BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Implementation of requirements arising from Federal Communications Commission's triennial UNE review: Local Circuit Switching for Mass Market Customers.	DOCKET NO. 030851-TP

REBUTTAL TESTIMONY OF JAMES D. WEBBER

Network and Technology Impairment

On Behalf Of

MCI WORDLCOM COMMUNICATIONS, INC.

AND

MCIMETRO ACCESS TRANSMISSION SERVICES LLC

January 7, 2004

PUBLIC VERSION

I. INTRODUCTION

Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS FOR THE RECORD.

A. My name is James D. Webber and my business address is: QSI Consulting, 4515 Barr Creek Lane, Naperville, Illinois 60564.

Q. BY WHOM ARE YOU EMPLOYED AND IN WHAT CAPACITY?

A. I am employed by QSI Consulting, Inc. as a senior consultant within the firm's Telecommunication Division.

Q. ARE YOU THE SAME JAMES D. WEBBER WHO FILED DIRECT TESTIMONY IN THESE PROCEEDINGS ON DECEMBER 4, 2003?

A. Yes, I am.

Q. ON WHOSE BEHALF WAS THIS TESTIMONY PREPARED?

A. This testimony was prepared on behalf of MCImetro Access Transmission Services LLC, and MCI WorldCom Communications, Inc. (hereafter "MCI").

Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?

A. My testimony responds to various BellSouth witnesses who discuss: (1) the geographic areas affected by BellSouth's proposal that the Commission enter a finding of no impairment; (2) EELs; and, (3) unbundling of IDLC based loops.

II. SUMMARY OF CONCLUSIONS

Q. PLEASE SUMMARIZE YOUR CONCLUSIONS.

A. A brief summary of the issues addressed in my rebuttal is as follows:

- BellSouth proposes to eliminate unbundled local switching ("ULS") from twenty-three of thirty-one CEAs in Florida, which would cover virtually all of the UNE-P lines in BellSouth's serving territory. Approximately [redacted] percent, of MCI's UNE-P based end user lines are provisioned within the wire centers for which BellSouth claims CLECs are not impaired without access to unbundled local switching. Approximately 617,600, or 98 percent, of all CLEC UNE-P lines are in these areas. A finding of "no impairment" would require these lines to be migrated to UNE-P, and, given the operational impairment that in fact exists, would destroy UNE-P based mass market local competition in Florida.

- Neither BellSouth's individual hot cut process nor its batch ordering process permit CLECs to transfer retail or UNE-P lines to EELs. The Commission should require BellSouth to accommodate EELS in its individual hot cut process and its batch process.

- BellSouth's network contains a significant percentage of IDLC based loops, which means it is critical that BellSouth have processes that seamlessly migrate to UNE-L customers that are served on IDLC fed loops. BellSouth has failed to demonstrate that it can do so.

III. BELLSOUTH'S PROPOSAL TO REMOVE ULS FROM 23 CEAs THROUGHOUT FLORIDA WILL AFFECT MORE THAN 98% OF ALL UNE-P BASED END USER LINES THROUGHOUT THE STATE

Q. HAVE YOU ANALYZED THE IMPACT OF REMOVING UNBUNDLED LOCAL SWITCHING IN THE GEOGRAPHIC AREAS BELLSOUTH PROPOSES?

A. Yes. BellSouth alleges that requesting carriers are not impaired without access to ULS when attempting to serve the mass market in 23 of the 31 Florida CEAs. Ms. Tipton claims that ULS should be removed from 13 of these CEAs based upon the alleged presence of "triggering" carriers, while Dr. Aron, and other BellSouth witnesses claim ULS should be removed in 10 additional CEAs based upon the "potential" that carriers could deploy facilities to serve the mass market in those areas. Denying CLECs access to ULS in these CEAs would affect virtually all of the UNE-P lines in BellSouth's service territory in Florida. For example, more than [redacted], or approximately [redacted] percent, of MCI's UNE-P lines are in wire centers within the 23 CEAs where BellSouth claims there is no

impairment. And approximately 617,600, or 98 percent, of all CLEC UNE-P lines are served from within these areas.[1]

Q. ARE CLECS REASONABLY ABLE TO ACCESS CUSTOMERS WITHOUT ULS?

A. Setting aside questions regarding the economic practicability of serving residential and smaller business customers via UNE loops in Florida, CLECs cannot reasonably reach their current customer base throughout most of the state without access to ULS. MCI's local customers, for example, are spread throughout wire centers across the state. But MCI has collocations in a relatively small numbers of these areas. Without collocation or some other method of physically accessing customer loops, such as EELs coupled with a seamless hot cut process capable of handling large volumes of both inbound and outbound customer movement, MCI cannot offer services to most of its embedded base of customers without access to ULS. CLECs, including MCI, thus are currently dependent on ULS to serve the mass market in Florida.

Q. IN HOW MANY OF THE WIRE CENTERS FOR WHICH BELLSOUTH CLAIMS "NO IMPAIRMENT" IS MCI CURRENTLY COLLOCATED?

A. **Exhibit JDW-11** identifies the wire centers where MCI currently provides UNE-P based services and where BellSouth claims CLECs are not impaired without ULS. There are [redacted] such wire centers. The map also identifie [redacted] wire centers in

[1] Total UNE-P based line counts are taken from BellSouth's response to AT&T Interrogatory No. 55 in Georgia PUC Docket No. 17749-U

which MCI is currently collocated, leaving [redacted] wire-centers from which MCI could not access its customers unless it were able to build out additional collocation and transport facilities or gain access to EELs coupled with an efficient batch hot cut process.

Q. HAS BELLSOUTH CLAIMED THAT TRANSPORT TO AND FROM ANY OF THOSE [redacted] WIRE CENTERS SHOULD BE UNAVAILABLE TO REQUESTING CARRIERS?

A. In all likelihood, yes. BellSouth has identified hundreds of transport routes throughout Florida where it seeks relief from its unbundling obligations. Although MCI still is examining this information, given the volume of routes identified it is almost certain that BellSouth is claiming that it should not have to provide transport from some of those [redacted] wire centers. If BellSouth were to prevail with respect to any of these routes, it would no longer be possible for CLECs to use EELs or BellSouth unbundled transport to support mass market customers from those wire centers.

IV. BELLSOUTH FAILS TO DEMONSTRATE THAT CLECS CAN USE EELS TO SUPPORT MASS MARKET UNE-L

Q. DOES THE BACE MODEL RELY UPON THE AVAILABILITY OF EELS?

A. Yes. In fact, according to BellSouth witness Milner, two of the three architectures BellSouth's BACE model assumes CLECs will rely on to access customers assume they are able to use EEL connectivity either in lieu of collocation and transport facilities or in coordination with such facilities.

Q. ARE EELS WIDELY USED TODAY IN BELLSOUTH'S FLORIDA SERVICE TERRITORY?

A. No. By BellSouth's own admission there are only twenty-three EELs with UNE-L loops in its Florida territory today. (BellSouth's response to FCCA's Interrogatory No. 7). Thus, the BACE model relies on network architectures that are completely unproven in the market.

Q. DOES BELLSOUTH'S INDIVIDUAL HOT CUT PROCESS ALLOW CLECS TO TRANSFER BELLSOUTH RETAIL LINES OR CLEC UNE-P LINES TO EELS?

A. Not that I have been able to determine thus far. I have not been able to find any evidence demonstrating that BellSouth's practices and procedures would allow for such a transfer. In any case, to the extent such a process is available, it does not appear to be documented.

Q. WILL BELLSOUTH'S "BATCH" HOT CUT PROCESS ALLOW CLECS TO TRANSFER UNE-P CUSTOMERS TO EEL FACILITIES?

A. No. Although BellSouth alleges that it has a seamless and effective batch hot cut process in place that enables competitors to conversion existing UNE-P lines to UNE-L facilities (see Ruscilli Direct at p.13), the ***UNE-Port/Loop Combination (UNE-P) to UNE-Loop (UNE-L) Bulk Migration CLEC Information Package***

identifies BellSouth's requirement that end user loops be cross connected "to the CLEC's collocation equipment." (See page 4 of Exhibit RMP-2). That is, BellSouth's batch hot cut process specifically precludes the CLEC's use of EELs to effectuate the migration of UNE-P based end user customers to UNE-L facilities.

Q. DOES BELLSOUTH PERMIT CLECS TO ORDER DS0 EELS?

A. My understanding is that BellSouth stated at the hot cut workshops held in Tennessee on December 18, 2003 that it would process such orders. The catch, however, is that the requesting carrier must previously have (i) ordered transport facilities using the separate ASR process; and (ii) provided multiplexing equipment for BellSouth's use in the customer's serving wire center. BellSouth's requirement that CLECs provide their own multiplexing equipment in the customer's serving wire center means that the CLEC must house that equipment in some type of collocation space, which undermines the purpose of leasing EELs.

Q. DOES THE FCC's *TRO* PROVIDE ANY GUIDANCE REGARDING CLECS' USE OF EELS TO SERVE MASS MARKET CUSTOMERS?

A. Yes. For example, at paragraph 492 of the *TRO*, the FCC states that EELs can minimize collocation costs and increase the geographic reach of competitive LECs, thereby facilitating the expansion of competition based on UNE-L strategies in some markets.

Q. DO BELLSOUTH'S CURRENT PRACTICES EFFECTIVELY DEPRIVE CLECS OF THE BENEFITS THAT COULD BE ACHIEVED THROUGH EEL CONNECTIVITY?

A. Yes. CLECs attempting to implement UNE-L to serve mass market customers will not be able to use EELs to effectuate a conversion of their mass market customers because the batch ordering process precludes the use of EELs. Moreover, setting aside the mass migration, individual hot cut processes do not appear to be available to CLECs that intend to offer services to customers who are already receiving services comprised of BellSouth provided loops and transport (retail or otherwise). This Commission should not stand by while BellSouth attempts to block CLECs' efficient use of EELs, particularly when BellSouth's BACE model relies upon CLECs' ability to use EEL connectivity.

Q. HOW SHOULD BELLSOUTH'S PROCESSES AND REQUIREMENTS BE CHANGED TO MAKE EELS USEFUL TO CLECS?

A. To make EELs useful, CLECs should be allowed to submit an LSR that requests a loop housed in BellSouth Central Office A, for example, to be "hot cut" to a collocation facility (designated by a specific CFA) in Central Office B. When BellSouth receives such an order, it should provision on the CLEC's behalf, as part of its hot cut pre-wiring function, a DS0 EEL extending from Central Office A to the CLEC's CFA in Central Office B. All ANI testing should be completed via the DS0 EEL. On the day of the cut, BellSouth should cut the requested loop

to the EEL so that CLEC dial tone from its collocation in Central Office B is provided to the customer's loop located in Central Office A.

V. OBTAINING ACCESS TO IDLC BASED LOOPS INCREASES PROVISIONING INTERVALS AND COSTS AND DECREASES SERVICE QUALITY

Q. WHY IS ACCESS TO IDLC LOOPS SUCH A SIGNIFICANT ISSUE?

A. There are more than 2 million IDLC-fed loops in BellSouth's Florida service territory. In response to discovery, BellSouth stated that 38% of all loops in Florida are provisioned over IDLC based facilities while Exhibit AH-1 indicates that IDLC comprises [redacted] of the UNE-P lines in BellSouth's top 20 wire centers (with IDLC penetration in some wire centers between [redacted]).

Q. BELLSOUTH LISTS EIGHT "ALTERNATIVE" METHODS OF PROVIDING ACCESS TO IDLC BASED LOOPS. HAS BELLSOUTH PROVIDED SUFFICIENT INFORMATION IN ITS TESTIMONY FOR THE COMMISSION TO EVALUATE THESE ALTERNATIVES?

A. No. BellSouth witness Ainsworth simply lists the options that BellSouth claims are available to CLECs without providing operational details and without indicating the extent to which each such alternative has been previously deployed. With the exception of two of these alternatives, MCI lacks details pertaining to provisioning intervals, processes and procedures (including whether MCI

technician dispatches will be required), method of hand-off, technical performance and the applicability of nonrecurring or special construction charges. MCI is attempting to learn more about the new methods through discovery.

Q. BASED ON WHAT YOU KNOW NOW, ARE THERE PROBLEMS WITH BELLSOUTH'S APPROACH TO HANDLING IDLC LOOPS?

A. Yes. First, all of BellSouth's methods, except where the company transfers IDLC based loops to alternative home run copper loops (Alternative 1 and, potentially, Alternative 3), involve an additional analog to digital signal conversion that would degrade modem performance when, for example, customers dial up to the internet. Second, as BellSouth's own witness admits, many of these alternatives involve significant time and costs to implement, which ultimately impacts CLECs and their customers. Third, problems MCI has experienced thus far with IDLC when it has ordered UNE-L loops in Georgia call into question whether use of spare copper facilities is the only "alternative" method of unbundling that is actually employed by BellSouth. This last issue is discussed in the Rebuttal Testimony of Sherry Lichtenberg.

Q. DO SOME OF BELLSOUTH'S ALTERNATIVES APPEAR TO BE SIMILAR TO METHODS MCI ADVOCATES?

A. Yes. Alternatives 5 and 6 appear to be at least superficially similar to an IDLC access method MCI has proposed. It is apparent, however, that BellSouth's methods are not the same as what MCI has proposed, because BellSouth's

methods involve an additional analog to digital signal conversion, while MCI's do not require such a conversion.

Q. THE FIRST ALTERNATIVE BELLSOUTH PROPOSES IS TO PROVIDE AN UNBUNDLED LOOP OVER COPPER FACILITIES TO THE EXTENT SUCH FACILITIES ARE AVAILABLE. WHAT CONCERNS DO YOU HAVE WITH THIS ACCESS METHOD?

A. BellSouth's Loop *Technology Deployment Directives* call for increased use of fiber fed IDLC systems throughout the company's operating territories, decreased reliance on copper facilities and to some extent the retirement of such facilities. Increasingly, copper will become scarce and the availability of Alternative 1 – which BellSouth asserts is the quickest and least expensive to implement -- will decrease, thus increasing the probability for delayed provisioning and increased costs. In one wire center, for example, where BellSouth expects to be providing UNE-P services to more that [redacted] lines by December 2004 and where it is currently providing [redacted] of such services over IDLC loops, it potentially could be requested to unbundled as many as [redacted] IDLC based loops. It is highly unlikely that BellSouth will have [redacted] spare copper loops in that one wire center alone to meet the CLECs' needs.

Q. DOES MR. AINSWORTH ADDRESS YOUR PREVIOUS CONCERN THAT PROVIDING UNBUNDLED LOOPS VIA UDLC FACILITIES

WILL HARM SERVICE QUALITY AND PRECLUDE V.90, OR K56, MODEM CONNECTIVITY?

A. Yes. Unfortunately, however, he states that the UDLC option as well as all other options offered by BellSouth – excluding those that involve re-assignment to copper facilities – will involve additional analog to digital ("A/D") conversions and thereby negatively impact modem performance. BellSouth's *Loop Technology Deployment Directives* corroborates this conclusion, stating at Section 9.2.5, for example, that "it must be noted that modem speeds for circuits on universal COT terminations will be lower than those on integrated DLC."

Q. YOU STATED THAT ALL OF BELLSOUTH'S PROPOSED ALTERNATIVE METHODS, EXCEPT THOSE THAT EMPLOY HOME RUN COPPER LOOPS, WILL RESULT IN DEGRADED MODEM PERFORMANCE SERVICE. CAN DEGRADED SERVICE BE AVOIDED IN SOME CASES?

A. Yes. It is likely that at least a few of the alternative options could be deployed in such a way to avoid multiple A/D conversions, thereby resolving the issue pertaining to degraded modem performance. Moreover, I have offered at least one additional option in my Direct Testimony which, if cooperatively deployed, could provide resolution of this issue. The Commission should require that BellSouth work with CLECs to resolve this issue and to provide for effective processes and procedures whereby IDLC based loops can be unbundled in a timely and efficient manner without service degrading results.

Q. PLEASE SUMMARIZE YOUR RECOMMENDATIOS WITH RESPECT TO UNBUNDLED LOOPS.

A. The Commission should require that unbundled loops be provided on a timely basis, regardless of whether they are provided via copper or IDLC based facilities, without "changing" the facilities over which connectivity is currently provided unless spare copper facilities are readily and economically available such that end user service quality will not be diminished after having received services via an unbundled loop. To the extent that BellSouth's proposed methods of unbundling IDLC loops – excluding the use of spare copper -- would have the practical effect of providing CLEC end users with lesser capable loops, the Commission should maintain a finding of impairment while investigating more fully all unbundling options offered in these proceedings. Additional recommendations regarding the availability of copper facilities are identified in my Direct Testimony.

Q. DOES THIS CONCLUDE YOUR TESTIMONY?

A. Yes, it does.

SUMMARY OF JIM WEBBER
CONFIDENTIAL EXHIBIT

Copies are not being provided in the Public or Redacted version of the testimony

The Confidential exhibit not included in this testimony is:

Docket No. 030851-TP
Jim Webber Rebuttal Exhibit ____ (JDW-11)
CONFIDENTIAL – Florida Collocation Comparision
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