team developed
10 the Change ("Single C") format that eliminated the need for a disconnection
11 and corresponding new connection or D & N procedure during Resale
12 conversions between BellSouth and a CLEC.

13 Q: Did the use of the Single C format eliminate the frequent service outages
14 associated with the D & N procedure during Retail to Resale conversions?

15 A: Yes.

16 Q: Did the UNE-P Project Team experience end-user service outages or service
17 feature disruptions during conversions from Retail or Resale to UNE-P
18 conversions between BellSouth and CLECs?

19 A: Yes. During conversions to UNE-P using the D & N procedure, end-users
20 experienced service outages. Additionally, end-users experienced several
21 service feature disruptions. Because the end-user outages were so prevalent
22 during the conversion to UNE-P using the D & N process, we explored
23 numerous paths to develop different methods for UNE-P processing,

1 including the modification of the Single C format. However, because the
2 Single C format was developed for Resale, there were too many edits and
3 limitations surrounding the process and we were unable to amend it
4 adequately to work with the UNE-P program.

5 The team was equally concerned that the BellSouth Legacy System,
6 which supports these arrangements and processes that are so heavily relied
7 upon by BellSouth and the CLECs for conversions, was limited in its
8 capabilities to support the conversions. As such, one or more of the
9 members of the Project Team concluded that the only process that would
10 work, albeit with consequences, was the D & N process.

11 Q: Did the Project Team as a whole or through individual team members object
12 or express concern over the utilization of the D & N process for UNE-P
13 provisioning and the subsequent end-user outages and service feature
14 disruptions?

15 A: Yes. Everyone on the Project Team expressed serious concern about the
16 end-user outages to upper management throughout the development and
17 testing of the UNE-P. In particular, however, Peggy Caldwell and Ken
18 Ainsworth agreed that there was reason for concern based on the history of
19 the original D and N process in the Retail to Resale scenario. The Project
20 Team tested orders for Retail and Resale and from various locations in
21 various states within the region. This allowed us to determine that the
22 problem was system-wide and not limited to a certain part of the BellSouth
23 territory. These problems have nothing to do with the location of the CLEC

1 because all CLECs in every BellSouth state experience the same types of
2 conversion problems. The same three LCSCs handle all the orders for every
3 CLEC in the region. We found that the outages occurred despite our best
4 efforts to complete the test orders without error. The Project Team was very
5 concerned that if we who developed the process still experienced end-user
6 outages in varying forms, there was a great likelihood of serious complications
7 occurring during thousands of daily conversions between BellSouth and
8 various CLECs on any given day. The results, we feared, could prove
9 disastrous. I have personally witnessed that concern played out as a reality
10 on a daily basis as IDS attempts to do its business. IDS daily submits orders
11 to BellSouth for UNE-Ps and constantly has those orders incorrectly,
12 inefficiently, and ineffectively processed. This is the same experience that
13 any CLEC will have when it attempts to process UNE-P orders with
14 BellSouth. At times, I personally have to instruct the personnel in the
15 BellSouth LCSCs regarding how to correct end-user service outages they
16 cause during conversions of IDS customers. It is evident the problems are
17 the same as those the Project Team encountered during the UNE-P
18 development stages. It is also completely clear that BellSouth has done little
19 if anything to correct the procedure since its inception despite the ongoing
20 end-user outages.

21 The UNE-P order process was developed with a conscious effort by
22 the Project Team to avoid the end-user outages and feature disruptions
23 caused by the D & N format, however, the process relies heavily on effective

1 and efficient manual and electronic handling of each order. The Project Team
2 continued testing the process until the outages were minimized, but because
3 there were specific personnel handling the flow-through process in certain
4 departments, like the LCSC, the results were obviously skewed. If these
5 processes are not handled by well trained and sufficiently experienced LCSC
6 representatives with the proper escalation personnel on staff at all times, the
7 likelihood of an outage or disruption during conversion drastically increases in
8 relation to the increase in the number of orders being processed by a given
9 LCSC.

10 In contrast, the Single C format mentioned above and which is further
11 detailed herein, will not allow for the possibility of a service outage nor does it
12 generally require the critical manual component, thereby reducing further the
13 likelihood of an outage during conversions.

14 Q: You have stated that BellSouth assigned specifically trained and experienced
15 individuals to oversee the processing of conversions during the
16 developmental stages of the UNE-P program. Do you believe it is possible
17 that BellSouth has utilized similar methods during testing in other situations
18 such as with KPMG in order to skew the results in favor of BellSouth?

19 A: In the day to day operation of the LCSCs, there are LCSC representatives
20 handling drastically higher numbers of conversions from multiple CLECs.
21 Because these representatives are not the individuals who participated in the
22 development of the methods and procedures and the SME who supports
23 them was not a part of the complicated developmental project team, they do

1 not know what to do when the inevitable problems arise with orders from
2 CLECs for UNE-Ps. Therefore, the great majority of orders submitted by
3 CLECs are not handled correctly, efficiently, or effectively. This results in a
4 complete lack of parity for IDS and other CLECs. This is not just my opinion.
5 This has been my experience both within and without BellSouth's operations.

6 Q: Do you believe that it was the intention of BellSouth's management to provide
7 a product to comply with the FCC 319 Remand that essentially did not work? .

8 A: I cannot say that the intention of BellSouth's management was to mislead the
9 Florida Public Service Commission and the CLEC community concerning this
10 process. I can say with certainty, however, that the Project Team did not
11 have adequate time in which to develop a workable "Single C format" for
12 UNE-P conversions. I can also say with certainty that BellSouth's
13 management knew this then and has known it since then, and has failed to
14 remedy the situation in any fashion other than temporary quick fixes at the
15 request of CLECs.

16 The Project Team was repeatedly told by the Senior Director of the
17 Project Group, Peggy Caldwell, that the UNE-P process must be rolled-out by
18 February 17, 2000, even if it was not 100% reliable. It became evident that
19 the focus was not on developing the product correctly, but rather to simply
20 have a product that complied as much as possible with the FCC requirements
21 ready for use by CLECs. Given what the Project Team knew and
22 communicated to management about the inherent problems with the UNE-
23 Pprocess, and the limited time we had in which to arrive at a viable solution, I

1 can only reach one conclusion. BellSouth's management was not and is not
2 serious about correcting the problems the UNE-P process has caused IDS
3 and other CLECs.

4 Q: Did anyone ever suggest a modification to the Legacy System as a possible
5 solution?

6 A: Yes. BellSouth's management sent the Project Team back to the drawing
7 board several times to revisit the development of alternatives to the D & N
8 process that would require changes to the Legacy System. The concept was
9 to explore if the Legacy System could be changed to accept and process
10 UNE-P orders via a different as yet undeveloped process through completion
11 without service outages or service feature disruptions. However, it was
12 concluded that the Legacy System simply could not accept any process other
13 than the D & N to convert UNE-P orders and changes that would allow a
14 different process to be utilized would not or could not be effected.

15 Q: Can you explain BellSouth's processing of orders to convert telephone
16 subscribers from BellSouth to a CLEC under a Resale arrangement as
17 opposed to a UNE-P arrangement?

18 A: There are two scenarios for the conversion of a telephone subscriber's
19 services from BellSouth to a CLEC under a Resale arrangement. Under the
20 Resale scenario, a BellSouth retail customer is moving his or her services to
21 a CLEC who will be reselling BellSouth's local service.

22 The first scenario for a Resale conversion is known as an "as is"
23 conversion. This conversion simply means that the customer's services will

1 be identical to their services with BellSouth. The second scenario for a
2 Resale conversion is known as a conversion “as specified.” This means that
3 the end-user customer requires an addition or deletion of features or lines to
4 the services they currently receive from BellSouth simultaneously with the
5 conversion.

6 Each conversion order process begins when a Local Service Request
7 (LSR) is submitted to BellSouth from a CLEC via one of the BellSouth
8 electronic interfaces—LENS, EDI, TAG, or ROBOTAG.

9 During an “as is” conversion, BellSouth, acting on a CLEC’s electronic
10 request, will only have to perform a billing change, on behalf of a subscriber
11 from BellSouth’s Retail division to the CLEC’s Resale environment. This
12 function requires entries in only nine fields to complete the switch “as is” to
13 the CLEC and does not require any intervention from other downstream
14 groups.

15 The process flow of a new conversion or “as specified” conversion or
16 switch is essentially the same as an “as is”. The LSR is entered into one of
17 the BellSouth interfaces mentioned above and the LSR is filtered through
18 LEO for order validation and LESOG, which generates the order into SOCS.
19 A Single C (Change) order is the product of an “as is” or “as specified”
20 conversion order from Retail (BellSouth) to Resale (CLEC) only. The Single
21 C format uses only one order to convert a customer instead of two orders, in
22 contrast to the UNE-P conversions which require both a Disconnect order and
23 a corresponding New Connect order (known as “D & N”). The Single C

1 format ensures that the customer will not lose dial tone during the conversion
2 from BellSouth. This Single C format is a BellSouth internal process that
3 BellSouth developed because BellSouth's end users were initially
4 experiencing loss of service when the Disconnect/New Connect process was
5 being used during Resale conversions to CLECs. The Single C format was
6 developed to avoid those types of service disruptions during Retail to Resale
7 conversions. The Single C format cannot be affected by the CLEC
8 whatsoever. For these types of orders (Retail to Resale), no BellSouth
9 downstream systems are queried. This permits the order to "flow" through to
10 completion without manual intervention, which completely eliminates the
11 possibility of a disruption of services or features.

12 Q: Will you explain the scenario involved in conversions "as specified," also
13 known as "new conversions," under a Resale arrangement?

14 A: Yes. In order to process an order for conversion "as specified" or a "new
15 conversion," the CLEC must provide BellSouth all of the information that the
16 customer wants changed and the information that the CLEC requires for the
17 account. These orders have to be done at line level, which means that every
18 line must be addressed by the LSR. When the LSR is submitted by the
19 CLEC, the LSR will first enter the OSS system referred to as "LEO" for order
20 validation in order to complete an up-front edit. The LEO system reviews the
21 order for specific restrictions that would disallow the LSR from flowing through
22 to completion.

1 If the LSR encounters a restriction, such as an incorrect or missing
2 telephone number, Purchase Order Number ("PON") number, or other critical
3 information that must be on every LSR, LEO will fatally reject the LSR and the
4 CLEC must resubmit the LSR to correct the error. This edit function will
5 continue indefinitely with every submission of an LSR or supplemental LSR
6 until it has been entirely corrected. If LESOG is required to generate an
7 order, the request is dropped to the LCSC for completion. The LCSC is
8 required to review the entire order for accuracy when initially submitted by the
9 CLEC and all clarifications are required to be made with the first order review
10 in order to avoid repetitive submissions of the same LSR. However, using the
11 current process, it is not unusual to have an order "kicked-back" for
12 clarification several times before the order flows through to completion
13 because BellSouth's LCSCs do not comply with the requirement that all
14 clarifications must be made on the first order review. Based on my direct
15 experience working with BellSouth's LCSCs over the last year in my capacity
16 as the Assistant Vice President of Local Operations for IDS, I know personally
17 that the LCSCs are not following the Methods and Procedures established for
18 their proper operation.

19 Once an LSR passes through LEO, it enters the OSS system known
20 as "LESOG" and LESOG will assign the due date for the service order to be
21 completed and automatically generate an order in SOCS reflecting whatever
22 changes were requested and an FOC is returned to the CLEC.

23 Q: What happens when a service order flows to completion?

1 A: Ideally, the conversion is completed on the due date and a completion notice
2 is sent to the CLEC regarding the completion. The Customer Service Record
3 ("CSR") should be updated to reflect the conversion within 72 hours of
4 completion. The CSR update is further verification that the customer's
5 services have been converted.

6 Q: Please describe the conversion of service orders from BellSouth Retail or
7 CLEC Resale to UNE-P.

8 A: The order process flow for conversions of service orders from BellSouth
9 Retail or CLEC Resale to UNE-P should be the same as that for Retail to
10 Resale in that the systems and procedures are the same. However, in order
11 to convert a subscriber's services from BellSouth Retail or CLEC Resale to
12 UNE-P "as is" with the only difference being a change to measured service
13 from flat-rate, BellSouth requires that every entry on the CSR be addressed
14 from the listing section through the Service and Equipment section (S&E).
15 This requirement in and of itself is considerably more cumbersome than in a
16 Retail to Resale "as is" conversion, especially for a multi-line account
17 conversion. In addition, BellSouth refuses to allow conversions to UNE-P "as
18 is" as it does for conversions from Retail to Resale. BellSouth refuses to
19 permit an "as is" conversion to UNE-P even when no changes are requested
20 by the end user on his account. For this reason, every single UNE-P order is
21 subject to being queried by all of BellSouth's systems, including RCMAG and
22 AFIG (Assignment Facility Inventory Group). This results in unnecessary
23 intervention by other BellSouth departments and the possibility of a

1 disconnection without a corresponding new connection (D & N) increases
2 substantially.

3 Q: If the process for converting UNE-P "as is" orders is essentially the same as
4 Retail to Resale "as is" orders, why do customers experience the
5 disconnection of their services, as well as other disruptions?

6 A: Retail to Resale "as is" orders that are processed using the Single C format
7 do not drop down to BellSouth's downstream systems for input and as a
8 result, they avoid RCMAG and AFIG altogether. UNE-P "as is" orders go
9 through RCMAG and AFIG. These two systems are for translations and
10 cable facility assignment and should not required for UNE-P "as is" orders,
11 with the exception of changing the service from Flat Rate to Measured Rate.

12 In addition, the BellSouth service representatives use internal OSS
13 systems known as "SONGS" and "DOE" which allow them to perform online
14 edits and correct BellSouth's orders in real time so that BellSouth's own
15 orders flow through the system immediately. BellSouth has refused to permit
16 CLECs parity by providing access to these established OSS systems.

17 If a CLEC makes a mistake on the LSR, the LCSC or LEO sends the
18 order back to the CLEC for "clarification" creating a time lag for the order to
19 complete that BellSouth does not experience. A conversion from Retail or
20 Resale "as is" to UNE-P must be handled in the same manner as that used
21 for Retail to Resale "as specified." If this is not done, the likelihood of end-
22 user outages or disruption of service features is very high and increases in
23 relation to the number of lines being converted.

1 Q: Does the intervention of RCMAG and AFIG in the processing of CLEC orders
2 necessarily cause a disruption of service?

3 A: No. However, in my experience, the outages that we have encountered were
4 caused by the intervention of one of those two departments or the LCSC. If
5 the LCSC omits necessary entries on the service order, that will definitely
6 cause downstream systems to handle the order incorrectly thereby causing
7 outages that are completely out of the control of the CLEC.

8 Q: What is your recommendation to the Florida Public Service Commission as
9 the solution to the serious lack of parity BellSouth has provided IDS in the
10 provision of OSS, UNEs, and UNE-Ps? What does IDS want the Florida
11 Public Service Commission to order BellSouth to do?

12 A: It is my recommendation that the only way to assure IDS parity in BellSouth's
13 provision of OSS and UNEs and UNE-Ps is for the Florida Public Service
14 Commission to order BellSouth to provide IDS direct access to BellSouth's
15 DOE and SONGS systems. This would provide parity. Short of this, IDS nor
16 any other CLEC will ever have parity in BellSouth's provision of OSS and
17 UNEs and UNE-Ps.

18 Q: Does this conclude your testimony?

19 A: Yes.

1 MS. SUMMERLIN: And, Commissioners, there are copies
2 of the summaries that our witnesses are giving in that book
3 that we handed out to you.

4 CHAIRMAN JACOBS: Very well. Thank you. You may
5 proceed.

6 A (Witness Gulas) Good morning, Commissioners. The
7 summary of what I am about to discuss will be found in the
8 binders under Tab A, I believe it is. Yes.

9 My name is William Gulas. I am currently the Vice
10 President of Local Services for IDS. I provided rebuttal
11 testimony and deposition testimony in this proceeding.

12 My testimony concerns the issue that BellSouth does
13 not provide IDS with OSS at parity, because the systems
14 BellSouth makes available to IDS are inferior to what BellSouth
15 uses for its own end users. My testimony also concerns the
16 issue that BellSouth does not provide IDS with UNE-P at parity
17 with BellSouth retail operations, because the UNE-P conversion
18 methods that BellSouth has employed are unreliable. I also
19 address BellSouth's inappropriate release of the bulk ordering
20 functionality in May of 2000.

21 My experience with the BellSouth systems and the
22 UNE-P product is substantial. Before joining IDS, I worked at
23 BellSouth Telecommunications, Inc. for 11-1/2 years. At the
24 time I left BellSouth, I worked as a product manager for
25 BellSouth's switched combination services, which are known in

1 the industry as the UNE-P product. As a UNE-P product manager,
2 I wrote the marketing plan, which included designing the
3 product, pricing the product, promoting the product, and
4 distributing the product. And helped guide the product team
5 through its development of the UNE-P service.

6 I also educated both senior management, including the
7 president of interconnection services at the time, and two
8 different assistant vice-presidents of interconnection
9 services, and the interconnection sales force three different
10 times on three different versions of the UNE-P product. In
11 addition, I was one of only two people who was a member of all
12 the product teams that led up to what is now called the UNE-P
13 product. These product teams were called the port/loop
14 combinations team, the network combinations team, and the UNE-P
15 product team. I also received extremely favorable performance
16 evaluations during my employment at BellSouth, and I received
17 several awards from BellSouth departments.

18 I would like to speak to IDS in this case now. IDS
19 is totally dependent on BellSouth for its services. If a
20 BellSouth customer wants to switch service to IDS, or if IDS
21 wants to move a current IDS resale customer to UNE-P, IDS must
22 rely on BellSouth to help accomplish the switch. IDS regularly
23 encounters OSS-related problems during this process. These
24 problems arise because BellSouth has made deliberate decisions
25 to utilize inferior services that require ALECs to jump through

1 a variety of hoops in order to process each customer conversion
2 request. Each step along the way introduces a greater risk of
3 error, the need for human intervention, and service problems
4 and delays affecting the ALEC customers directly. For IDS
5 customers the consequences include delays in having their
6 service request completed and sometimes even the loss of
7 service. For IDS the consequences include the loss of
8 customers.

9 What is particularly disturbing is that BellSouth
10 currently has the ability to correct the situation, but it has
11 chosen not to do so. For example, BellSouth could give IDS
12 direct access to its DOE and SONGS ordering systems. BellSouth
13 has offered several reasons why it should not give ALECs direct
14 access to DOE and SONGS.

15 I have read BellSouth's testimony closely, and they
16 simply make excuses, none of which are adequate to justify
17 BellSouth's withholding of these better OSS systems. I have
18 addressed these excuses in my testimony and will touch on a
19 couple here.

20 Mr. Jerry Wilson testifies that BellSouth should not
21 be required to give IDS direct access to DOE and SONGS because
22 DOE and SONGS are older systems that are only being used by the
23 LCSC and over time will be replaced.

24 In addition, Mr. Wilson contends that RNS and ROS,
25 BellSouth's ordering systems, are not designed to support

1 BellSouth's resale or UNE offerings. What Mr. Wilson is really
2 saying is that currently the LCSC is using older and less
3 effective systems to manually enter the ALEC service requests,
4 while BellSouth uses newer and more powerful retail systems
5 that were developed to exclude resale or UNE-P ordering. This
6 demonstrates that BellSouth is not providing the same quality
7 of systems to IDS that it uses for its own end users.

8 Mr. Wilson also testifies that DOE and SONGS lack the
9 necessary security elements to protect customer information if
10 ALECs were given direct access. However, BellSouth has already
11 demonstrated that it can build the necessary security elements.
12 BellSouth has already designed software in LENS, TAG, and EDI
13 ordering systems to prevent ALECs from reviewing other ALECs'
14 orders. In addition, both the ALECs and BellSouth retail are
15 currently using the trouble analysis and facilities interface,
16 or TAFI, for maintenance and trouble tickets.

17 BellSouth also utilizes an unreliable method for
18 processing UNE-P conversions. BellSouth uses a two-order D&N
19 process that puts the end user at risk of service interruption.
20 BellSouth could have developed a single C order process back
21 when BellSouth provided the network combinations product in
22 1998 and '99. However, senior management decided to roll the
23 product out no later than December '98. And to meet that
24 deadline, all people involved knew that the single C could not
25 be available at the time of the product release. Then, after

1 only one meeting in March of 1999, BellSouth abandoned the
2 development of a single C order process based on priorities and
3 resources.

4 BellSouth witnesses give several reasons why the
5 single C process cannot be used for conversions from resale to
6 UNE-P, and these reasons lack merit. Ms. Sandra Harris
7 testifies that the single C cannot be used for resale to UNE-P
8 conversions because resale is a flat rate service and UNE
9 services are measured. However, BellSouth already switches its
10 own flat rate to measured rate customers using a C process.

11 Ms. Harris also testifies that BellSouth cannot use
12 the single C for UNE-P conversions because line class codes
13 have to be changed to allow for the billing of measured
14 elements and daily usage files have to be created for UNE-P
15 conversion, none of which can be done using the single C.
16 However, BellSouth already does this when it moves its own
17 retail customers from flat rate service to retail measured rate
18 service.

19 Furthermore, Ms. Harris testifies that a final bill
20 has to be issued during a UNE-P conversion because billing
21 rates are different between UNE-P and resale. Yet when
22 BellSouth customers move from BellSouth retail to an ALEC's
23 resale service, BellSouth issues final bills to the customer
24 and then begins billing to ALECs, all using the single C
25 process.

1 One last issue I wish to address is BellSouth's
2 testimony and BellSouth's release of the bulk ordering
3 functionality in April of 2000 was the result of an internal
4 miscommunication. I think on the slides and also within these
5 black binders, behind Tab B are the checkpoints I am referring
6 to. With all the checkpoints in BellSouth's internal
7 operations, it appears inconceivable that BellSouth's release
8 of that software was merely the result of miscommunication.
9 From the time when software, such as the bulk ordering process,
10 is conceived, to the time it is actually implemented, it passes
11 through many checkpoints in order for BellSouth to be certain
12 that a product is not released prematurely.

13 As you can see, the process is extensive. Business
14 rules and system requirements must be written. A software code
15 must be written and tested, then several managers must
16 participate in a conference call during which they decide
17 whether or not to implement the release. Additionally, prior
18 to releasing the bulk ordering functionality in early May of
19 2000, BellSouth issued two carrier notification letters
20 regarding the release of bulk ordering: One dated March 16th,
21 2000, and another dated April 6th. It is my experience that
22 carrier notification letters require approval from BellSouth's
23 marketing, sales, operation, and IT departments before release
24 to ALECs. Depending on the type of carrier notification
25 letter, this process involves 25 to 30 people, any one of whom

1 can make changes to the letter or stop it from being released.

2 This concludes my summary -- the summary of my
3 testimony this morning. And thank you for your time.

4 Q I would ask that Ms. Wellman present her summary of
5 her direct and her rebuttal testimonies.

6 A (Witness Wellman) Good morning. It at any point you
7 can't hear me, please let me know. I'm usually not accused of
8 that, but don't hesitate to tell me, please.

9 My name is Becky Wellman. I am employed by IDS as an
10 Assistant Vice President of Local Operations. I am responsible
11 for the provisioning of customer requests to install, convert,
12 or modify their telephone service and features. I establish
13 and maintain operational policies and procedures related to
14 UNE-P provisioning. I also represent IDS in the National
15 Ordering and Billing Forum, better known as OBF, the BellSouth
16 change control process, the BellSouth UNE-P user group, and the
17 BellSouth flow-through tasks force, which is in Georgia.

18 Before joining IDS, I worked at BellSouth for 30
19 years. During that time I received the department head award
20 in 1999 for outstanding participation in the development and
21 improvement implementation of the network combination
22 conversion process. And in 2000, I was elected to the
23 Achievers Club, which recognizes excellence in performance for
24 the top ten percent of interconnection managers.

25 Given my experience, I've dealt with UNE-P

1 provisioning and OSS from both the ILEC and the ALEC sides. I
2 have worked at BellSouth, the ILEC, which is required to
3 provide ALECs with UNE-P and OSS at parity with BellSouth's own
4 retail operation. And I worked at IDS, one of those ALECs
5 which struggles with the inferior systems that BellSouth
6 actually makes available to them.

7 It is my belief that BellSouth could provide better
8 systems for ALEC orders -- can I stop just a moment? In case
9 you haven't found my testimony, I should have told you -- my
10 summary, I should have told you this up front. It is in the
11 binder under Tab 2A. I'm sorry for the interruption.

12 It is my belief that BellSouth could provide better
13 systems for ALEC orders, if it wanted to. BellSouth has
14 certain superior ordering systems including some that
15 BellSouth's own retail operation uses, which will not -- they
16 will not -- which it will not make available to ALECs.

17 Additionally, BellSouth has the capability of
18 improving processes used to handle ALEC orders, but it has not
19 yet done so, even though it has been more than one and a half
20 years since the first UNE-P product was released. BellSouth
21 even acknowledges that it has ways to improve the ALEC ordering
22 process, but it will charge extra for them. BellSouth
23 advertised on a handout at the UNE-P group on May the 23rd,
24 2001, that it can develop templates to cut down or eliminate
25 order clarifications, and that it can write orders, write the

1 ALEC orders to minimize clarifications and ensure a timely FOC.
2 So BellSouth has solutions, but they come with a price tag.

3 I am aware of a particular solution that BellSouth
4 has withheld from ALECs, even though it would help to reduce
5 the number of clarifications to orders that the ALECs are asked
6 to provide, which slows down the completion of those orders.
7 It is called Activity Type W, and it is a method of
8 electronically ordering the conversion to UNE-P service. When
9 the person inputting an electronic LSR enters the W code, it
10 produces an electronic order form that requires data entry into
11 only nine fields, four of which are pull-down menus.

12 However, BellSouth has made ALECs use a different
13 method called Activity Type V. When a person enters the V to
14 input a conversion order, it produces a more complex ordering
15 form requiring detailed information regarding service on every
16 telephone line that the customer has, even if there are no
17 changes to those lines and features. Obviously, the W order is
18 much quicker and easier to complete than the V order. And
19 because it requires less key stroke input, it has less risk of
20 human error.

21 Before I was employed with them, IDS was lucky enough
22 to stumble upon the W in May of 2000, when it attempted to use
23 BellSouth's new ordering feature, which came with the W
24 function. Although BellSouth concluded that the bulk ordering
25 feature was a disaster, it never removed that W functionality.

1 So IDS kept using it. However, BellSouth withheld the W from
2 all other ALECs until just a few weeks ago, when BellSouth
3 finally advised all ALECs of the existence of the W. But even
4 now, BellSouth is trying to discourage ALECs from using the W,
5 stating that it will be at the risk of the ALEC until BellSouth
6 completes further testing.

7 BellSouth also has available, and itself uses
8 ordering systems that automatically edit, input, and correct
9 certain errors in customer service requests. Specifically,
10 these are the DOE and SONG systems. However, BellSouth refuses
11 to give IDS direct access to these systems which would reduce
12 the number of steps in the order process and would greatly
13 reduce the number of orders that have to be reprocessed.

14 Essentially, DOE and SONGS are front-end editing and
15 order input systems that BellSouth's LCSC uses to manually
16 input the ALECs local service requests that cannot be processed
17 electronically by BellSouth systems. DOE and SONGS enable the
18 LCSC service representative to eliminate thousands of errors in
19 a service request at the data entry stage. DOE and SONGS
20 provide automatic prompts if certain information is missing or
21 invalid, and they also format certain information properly if
22 it is entered incorrectly. If IDS and other ILECs have direct
23 access to DOE and SONGS, we could eliminate thousands of errors
24 before the service request information even hits the BellSouth
25 systems. Direct access to DOE and SONGS would also allow us to

1 generate orders at a speed comparable to BellSouth's retail.

2 I know the capabilities of DOE and SONGS because I
3 worked directly with DOE and SONGS during my 11-year tenure as
4 a BellSouth customer service representative, and I manually
5 entered requests using DOE for several years.

6 BellSouth also has the ability to change the ordering
7 process that triggers a conversion to UNE-P service from its
8 current two-order process called D&N, to a single order process
9 called the single C. The D&N is the order process implemented
10 internally by BellSouth after it receives a completed IDS
11 customer service request to activate the conversion of a
12 customer from BellSouth retail or ALEC resale to UNE-P.
13 BellSouth generates a D service order to disconnect the end
14 user, and then issues an N order to install new service for
15 that same end user.

16 In the past, the D&N was also used to activate the
17 conversion of a customer from BellSouth retail to an ALEC's
18 resale. But BellSouth discovered that the two-order D&N
19 process was causing service outages to customers during those
20 conversions, largely because the D order was being separated
21 from the N order as they flowed through BellSouth's systems.
22 For that reason, a single C process was developed for resale
23 conversions sometime in 1997 or 1998, which greatly reduced the
24 possibility of service disruptions during conversions because
25 only one order is generated. BellSouth retail has for years

1 used the single C process for changing its basic service
2 customers from flat rate to measured service, which is similar
3 to a UNE-P conversion.

4 However, BellSouth has not implemented a single C
5 process for UNE-P conversions. It made a business decision
6 sometime around March of 1999 not to do so. As a result, ALECs
7 and their customers have had to deal with problems resulting
8 from the separation of the D and the N orders. Finally, in
9 June 2001, after IDS filed their complaint, BellSouth put in
10 place an internal electronic edit to attempt to prevent the D&N
11 orders from separating. BellSouth has announced that it hopes
12 to have a single C for UNE-P sometime in 2002, but by then it
13 will have been more than two years since it released the UNE-P
14 product.

15 BellSouth has had time to make improvements to the
16 UNE-P product and OSS, some of which I have discussed. I have
17 no reason to believe that there are any technological issues
18 that prevent BellSouth from making these improvements. In my
19 opinion, BellSouth has simply chosen not to provide ALECs with
20 OSS and UNE-P at parity with its own retail operations.

21 Thank you.

22 MS. SUMMERLIN: IDS tenders the witness for cross.

23 CHAIRMAN JACOBS: Very well. Mr. Turner.

24 MR. TURNER: Thank you, Mr. Chairman.

25 CROSS EXAMINATION

1 BY MR. TURNER:

2 Q Good morning, Ms. Wellman.

3 A (Witness Wellman) Good morning.

4 Q You and I have never met before, have we?

5 A No, we haven't.

6 Q I'm Patrick Turner. I represent BellSouth. And I've
7 got a cold, so if you can't understand me or if you need me to
8 repeat something, tell me, okay?

9 A I will let you know.

10 Q Thank you.

11 Mr. Gulas, we have met before, haven't we?

12 A (Witness Gulas) Yes, we have.

13 Q In fact, we met once before the South Carolina Public
14 Service Commission, right?

15 A That's correct.

16 Q And you were a witness for IDS in that case, were you
17 not?

18 A That's correct.

19 Q I had a cold then, too, didn't I?

20 A I believe so.

21 Q We have to stop meeting like this, Mr. Gulas.

22 Ms. Wellman, I would like to start with you --

23 A (Ms. Wellman) All right.

24 Q -- and talk about some of the events that led up to
25 the development of this D&N process that you are talking about.

1 A All right.

2 Q Now, in November of 1999, the FCC released its 319
3 remand order, right?

4 A Yes, around that time. That's correct.

5 Q Okay. And that order required BellSouth to provide
6 UNE-P products, right?

7 A Yes.

8 Q And, basically, those UNE-P products are a port/loop
9 combination, right?

10 A They were similar to a port/loop combination, that is
11 correct.

12 Q And that 319 remand order imposed a deadline on
13 BellSouth to begin providing UNE-P, didn't it?

14 A Yes.

15 Q And that deadline was around February the 17th of
16 2001, as I recall?

17 A No, that is incorrect.

18 Q It wasn't?

19 A No.

20 Q I said 2001, didn't I?

21 A Yes, you did.

22 Q It was February 17th, 2000, wasn't it?

23 A Yes, it is.

24 Q Okay. Thank you.

25 A You're welcome.

1 Q And you were a part of the project team within
2 BellSouth, you were a BellSouth employee at that time, right?

3 A Yes.

4 Q And you were a part of the project team that was
5 developing the UNE-P product that was mandated by the FCC's 319
6 order, right?

7 A Yes, I was.

8 Q And the project team was instructed to develop the
9 UNE-P products as mandated by the FCC, was it not?

10 A Yes.

11 Q And as I understand it from your prior testimony,
12 your role in the 319 UNE-P product team was to help the team
13 develop the process that would be used to complete ALEC orders
14 for UNE-P. That was part of your role, wasn't it?

15 A Yes.

16 Q And another part of your role was once the process
17 for converting to UNE-P had been established internally, your
18 job was to write the methods and procedures that BellSouth's
19 wholesale organization would use to process local service
20 requests that ALECs submitted for UNE-P?

21 A That is correct.

22 Q And one of things that the team had to do was decide
23 on what process to use to take these conversion orders to go
24 from either retail or resale to UNE-P, right?

25 A Yes.

1 Q In other words, let's say that we had an existing
2 BellSouth retail customer, okay?

3 A Uh-huh.

4 Q That customer wanted to go over to IDS, and IDS
5 wanted to serve the customer by the UNE-P. Part of the job of
6 this project team was to say how are we going to process that
7 order to convert the customer from BellSouth retail service to
8 IDS UNE-P service, right?

9 A Yes.

10 Q And the resale conversion is similar, isn't it? You
11 would have in that scenario a customer who is currently
12 receiving resold service from an ALEC, right?

13 A Yes.

14 Q And the conversion process could be one of two
15 things, as I understand it. It could be to convert that resale
16 account to a UNE-P account being provided by the same ALEC,
17 right?

18 A That is correct.

19 Q Or it could be that a customer who was receiving a
20 resold service from ALEC A wanted to switch over and get UNE-P
21 service from CLEC B, right?

22 A Yes.

23 Q And your team that you were on was working on how do
24 we process these kind of orders, right?

25 A Yes.

1 Q And in either of those scenarios, from retail to
2 UNE-P or resale to UNE-P, one thing you have to do is stop the
3 existing arrangement, right? You have to stop the retail
4 arrangement or the existing resale arrangement and then start
5 up the new UNE-P arrangement, right?

6 A Could you define stop and start for me in the context
7 you're using it?

8 Q Well, for one thing, BellSouth has to stop providing
9 resale service to that customer's account, right?

10 A Are you talking about dial tone or are you talking
11 about billing? I'm not sure what you're trying to find out.

12 Q Well, you have to stop billing and providing the
13 service as resale, and you have to start billing and providing
14 the service to the same customer as UNE-P, right?

15 A Yes.

16 Q Okay. And one of the paths that you looked at to say
17 how could we do this, you considered a single C process, right?

18 A Yes, we did.

19 Q And as I understand the single C process, you would
20 use a single order to do both of those things, to stop the
21 existing resale or retail provisioning and start the new UNE-P
22 provisioning. That will be done with one order under the
23 single C, right?

24 A Well, if we had developed the single C that is how it
25 would have been done.

1 Q And that's what I'm saying. When you all were
2 brainstorming and saying, let's look at how a single C worked,
3 it would have been one order, right?

4 A Yes, that was the intent.

5 Q And another team -- or way to do the process that the
6 team explored was this D&N process that you're talking about,
7 right?

8 A That is correct.

9 Q And in the D&N process you are going to issue two
10 orders, right?

11 A Yes.

12 Q You would issue one order to cease the existing
13 retail or resale provisioning, right?

14 A Uh-huh.

15 Q And that would be the D order, right?

16 A The disconnect order, that is correct.

17 Q I was going to ask you that. So the D in D&N means
18 disconnect, right?

19 A Disconnect, yes.

20 Q And once you had disconnected that existing
21 arrangement, you would have an N order that would establish the
22 new UNE-P arrangement, right?

23 A Yes.

24 Q And that N would be -- I think we refer to that as
25 the new, right?

1 A New connect, yes.

2 Q New connect.

3 A Yes.

4 Q So in D&N it means the D is the disconnect, and the N
5 is the new connect order, right?

6 A That is correct.

7 Q So you identified at least these two ways that you
8 could do this process of conversion?

9 A Uh-huh.

10 Q Now, in considering the single C process for UNE-P
11 conversions, the UNE-P project team learned that BellSouth was
12 already using a single C process to convert existing retail
13 accounts to resale accounts, right?

14 A Yes.

15 Q And you looked at -- the team looked at whether you
16 could modify that existing single C arrangement and make it
17 work for UNE-P, right?

18 A Which team are you referring to?

19 Q The UNE-P project team that you were on.

20 A No, we really didn't consider the single C. I mean,
21 we talked about it, but we didn't identify as many issues with
22 it because it had already been looked at.

23 Q Okay. Well, as I understand it, I thought that the
24 team determined that because the single C format that was
25 developed for resale, there were too many edits and limitations

1 surrounding the process, that the project team decided that
2 they were not able to amend it adequately to work with a UNE-P
3 program. Do I have that wrong?

4 A Yes, you do.

5 Q Okay. Go with me to Page 13 of your direct
6 testimony.

7 THE WITNESS: Do I have that with me? I don't have
8 that with me.

9 I'm sorry, Mr. Turner, could you give me that
10 reference again?

11 BY MR. TURNER:

12 Q Well, I'm looking at Page 13 of your direct
13 testimony.

14 A 13.

15 Q I was basing it on that sentence there on the top of
16 Page 13. It says, "Because the single C format was developed
17 for resale, there were too many edits and limitations
18 surrounding the process, and we were unable to amend it
19 adequately to work with the UNE-P program."

20 A I understand that is what that says. And in my
21 deposition with Mr. Meza, we clarified that there is a
22 difference between UNE-P and network combinations, and this
23 reference was made -- we clarified that this reference was made
24 to the network combination team, not the UNE-P team. Although
25 it consisted of the same people, the product development was

1 different. And I had misstated it here, and I had corrected
2 that in my deposition.

3 Q Okay. So in a prior project when you were looking at
4 network combinations you looked at the single C, right?

5 A Yes, that is correct.

6 Q And a network combination at the time was still a
7 loop/port combination, it just wasn't at TELRIC pricing, right?

8 A Not exactly.

9 Q Okay. It involved the loop/port combination, right?

10 A I wasn't really in the port/loop combination from its
11 inception, in that I wasn't involved with that development, so
12 it's hard for me to compare those two items. But it was not
13 the same as the port/loop combo, I do know that.

14 Q Okay. Now, Mr. Gulas, let me ask you. Based on your
15 experience at BellSouth, can we agree that the problems that
16 would be involved in creating a single C process to convert
17 from resale or retail to UNE-P were different than any problems
18 that may have been involved with creating a single C process
19 for retail to resale conversions?

20 A (Witness Gulas) Could you please repeat that?

21 Q Yes. It's kind of out of your deposition. As I
22 understand it, there was some problems that had to be addressed
23 when the single C was developed to convert from retail to
24 resale services, is that correct?

25 A That is my understanding. I was not involved with

1 the single C process from retail to resale.

2 Q And there were also some problems that would have had
3 to have been addressed in developing a single C process to go
4 from either retail or resale to UNE-P, right?

5 A That is correct.

6 Q And we can agree that the problems that were
7 addressed and apparently resolved in developing a single C
8 process on the resale conversion were different from the
9 problems that would have had to have been addressed and
10 resolved in the conversion from retail or resale to UNE-P?

11 A That is correct.

12 Q Okay. Now, Ms. Wellman, as you said earlier, or as
13 we said earlier, the D&N process involves two separate orders,
14 right?

15 A (Ms. Wellman) Yes.

16 Q And what should happen is those two orders should
17 flow through the system together, right?

18 A That was the plan.

19 Q And the plan was to ensure that when the D order was
20 worked, which disconnected the existing retail or resale
21 arrangement, the N order was worked right after it so that
22 there was no loss of service, right?

23 A Well, that is not exactly true.

24 Q Okay. Well, you did want to make sure the D and the
25 N were worked simultaneously, correct?

1 A Oh, yes.

2 Q Okay. And the UNE-P project team was aware that the
3 D and the N order could get separated when flowing through the
4 system, right?

5 A Yes, we were.

6 Q And you will agree with me, won't you, that the UNE-P
7 order process that was developed was developed with a conscious
8 effort by the project team to avoid the end user outages and
9 feature disruptions that would be caused if the D and the N
10 separated?

11 A That is what our attempt was, yes.

12 Q That is what your --

13 A Our attempt. That is what we attempted to do, yes.

14 Q You made the conscious effort to avoid that, right?

15 A Yes, we did.

16 Q And the team developed processes that were designed
17 to make sure that the D and the N order stayed together when
18 flowing through the system, right?

19 A I'm sorry, could you repeat that?

20 Q Yes. The team developed processes that were designed
21 to ensure that the D and the N orders stayed together?

22 A I wouldn't state it that way.

23 Q Well, the team tested the processes until the outages
24 that were experienced in the test were minimized, right?

25 A Yes, they were minimized.

1 Q And I'm not saying "ensure," in the terms of
2 perfection.

3 A All right. That was my confusion, when you said
4 ensure.

5 Q Okay.

6 A We could never ensure that it would not happen.

7 Q You can write the best procedures in the world, and
8 if they are not followed correctly, it's not going to work,
9 right?

10 A Right.

11 Q But you wrote procedures that if followed correctly
12 should ensure that the D and the N don't get separated, right?

13 A In most cases, that is correct.

14 Q And ultimately, Ms. Wellman, you will agree with me,
15 won't you, that the UNE-P project team concluded that the only
16 process that would work to convert from retail to resale,
17 albeit with consequences, was the D&N process?

18 A Within the time frame that we were given to release
19 that product, that is correct.

20 Q And you say that one or more of the team members
21 concluded that. You were one of the team members that reached
22 that conclusion?

23 A Yes, I was.

24 Q And, in fact, you don't remember any other member of
25 the team disagreeing with that conclusion, do you?

1 A With the final conclusion?

2 Q With the conclusion that I just said. You just said
3 the conclusion the team reached. You said you agreed with that
4 conclusion, right?

5 A The final conclusion, yes, we all agreed.

6 Q Okay. And there was no one on the team that
7 disagreed with that final conclusion we just discussed?

8 A That is correct.

9 Q Okay. Now, Mr. Gulas, my understanding is that you
10 were the product manager of this 319 UNE-P product that Ms.
11 Wellman and I have been talking about, right?

12 A (Mr. Gulas) That is correct.

13 Q And you were the product manager at the time that the
14 process we have been talking about was developed, right?

15 A Yes, but that process wasn't developed for the 319
16 product. That was a carryover from the network combinations
17 product.

18 Q Well, the D and the N process that Ms. Wellman and I
19 have been discussing, that was the process that the UNE-P 319
20 project team decided to implement in order to convert from
21 retail or resale to UNE-P, right?

22 A Given the 10 to 12 weeks that we had to do that, yes.

23 Q And the 10 to 12 weeks, we both agree the FCC set a
24 deadline, right?

25 A That is correct.

1 Q And you had the final decision as product manager,
2 based on information you received from other members of the
3 project team, as to whether or not the UNE-P 319 product we
4 have been talking about was ready to roll out, right?

5 A For 2/17, the date 2/17, that is correct.

6 Q And prior to the roll out of the UNE-P product, you
7 agreed that that product with the D&N process was ready to be
8 rolled out?

9 A Given the constraints that we had, that is correct.

10 Q And, Ms. Wellman, after the team decided to use the
11 D&N process that we have just talked about in UNE-P
12 conversions, you wrote methods and procedures to instruct
13 BellSouth personnel how to handle those processes, right?

14 A (Ms. Wellman) Yes.

15 Q And when I say "you," you were the one personally
16 that was in charge of writing those methods and procedures,
17 right?

18 A I was the SME for that product, and part of my
19 responsibility was to write the M&Ps to support the LCSC.

20 Q Okay. And you wrote the best M&Ps you knew how to
21 write, didn't you?

22 A Yes, given -- given what we were up against, that is
23 correct.

24 Q And if the methods and procedures that you wrote were
25 followed, the D&N process would have worked with minimal

1 problems, right?

2 A At that time we thought so, yes, that is correct.

3 Q Ms. Wellman, let's talk about DOE and SONGS for just
4 a few minutes, okay?

5 A All right.

6 Q Well, before we do that, Mr. Gulas, let me ask you.
7 You have never seen DOE or SONGS before, have you?

8 A (Mr. Gulas) That is correct.

9 Q Okay. So, Ms. Wellman, let's you and I talk about
10 that?

11 A (Ms. Wellman) All right.

12 Q Now, an ALEC like IDS uses a local service request to
13 order services from BellSouth, right?

14 A Yes.

15 Q And some of the local service requests that ALECs
16 like IDS submit cannot be processed electronically by
17 BellSouth's system, right?

18 A Yes.

19 Q And when those types of local service requests are
20 entered electronically into the system, they drop out for
21 manual handling, right?

22 A Yes.

23 Q And when they drop out for manual handling, a person,
24 a BellSouth wholesale employee, takes that order and inputs it
25 into the system, right?

1 A Into which -- do you want to know which system or do
2 you just want a yes or no?

3 Q Well, they are going to use DOE or SONGS to get it
4 into the ordering system, right?

5 A Yes.

6 Q Okay. And I was getting to that. The front-end
7 ordering systems that the BellSouth wholesale representative
8 would use to enter that order into the system are called DOE or
9 SONGS, depending on where they are, right?

10 A That's right.

11 Q And DOE and SONGS have been around for a long time,
12 haven't they?

13 A Probably about 15 years, maybe longer.

14 Q Okay. Now, today, when we use things like Microsoft
15 Word to word process, that is sort of in a Windows format,
16 right?

17 A Yes.

18 Q You have got drop down boxes, right?

19 A Uh-huh.

20 Q You can point and click your mouse and move around
21 the screen in that manner. That's what I'm talking about as a
22 Windows-type format, okay?

23 A I understand.

24 Q Now, the DOE and SONGS systems, they are not
25 Windows-based, are they?

1 A No.

2 Q They are what we probably refer to as a DOS,
3 D-O-S-based system, right?

4 A I can't answer that question.

5 Q Okay. And in your testimony you talk about how DOE
6 and SONGS have edits built into them, right?

7 A Yes.

8 Q Okay. And just to give an example of an edit, let's
9 use one that you talked about in your testimony. Let's say
10 that a CLEC wants to order call forward, do not answer on an
11 LSR, a local service request, okay?

12 A Uh-huh.

13 Q Now, that service basically forwards a telephone call
14 when it hasn't been answered by a certain number of rings to
15 another number, right?

16 A Yes.

17 Q So if you are going to enter an LSR, local service
18 request, to order that service, you are supposed to tell the
19 system how many rings you want to have occur before it gets
20 forwarded, right?

21 A Yes.

22 Q And as I understand it, your testimony is that DOE
23 and SONGS will automatically put a default number of rings into
24 an order if the person entering the order forgets to populate
25 that field, right?

1 A The person entering the order being the rep in the
2 LCSC?

3 Q Yes.

4 A Yes.

5 Q Okay. And there is other types of that. It's like
6 let's say that there is a field that requires a ten-digit
7 telephone number, okay? Another type of edit might tell the
8 employee, hey, there is only nine, instead of ten numbers, so
9 you need to give me a ten-digit number before I put it through
10 the system?

11 A That is one of the many edits that they would
12 encounter, yes.

13 Q Now, in that case, let me ask you this. Let's assume
14 that the customer who in the first instance ordered the call
15 forward, do not answer?

16 A All right.

17 Q Let's say that that customer had told the local --
18 the IDS person taking the order, I want that forward to occur
19 after seven rings, okay?

20 A After how many?

21 Q Seven.

22 A Seven?

23 Q I'm just picking a number.

24 A That is not available, but that's okay. We will just
25 use that as an example.

1 Q What is a number other than four that is available?

2 A Two or three.

3 Q Two or three. Let's say they said after two rings I
4 want it forwarded, okay?

5 A Okay.

6 Q And let's say that the IDS -- if IDS had direct
7 access to DOE and SONGS. Let's just assume they have it, okay?
8 Let's say that the IDS service rep puts in -- or forgets to put
9 in the two rings, okay?

10 A Uh-huh.

11 Q The customer is going to have four rings before it
12 gets forwarded because the edit automatically populates a four,
13 right?

14 A Yes.

15 Q So the edits make sure that something is in the
16 field, but they don't necessarily prevent errors in the sense
17 of making sure that what the customer wants is what the
18 customer gets, right?

19 A That particular edit is set up that way, that is
20 correct.

21 Q And to use the other example, the ten-digit telephone
22 number. Let's say that, again, assuming you had direct access
23 to DOE and SONGS, the IDS rep inputs -- first, inputs a
24 nine-digit number, just leaves a digit off. Now, in that case
25 the edit would say, hey, I need a ten-digit number, right?

1 A Uh-huh.

2 Q But if the employee put in a ten-digit phone number
3 that was wrong, let's say they hit a 7 where they should have
4 hit a 6, that edit is not going to come back and say, hey, you
5 gave me the wrong number, is it?

6 A No.

7 Q Okay. So it can correct certain mistakes, but it is
8 not -- these edits are not an end all, be all. Mistakes still
9 happen, right?

10 A The majority of edits in these systems are simply
11 edits that come up and tell you that something is wrong and
12 needs to be fixed. That is the majority.

13 Q Okay. Now, since IDS does not have today direct
14 access to DOE and SONGS, they use some of BellSouth's OSS
15 systems, right?

16 A Yes.

17 Q And some of those systems that are available are
18 LENS, right?

19 A Yes.

20 Q EDI is one of them?

21 A Yes.

22 Q TAG is one of them?

23 A Uh-huh.

24 Q And at one point in time, IDS actually was using TAG
25 as the OSS, right?

1 A Yes.

2 Q Now, the TAG functionality, if you will, actually
3 resides over here in BellSouth, right?

4 A I'm not -- I'm not an expert on TAG.

5 Q Well, do you know whether or not in order to use TAG
6 IDS would have to get an interface on their side of the house
7 in order to communicate with the TAG system?

8 A I believe that is true.

9 Q Okay. And can't that interface that they use to
10 communicate with TAG be ordered from BellSouth? BellSouth will
11 provide one of those interfaces, right?

12 A I'm not certain. I don't know much about TAG.

13 Q Okay. So you wouldn't know whether TAG could be --
14 let me ask you this: Would you know whether the interface that
15 IDS would use to interface with TAG is capable of being
16 programmed with the types of edits that you are talking about?

17 MR. MILLER: Mr. Chairman, excuse me for
18 interrupting, but I'm going to object to this line of
19 questioning on calling for speculation. The witness has
20 testified she doesn't know anything about TAG.

21 MR. TURNER: Actually, I just asked if she knows or
22 not. If it's a no, I'm moving on.

23 CHAIRMAN JACOBS: I think her prior answer was that
24 she doesn't -- she has no knowledge of TAG, so that would call
25 for speculation. While we have been interjected, you

1 indicated, I believe, in your summary that you were aware that
2 some modifications could occur to -- I'm sorry, I don't have
3 the page in front of me in your summary. But I believe there
4 was some discussion to the effect that improvements could be
5 done but at a price, what was that referring to?

6 WITNESS WELLMAN: Commissioner, I think that was
7 referring to the fact that I was at a UNE-P user group meeting,
8 and a presentation was made by a BellSouth employee from the
9 professional services group that said that they would write the
10 orders for the ALECs, that they would -- when they did this,
11 that it would eliminate or virtually eliminate all the errors.
12 I believe there is a reference to that in this binder under --
13 let's see. It would be 2F. This was -- these are pages that
14 are currently on the website, but this is actually what was
15 passed out at that UNE-P user group meeting.

16 If you look at the second page, it tells you that
17 they will create order templates for you to meet your needs and
18 requirements, that templates cut down and eliminate order
19 clarifications, that templates help improve cash flow when
20 orders are worked on customer due dates. The implication there
21 is unless you pay extra for it, you're not going to get your
22 stuff worked on on your due date. On the next page --

23 MR. TURNER: I'm sorry, I've got two objections to
24 this, Mr. Chairman. First of all, it has got proprietary
25 written all over it. And, second, it is not part of her

1 testimony or her exhibits. But having said that, I will check
2 and see if we have any objection to using it as a proprietary
3 document. I was trying to flip. My tags -- my numbers aren't
4 numbered like hers. It took me awhile to get to it.

5 WITNESS WELLMAN: It is on the website currently
6 today, if you went to look.

7 CHAIRMAN JACOBS: Well, why don't we resolve that.
8 Let's go ahead and resolve to what extent you may raise an
9 objection to that, and so I will defer the rest of your answer
10 to my question until that is taken care of.

11 WITNESS WELLMAN: All right.

12 MR. MILLER: Mr. Chairman, do we address that
13 objection now, or will we address it later?

14 CHAIRMAN JACOBS: I think Mr. Turner needed to get
15 some clarification.

16 MR. TURNER: Why don't we do it during a break,
17 because it might be that -- I know if we do it during a break
18 it won't take up time.

19 MR. MILLER: That's what I would do.

20 CHAIRMAN JACOBS: We will take a break and come back
21 in 15 minutes.

22 (Recess.)

23 CHAIRMAN JACOBS: We will go back on the record.
24 Mr. Turner.

25 MR. TURNER: I'm sorry.

1 CHAIRMAN JACOBS: The magic -- the magic formula is
2 read out.

3 MR. TURNER: Every state is different, I'm sorry. We
4 have looked at this one page that Ms. Wellman was speaking
5 about. And in the same spirit that IDS was working on this
6 issue, BellSouth is willing to not claim proprietary treatment
7 on this particular page based on the representation by IDS that
8 this came from a BellSouth website. I have not been able to
9 confirm that. There is no indication on it. But based on that
10 statement, we will agree that this one page she was talking
11 about we will not claim proprietary treatment.

12 CHAIRMAN JACOBS: Okay.

13 MR. MILLER: Mr. Chairman, actually, there are three
14 pages, I believe, to that presentation that are contained in
15 the book, so I would just like to clarify whether we are only
16 -- whether BellSouth is only willing to waive its objection to
17 one page or to all three pages.

18 MR. TURNER: The one page she was talking about for
19 now.

20 CHAIRMAN JACOBS: So, to be clear, you are only
21 waiving as to that one page?

22 MR. TURNER: For now.

23 CHAIRMAN JACOBS: Now, one was a cover page. We can
24 get beyond that. But as to the other two substantive pages,
25 why don't we hold off on those until we can get clarification

1 as to whether or not it's on the website.

2 MR. TURNER: Mr. Chairman, if she talks about any of
3 these three pages, based on the representation they are all on
4 the website, we'll -- I don't want to slow things down, we will
5 waive it on these three pages.

6 MR. MILLER: Thank you.

7 CHAIRMAN JACOBS: Very well. And so we were -- you
8 were asking her questions, and then we -- were you done with
9 answering your question, now that we have taking all that time?

10 WITNESS WELLMAN: I will be honest with you and tell
11 you that I have no idea where we left off.

12 CHAIRMAN JACOBS: Okay. It was my question, in fact.
13 I had asked you about the summary and then you said that that
14 is where it came from.

15 WITNESS WELLMAN: Yes, sir. I recall now.

16 CHAIRMAN JACOBS: I was done, Mr. Turner.

17 MR. TURNER: Okay. Thank you.

18 BY MR. TURNER:

19 Q Ms. Wellman, I am going to follow up very quickly on
20 this page that is behind the Chairman on the screen.

21 A (Witness Wellman) Yes, sir.

22 Q Just to identify it for the record, all three pages
23 are Bates stamped at the bottom right corner. The Bates stamp
24 numbers range from BW00052 -- actually, it's not a range. The
25 second document is BW00059, the third document is BW00060.

1 Going back to the one that is on the screen behind
2 the Commissioners entitled Order Writing, Ms. Wellman, can you
3 tell us, does this document address electronic orders or does
4 it address manual orders?

5 A She didn't specify what it was for. She just said
6 that they had all kinds of professional services that they
7 could help us with to get our orders submitted.

8 Q So with regard to this document behind the
9 Commission, you cannot say whether it addresses manual orders
10 or electronic orders, can you?

11 A I can't say that with certainty. I know that the
12 other one -- templates was manual process. And if I had to
13 guess, I would believe this would be the electronic process.

14 Q Okay. And if a BellSouth witness were to testify to
15 the contrary, you would have no way of refuting that, right?

16 A That is correct.

17 Q Okay. Before I move on a little bit, you mention in
18 your summary this W activity code?

19 A Yes.

20 Q Now, just procedurally, you have also filed panel
21 testimony with Mr. Kramer that extensively addresses the W
22 code, right?

23 A Yes, sir.

24 MR. TURNER: And, Mr. Chairman, just so as not to
25 waive and so as not to take up a lot of time, my plan, unless

1 there is an objection, is not to ask Ms. Wellman about the W
2 now but instead to wait until that panel that addresses the W
3 comes up.

4 CHAIRMAN JACOBS: Very well.

5 MR. TURNER: Thank you.

6 BY MR. TURNER:

7 Q Now, Ms. Wellman, you have told us that during your
8 career with BellSouth you worked directly with DOE, right?

9 A (Ms. Wellman) I'm sorry, I couldn't hear you.

10 Q Yes, ma'am. You have told us that during your career
11 with BellSouth you worked directly with the DOE system, right?

12 A Yes.

13 Q Did you work with the SONGS system?

14 A No. That was a South Central Bell system, and DOE
15 was a Southern Bell system.

16 Q Okay. And the last time that you actually worked
17 with DOE with BellSouth was when you were a BellSouth retail
18 customer service representative, right?

19 A That is correct.

20 Q And the last time you were a retail customer service
21 representative with BellSouth was in early 1990, right?

22 A I'm sorry. Could you ask me the question before
23 that? Did you say the last time I worked with it or that I
24 input data into it?

25 Q Well, the last time you actually worked on DOE was in

1 1990, right?

2 A When you say, "worked on," you are talking about
3 actually inputting data into DOE?

4 Q Yes, ma'am.

5 A Yes, that is correct.

6 Q Mr. Gulas, would you go with me to Page 6 of your
7 panel rebuttal testimony with Ms. Wellman?

8 A (Witness Gulas) Okay.

9 Q On Lines 2 and 3 you state that IDS regularly
10 encounters OSS-related problems during the process of
11 converting from retail or resale to UNE-P, right?

12 A Yes. It doesn't specifically say, but what I'm
13 looking at says OSS-related problems during this process. And
14 this process is -- yes, that is correct.

15 Q Okay. So that testimony does relate to the
16 conversion process that we have been discussing?

17 A That is correct.

18 Q And I take it that you're referencing the dropping of
19 vertical features, tearing down memory call mailboxes and
20 disconnection of service when you make that statement, right?

21 A Yes.

22 Q Okay.

23 MR. MILLER: I'm sorry, Mr. Turner. What page was
24 that again?

25 MR. TURNER: That was on Page 6 of the rebuttal

1 testimony of Gulas and Wellman.

2 MR. MILLER: Thank you.

3 BY MR. TURNER:

4 Q And, Mr. Gulas, the information that you have
5 obtained regarding those OSS-related problems have been
6 obtained through other people telling you that these things
7 have occurred, right?

8 A (Mr. Gulas) That is correct.

9 Q You don't know --

10 A And one of my responsibilities -- one of my
11 responsibilities with IDS is over the ordering, the
12 provisioning center. So, yes, that would be something that
13 would come up to me.

14 Q You don't know how many customers have experienced
15 feature loss, do you?

16 A From some analysis that was done in the
17 January/February time frame of this year, it was in the range
18 of 3 to 7 percent.

19 Q You said January to February of this year?

20 A Yes, based on -- that analysis was done based on
21 orders submitted through August through December or January,
22 depending on which month the analysis was done.

23 Q So that analysis had been done at the time you gave
24 your deposition, right?

25 A Yes.

1 Q But at the deposition you said you did not know how
2 many customers had experienced feature loss, right?

3 A That is correct, and I still don't know the number.

4 Q Okay. And you don't know which customers have
5 experienced feature loss, do you?

6 A Not specifically, no, sir.

7 Q And you don't know when they experienced feature
8 loss, do you?

9 A Sometime between the October, August to
10 January/February time frame. But a specific day and a specific
11 customer, no, sir.

12 Q How about --

13 A And that wouldn't be something that I would know
14 because of the role that I would play in. I mean, my role is
15 as a supervisory role. Those are the things that come up
16 through the channels. And through the channels it says, you
17 know, this is something that we are consistently seeing. But
18 in terms of the actual names of the customers, talking with the
19 customers, how many customers, no, that is correct.

20 Q The pesky little details.

21 A Excuse me?

22 Q How about customers that have actually experienced
23 disconnects? Do you know how many customers have actually
24 experienced disconnects?

25 A Disconnects in terms of loss of dial tone?

1 Q Yes, sir.

2 A No, I don't. And I don't remember what that
3 percentage was, either.

4 Q And you don't know which customers have experienced
5 disconnects, do you?

6 A Not by name, no, sir.

7 Q Do you know by telephone number?

8 A Not in front of me, no.

9 Q Do you know if I were to say, tell me, so I can go
10 talk to them today, you couldn't tell me, could you?

11 A Actually, yes, we could.

12 Q Really? Well, in your deposition you were asked do
13 you know which customers have experienced disconnect, and you
14 said no, didn't you?

15 A That is correct, and that is still the case. But
16 your question was if I needed you to tell me who they were, I
17 could go to a database and pull them out and give you those
18 phone numbers.

19 Q Did you tell us that during your deposition?

20 A No.

21 Q Have you gone to that database in the process of
22 discovery and pulled out those phone numbers and given it to
23 BellSouth?

24 A I have not, no.

25 Q Okay. Mr. Gulas, at one point in time IDS was

1 considering hiring a BellSouth employee named Linda Tate,
2 right?

3 A Yes.

4 Q And you recall being present in two meetings during
5 which Ms. Tate spoke with Mr. Keith Kramer of IDS about the
6 possibility of hiring on with IDS, don't you?

7 A Yes.

8 Q And one of those --

9 A Wait, wait. Two meetings? No, I remember one
10 meeting.

11 Q Okay. During the deposition I thought you told us
12 you remember two meetings?

13 A There were two meetings. One that I was with
14 Ms. Tate, and she and I by ourselves, and then one with
15 Mr. Kramer. And I said that in the deposition.

16 Q Okay. Which meeting, the Atlanta meeting or the
17 Miami meeting, was it that you were with Ms. Tate and
18 Mr. Kramer?

19 A Miami.

20 Q Miami. Did you have any discussions about the bulk
21 ordering feature in the Miami meeting during which you,
22 Ms. Tate, and Mr. Kramer participated?

23 A No, not the bulk ordering feature.

24 Q Did you have any discussions in the Miami meeting in
25 which you, Mr. Kramer, and Ms. Tate participated regarding the

1 bulk ordering incident that occurred in May of 2000?

2 A Not that I recall.

3 Q So you don't recall in the meeting that you were in
4 when Mr. Kramer and Ms. Tate, Ms. Tate making any statements to
5 the effect that BellSouth knew that the bulk ordering system
6 didn't work when it rolled it out, do you?

7 A No, sir.

8 Q Mr. Gulas, on the bullet points of your summary that
9 you had projected on the screen, they are not there now, but --
10 I'm not going to quote it, but in your testimony you say it
11 appears inconceivable that BellSouth's release of that software
12 was merely a miscommunication, right?

13 A Yes.

14 Q And you are talking about the bulk ordering software
15 that led to the bulk ordering incident, right?

16 A That is correct.

17 MR. TURNER: Mr. Chairman, if I may, I have a
18 document I would like to distribute. But before I do, again,
19 it is one that apparently has been listed as confidential. May
20 I show it to the other side and see if we can deal with that?

21 Thank you.

22 Mr. Chairman, my understanding is that IDS has waived
23 confidentiality, any claim of confidentiality they may have
24 attached to this document.

25 MR. MILLER: That is correct, Mr. Chairman.

1 CHAIRMAN JACOBS: Very well. Did you want to mark
2 it, Mr. Turner?

3 MR. TURNER: Not yet, because I don't know if he
4 knows what it is yet.

5 CHAIRMAN JACOBS: Great.

6 BY MR. TURNER:

7 Q Mr. Gulas, what I have handed you for now has a Bate
8 stamp number at the bottom right that says, AG00040. It is
9 three pages, and it is in order, and it goes through 41 and 42.
10 Do you have that in front of you?

11 A (Witness Gulas) I do.

12 Q Mr. Gulas, go to Page AG00042. That is the last page
13 of the document. Are you there?

14 A The last page? Yes, sir.

15 Q Look up at the top of the document, and I apologize
16 for the quality of the reproduction. This is a document that
17 IDS produced to the Attorney General's Office, and we just got
18 copies of it.

19 A Okay.

20 Q But it looks to me like there is a fax number up
21 there, 205-985-20 -- it looks like 86 to me. Do you see that?

22 A I do.

23 Q And to the left of it, it says Bill Gulas. Do you
24 see that?

25 A I do.

1 Q Is that your fax number?

2 A It is.

3 Q Have you seen this document before?

4 A Not that I recall, but apparently it came through the
5 fax machine.

6 Q Do you know whether it came through in the sense of
7 you received it or went out in the sense of you sent it?

8 A I have no idea.

9 Q Okay. On Page AG00042, Item Number 25, the answer
10 says, "Get this information from Brad." Do you see that?

11 A I do.

12 Q Does that jar your memory in any way as to what this
13 document may be?

14 A Not a bit.

15 Q Go to the front page. And at the top right there is
16 a telephone number, 202-331-3101. Do you recognize that
17 number?

18 A No.

19 MR. TURNER: Mr. Chairman, I can't ask him something
20 that he doesn't know anything about. But I would like to know
21 if there is any witness that IDS has that will testify today
22 that knows what the document is. And I would ask that maybe
23 over a break if IDS can show it, and if there is a witness who
24 can address it, I would like to know it, so that we can know
25 which witness to address this with, if any.

1 MR. MILLER: We will ask.

2 CHAIRMAN JACOBS: Very well. Thank you.

3 MR. TURNER: And just in case there is one, I would
4 like to ask -- I have given out all of my copies, so if
5 everybody can keep yours. I can't mark it as an exhibit yet.
6 BY MR. TURNER:

7 Q Ms. Wellman, would you go with me to Page 4 of your
8 direct testimony?

9 A (Witness Wellman) All right.

10 Q On Lines 7 through 9, you make the statement that you
11 actually wrote BellSouth's methods and procedures currently
12 used by the BellSouth service representatives in all the LCSCs.
13 Do you see that?

14 A Yes.

15 Q Now, the current method and procedures that are used
16 by BellSouth service representatives in the LCSC are internal
17 documents for BellSouth, right?

18 A Yes.

19 Q And you have not seen the current BellSouth methods
20 and procedures, have you?

21 A At the time that I got this testimony, no, I had not.

22 Q And you will agree with me, won't you, that the
23 methods and procedures have been updated since you wrote the
24 original version of them?

25 A Yes, that is BellSouth's process, to review and

1 update as a product develops further.

2 Q Go with me to Page 10 of your direct.

3 A Yes.

4 Q On Lines 17 through 19, you state the clarifications
5 that are returned are often invalid, and a call to the LCSC is
6 required to get the local service request processed, right?

7 A I'm sorry, which lines did you say? You are at Page
8 10?

9 Q I am on Page 10, beginning with Line 17, the very
10 end.

11 A All right. I see.

12 Q Do you see that?

13 A Yes, I'm sorry.

14 Q Now, you don't know how often the clarifications that
15 are being returned to IDS are, in fact, invalid, do you?

16 A I can't give you a numeric number, no, I cannot.

17 Q Go with me to page -- the same Page 10?

18 A Uh-huh.

19 Q Lines 21 through 22, it says, "Although the LCSC
20 service representative --" and let me stop there. The LCSC
21 service representative is a BellSouth wholesale employee,
22 right?

23 A Yes.

24 Q Okay. Let me finish reading the sentence. It says,
25 "Although the LCSC service representative should provide all

1 clarifications after the first review, often this process will
2 have to be repeated several times." Do you see that?

3 A Yes.

4 Q You do not know how often clarifications have to be
5 repeated, do you?

6 A For IDS or for the CLEC community?

7 Q For IDS?

8 A I don't know a specific number. I know it happens
9 frequently.

10 Q Okay. Mr. Gulas, you have got no personal experience
11 with TAG, do you?

12 A (Witness Gulas) No.

13 MR. TURNER: Mr. Chairman, I am at the point where I
14 am at the last line of questioning. It is 12:25, and, also, I
15 have informed IDS that the last line of questioning is going to
16 involve information that they may deem to be proprietary. I've
17 described it in as much detail as I feel comfortable doing
18 without basically giving them my cross. So it's totally at the
19 Chairman's leisure. We can address it now or it may be a good
20 place to take a lunch break.

21 CHAIRMAN JACOBS: I would like to go a little bit
22 longer, maybe we can break at about 1:00 or 12:45. Let's see
23 how it goes.

24 MR. O'SULLIVAN: I think that we probably do need a
25 little more detail on what you are going to use if we are going

1 to make an informed decision. As I mentioned, we need to
2 consult with the other --

3 CHAIRMAN JACOBS: Help me understand. You are not
4 going to solicit information that is confidential?

5 MR. TURNER: That is the problem, Mr. Chairman. Some
6 of the information that we learned in the deposition that we
7 think is very critical to our case, it involves things like
8 line numbers that the company may have processed, it involves
9 amounts of money that the company receives for doing this, and
10 it involves, in some cases, ownership interest, percentage of
11 ownership interest in companies and payments received from
12 those companies.

13 CHAIRMAN JACOBS: It would be -- it would be
14 difficult -- it is going to present some difficulties to
15 solicit verbal testimony that has been -- for which
16 confidential treatment has been requested. How we have done
17 that historically, I believe, is if you present them with the
18 data that is deemed and you have them verify or give the
19 opinion as to the veracity of that information without
20 verbalizing the actual substance of the information. Is that a
21 possibility?

22 MR. TURNER: I suppose, Mr. Chairman, if we could
23 make the deposition transcripts a part of the record, what I
24 could do when I get to that point is I imagine I could simply
25 point to the line numbers of the deposition and say that answer

1 is accurate, right? Other than that, I don't know any other
2 way to do it.

3 CHAIRMAN JACOBS: Now, we have -- the depositions
4 have been accorded confidential treatment?

5 MR. O'SULLIVAN: Yes. And just on this particular
6 point, we had discussed earlier waiving some kind of
7 confidential treatment as to these very same areas as to IDS,
8 which is the party that is bringing this complaint. I think
9 that the information that Mr. Turner wants to use relates to a
10 separate company, which has a separate ownership. So there is
11 really different people who would have to decide whether they
12 want to have their confidential information aired in this case.
13 They are not bringing a claim in this case, so they may have a
14 different view of it, and we just need to know better what is
15 being asked so that we can ask these --

16 CHAIRMAN JACOBS: So let me be clear. Why don't -- I
17 guess we do need to take some time to figure this one out. But
18 let me kind of try and wade into it first. As I understand,
19 the data, the underlying data has been officially declared
20 confidential in this proceeding?

21 MR. TURNER: No, sir. My understanding is they have
22 requested -- well, they have alerted us they deem it
23 confidential, no ruling.

24 CHAIRMAN JACOBS: So the answer to my first question
25 was indeed true, that it has been -- it is still being treated

1 as confidential pending the ruling on it.

2 MR. TURNER: Yes, sir.

3 MS. HELTON: Well, part of the problem is the
4 depositions were taken late last week, and I think there was
5 also some that were taken Monday night. And the arrangement
6 that we had worked out with IDS was that they would -- we have
7 -- staff has one copy of the confidential transcripts that are
8 under lock and key in the Clerk's Office. And the arrangement
9 we had worked out with IDS was they would file a redacted
10 version along with a request for confidential treatment of
11 those deposition transcripts, and that has not yet taken place,
12 as I understand it.

13 MR. TURNER: And for the record, the deposition
14 transcripts I am intending to use, the depositions were taken
15 on September the 7th.

16 CHAIRMAN JACOBS: Very well. But the request has
17 been made. We simply haven't gotten --

18 MR. O'SULLIVAN: I think -- well, I think we just
19 need to look at it.

20 CHAIRMAN JACOBS: Excuse me just a moment. Let me go
21 back. The request for confidential treatment of the deposition
22 transcripts has been made. We simply haven't gotten the
23 redacted version.

24 MS. HELTON: Staff has not yet seen a redacted
25 version of the transcripts or a request.

1 CHAIRMAN JACOBS: Or a request, because I was under
2 the impression that we did have a request. We don't.

3 MR. O'SULLIVAN: I think there has been a request
4 pursuant to the discussion that we had at the deposition that
5 we would treat those --

6 MS. HELTON: But we are talking past each other.
7 When I talk about a request, I mean a request for confidential
8 classification that is required by Rule 25-22.006, where you
9 have to justify by line what you are seeking confidential
10 treatment for. You have made what I would call a claim, what
11 you can also do under that same rule. But that is a broader
12 type of -- piece of paper.

13 MR. O'SULLIVAN: Right. I think that's right. I
14 think, Mr. Turner, if you would clarify, I think the deposition
15 that we're talking about was actually taken much more recently,
16 and we just did get the transcript. So as a matter of process,
17 there really hasn't been the time to get through this. And
18 what we worked out with the lawyers for BellSouth and with
19 Ms. Helton earlier this week is we would just do the best we
20 can as the transcripts came in, and that was really very
21 recently. So you're right, we probably made the claim or
22 the -- but not the formal request with the redactions.

23 CHAIRMAN JACOBS: Is there something that can be
24 worked out or should we defer this? I would prefer to do this:
25 Since we are going to be back here again, I would defer this

1 line of questioning, get that worked out, and then bring them
2 back on the stand, rather than risk --

3 MS. HELTON: Let me say this, too. It was my
4 understanding that IDS was going to file their request for
5 confidential classification of the deposition transcripts prior
6 to the commencement of the hearing. I can't remember now
7 exactly which day I had agreed upon with counsel for IDS. So
8 at this point in time I think we need to know when that request
9 will be filed.

10 MR. MEZA: Chairman Jacobs, I would just point out
11 that we -- BellSouth is intending to use most of the deposition
12 transcripts in this proceeding, so this will be a recurring
13 problem.

14 CHAIRMAN JACOBS: Okay. Yes, I am persuaded that we
15 need to work through that particular in that light. So if that
16 doesn't disrupt your presentation now all that dramatically,
17 what we would like to do is defer this line of questioning.
18 IDS needs to file, first of all, a written request and identify
19 specifically those portions of the deposition transcripts that
20 are indeed, and then I think we can work through the cross
21 examination fairly easily after that.

22 Mr. Meza.

23 MR. MEZA: Yes. Chairman Jacobs, I just have a more
24 general question that I feel if we address it now it will make
25 the process go smoother during the course of this proceeding.

1 And that is, since for the most part we are not dealing with
2 so-called confidential documents, but confidential verbal
3 responses, it is -- is it the Commission's intent that we not
4 refer to that, to those responses during cross examination? I
5 mean, how would you like us to proceed in that fashion?

6 CHAIRMAN JACOBS: A witness should not be at risk of
7 disclosing confidential matters in verbal testimony, so that is
8 essentially it.

9 MR. TURNER: Mr. Chairman, one final thing. I
10 apologize. I was reading the file date on the top of the
11 document and not the actual date. It was September the 13th
12 the deposition was taken. I apologize. I gave the wrong date
13 there.

14 CHAIRMAN JACOBS: No problem.

15 So, now, with that, does that -- what I would like to
16 do is if we do that, if we could get back to it today, I would
17 love to. It doesn't sound like we can get back to it today.

18 MR. TURNER: With regard to my cross, I think I can
19 pass out the actual transcript of the depositions. And if we
20 can make that transcript a part of the record and agree to
21 treat the transcript itself, those portions that are
22 confidential as confidential, I think I can at least get
23 through with this panel and get the information I need into the
24 record.

25 CHAIRMAN JACOBS: And I believe the rule does

1 anticipate that if you want to use materials for which a ruling
2 has not been given, you can do so. It has to be accorded
3 confidential treatment during that usage. So you would have to
4 do the whole red folder bit. And, again, the witness should
5 not be under the risk of disclosing confidential matters for
6 which that pending ruling still stands. You can't ask them,
7 even if it is still pending, to divulge that. You can only get
8 a confirmation or not of a true or false -- I mean, yea or nay.
9 So you are going to have to figure out how to -- in other
10 words, you are going to be very diplomatic in your questioning
11 if you do that, if you take that approach. And that is up to
12 you. Am I correct, Ms. Helton?

13 MS. HELTON: I think so.

14 CHAIRMAN JACOBS: So if you are willing to take that
15 approach, I don't have a problem with pursuing that. But it is
16 going to still require you to make the whole thing
17 confidential.

18 MR. TURNER: I think -- I would like to propose a
19 break so that we can talk very quickly with them. We might be
20 able to work something out.

21 CHAIRMAN JACOBS: Okay. Well, I'll tell you what, if
22 we are going to break now, we might as well go ahead and break
23 for lunch until 12:30. I'm sorry, until 1:30. We'll break
24 now, and we will come back at 1:30.

25 (Lunch recess.)

(Transcript follows in sequence in Volume 2.)

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1
2 STATE OF FLORIDA)

3 : CERTIFICATE OF REPORTER

4 COUNTY OF LEON)

5
6 I, JANE FAUROT, RPR, Chief, Office of Hearing Reporter
7 Services, FPSC Division of Commission Clerk and Administrative
8 Services, do hereby certify that the foregoing proceeding was
9 heard at the time and place herein stated.

10 IT IS FURTHER CERTIFIED that I stenographically
11 reported the said proceedings; that the same has been
12 transcribed under my direct supervision; and that this
13 transcript constitutes a true transcription of my notes of said
14 proceedings.

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

20 DATED THIS 9th DAY OF OCTOBER, 2001.

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24
25

JANE FAUROT, RPR

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