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April 21, 2004

Mrs. Blanca S. Bayó
Director, Division of the Commission Clerk and
Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

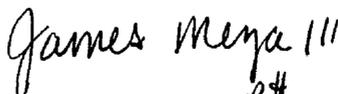
Re: Docket No. 980119-TP (Supra Complaint)

Dear Ms. Bayó:

Enclosed are an original and fifteen copies of BellSouth Telecommunications, Inc.'s Direct Testimony of Ronald M. Pate, which we ask that you file in the captioned docket.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me. Copies have been served to the parties shown on the attached Certificate of Service.

Sincerely,


James Meza III *RM*

cc: All parties of record
Marshall M. Criser III
R. Douglas Lackey
Nancy B. White

DOCUMENT NUMBER-DAI-

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FPSC-COMMISSION CLERK

**CERTIFICATE OF SERVICE
Docket No. 980119-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via Electronic Mail and U.S. Mail this 21st day of April, 2004 to the following:

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BELLSOUTH TELECOMMUNICATIONS, INC.
DIRECT TESTIMONY OF RONALD M. PATE
BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION
DOCKET NO. 980119-TP
APRIL 21, 2004

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

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

Q. PLEASE SUMMARIZE YOUR BACKGROUND AND EXPERIENCE.

A. I graduated from the Georgia Institute of Technology in 1973, with a Bachelor of Science degree. In 1984, I received a Masters of Business Administration degree from Georgia State University. My professional career spans over 30 years of general management experience in operations, logistics management, human resources, and sales and marketing. I joined BellSouth in 1987, and have held various positions of increasing responsibility since that time.

Q. HAVE YOU TESTIFIED PREVIOUSLY?

1

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

5

6 Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?

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8 A. The purpose of my direct testimony is to address issues raised by Supra
9 Telecommunications and Information Systems, Inc. ("Supra") in its protest
10 ("Protest") of Order No. PSC-03-1178-PAA-TP, issued on October 21, 2003
11 ("October 2003 Order"). In my testimony, I will address the Florida Public
12 Service Commission's Orders ("Commission") regarding on-line edit checking
13 and describe how BellSouth has fully complied with this Commission's previous
14 Orders regarding this issue. Additionally, I will describe the operational support
15 systems ("OSS") that BellSouth provides to Competitive Local Exchange Carriers
16 ("CLEC"), explain that BellSouth's OSS allows CLECs to perform on-line edit
17 checking, and describe when such functionality was available to CLECs. Finally,
18 I will discuss the results of the third party testing performed by KPMG with
19 regard to BellSouth's CLEC OSS and show that this testing, when presented in
20 Docket Nos. 980786 and 981834 along with the Federal Communications
21 Commission's ("FCC") decision in BellSouth 271 case, resolved the outstanding
22 issues in this proceeding.

23

24 Q. CAN YOU BRIEFLY DESCRIBE WHAT THE MAIN ISSUE IS IN THIS
25 CASE?

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A. Yes. The simple question of this proceeding is whether BellSouth timely complied with the Commission's Orders regarding on-line edit capability. As found by the Commission in its October 2003 Order and as I will establish here, the answer is an unequivocal yes.

Q. DO YOU HAVE ANY GENERAL COMMENTS REGARDING SUPRA'S COMPLAINT AND BELL SOUTH'S COMPLIANCE WITH ON-LINE EDIT CAPABILITY?

A. Yes. Supra's Protest is nothing more than an attempt by Supra to rehash old issues that are not applicable to the operations of Supra or CLECs in general today or even in the recent past. Indeed, Supra's Protest revolves around a Supra complaint filed in 1998 – over six years ago regarding an issue (CLEC on-line edit checking capability) that has been resolved for several years. Further, Supra's argument in support of its Protest relies solely upon a strained reading of the Commission's initial Orders in this proceeding, which have been modified and clarified on reconsideration and which have been effectively superseded by subsequent orders and new evidence. Supra fails to take these subsequent orders and evidence into consideration with its arguments and instead, through confusion and redundancy, Supra attempts to parlay events that transpired in 1998 into a real, current controversy. In doing so, Supra recycles arguments that the FCC previously rejected in an apparent attempt to convince this Commission to adopt arguments that the FCC found devoid of merit.

1 It is quite telling that Supra provides no specific allegations in its Protest as to
2 how it has been injured or how Supra has been materially impacted by
3 BellSouth's alleged noncompliance with the Commission Orders. The reason for
4 this is clear: Supra is forcing this Commission to litigate a moot issue based on
5 "ancient" history that is not applicable to the parties today.

6
7 Q. WHAT DID THE COMMISSION ORDER REGARDING ON-LINE EDIT
8 CHECKING CAPABILITY?

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10 A. On July 22, 1998, the Commission issued Order No. PSC-98-1001-FOF-TP
11 ("July 1998 Order") where it ordered BellSouth to "provide the same online edit
12 checking capability to Supra that BellSouth's retail ordering systems provide."
13 See July 1998 Order at 47. On October 28, 1998, in Order No. PSC-98-1467-
14 FOF-TP ("October 1998 Order"), the Commission, on reconsideration, stated that
15 it was not requiring BellSouth to duplicate its RNS and DOE interfaces at Supra's
16 premises for online edit checking capability.¹ Specifically, the Commission
17 clarified that BellSouth was to provide Supra with the on-line edit checking
18 capability that occurred when Bellsouth's retail ordering interfaces interacted with
19 BellSouth's FUEL and SOLAR databases to check orders.² Further, in the
20 October 1998 Order, the Commission ordered BellSouth to provide this capability
21 by December 31, 1998.

22

¹ October 1998 Order at 19.

² Id. at 19. FUEL stands for Field Identifier (FID)/Universal Service Order Code (USOC) Editing Library.
SOLAR stands for Service Order Language Analysis Routines.

1 Thus, as an initial matter, the entire premise of Supra's Protest is misplaced.
2 Supra alleges the Commission ordered BellSouth to "provide the same on-line
3 edit checking through the available CLEC interfaces of EDI or LENS." See
4 Protest at 5; see also, Protest at 2. This is incorrect as the Commission, in the July
5 1998 Order and the October 1998 Order, ordered BellSouth to provide Supra with
6 the on-line edit checking capability that occurs when BellSouth's retail ordering
7 interfaces interact with BellSouth's FUEL and SOLAR databases.³ Moreover, the
8 Commission did not order that this capability be provided solely through EDI or
9 LENS but through the CLEC ordering interfaces available to Supra.⁴

10
11 In Order No. PSC-00-0288-PCO-TP, issued on February 11, 2000 ("February
12 2000 Order"), the Commission "indicated that it appeared that BellSouth had not
13 met the specific on-line edit checking capability requirement in a timely manner,
14 because BellSouth did not appear to have provided that capability through either
15 EDI or LENS by the required date, December 31, 1998. [The Commission]
16 noted, however, that further proceedings may be warranted to consider new
17 evidence on TAG and whether it met the intent of [the Commission's] order."
18 See October 2003 Order at 8. In this regard, the Commission stated:

19
20 We do, however, acknowledge that BellSouth has made
21 significant developments in its OSS since the time that we
22 rendered our final decision, including TAG, ROBO-TAG,
23 and LENS '99. Thus, while it appears that BellSouth is not
24 literally in compliance, technology has been developed that
25 may provide on-line edit checking. Nevertheless, it would
26 not be appropriate for us to revisit our decision in this case
27 to consider these newly developed alternatives in response
28 to BellSouth's notice of compliance.

³ Id.

⁴ See July 1998 Order at page 10.

1 Order No. PSC-00-0288-PCO-TP (Feb. 11, 2000) at (“February 2000 Order”).
2 The Commission reasoned that it would be inappropriate to reopen the record of
3 the case to determine whether BellSouth’s available interfaces satisfactorily met
4 the on-line edit checking requirement because of a pending federal court action
5 regarding the Commission’s initial 1998 Orders. See February 2000 Order at 11.
6

7 After these initial rulings and the dismissal of the federal court action, in
8 September 2000, the Commission reopened the record in this case to allow for
9 new evidence to be considered. Specifically, the Commission ordered that “the
10 information and determinations” made in the Third Party Test (“TPT”) docket
11 will be utilized in this proceeding to address the specific issue of whether
12 BellSouth provided online edit capability to CLECs. See Order No. PSC-00-
13 1777-PCO-TP at 7 (Jul. 28, 2000) (“July 2000 Order”). The Commission also
14 reacknowledged that, since the initial Orders, changed circumstances existed,
15 which could result in a rehearing on the issue of whether BellSouth failed to
16 provide CLECs with online edit capability back in 1998. This acknowledgment
17 was based on the development of TAG, LENS, and Robo-TAG, all of which were
18 not considered at the time of the hearing. Id.
19

20 In the October 2003 Order, the Commission finally resolved the issue and found
21 that BellSouth timely provided on-line edit checking capability to CLECs in
22 compliance with the Commission’s previous Orders, as amended. Specifically,
23 the Commission found that the TPT proved that BellSouth provided on-line edit
24 checking capability to CLECs through EDI as of July 1998, through TAG as of
25 November 1998, and through LENS as of January 2000. See October 2003 Order

1 at 8. The Commission further found that the KPMG TPT found that EDI, TAG,
2 and LENS interfaces were nondiscriminatory and that BellSouth provided CLECs
3 with access to the same Service Order Edit Routine (“SOER”) that BellSouth has
4 used to process its own retails orders since July 1998, which CLECs can use to
5 create their specific on-line edit capability. Id.

6
7 Q. DID BELLSOUTH TIMELY COMPLY WITH THE FLORIDA PUBLIC
8 SERVICE COMMISSION’S PREVIOUS ORDERS CONCERNING ON-LINE
9 EDIT CHECKING CAPABILITY?

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11 A. Absolutely. As found by the Commission in the October 2003 Order, BellSouth
12 timely provided Supra and all other CLECs with on-line edit checking capabilities
13 as required in the July 1998 Order, as amended. BellSouth has provided CLECs
14 with access to the same SOER that BellSouth uses to process its own retail orders
15 since July 1998. The Commission correctly determined in the October 2003
16 Order that, as of July 1998, BellSouth provided on-line edit capability to CLECs
17 through the Electronic Data Interchange (“EDI”) interface. CLECs, using EDI,
18 have the capability to create, customize and tailor any on-line editing capabilities
19 they desire using the SOER edits. The Commission also correctly found that
20 BellSouth provided on-line edit capability to CLECs via TAG when it was
21 deployed in November 1998, as it also allows CLECs the capability to create,
22 customize and tailor any on-line editing capabilities they desire using the SOER
23 edits. Finally, the Commission correctly found that BellSouth provided on-line
24 edit capability to CLECs via LENS in January 2000. LENS has used the TAG
25 architecture and gateway and has had essentially the same pre-ordering and

1 ordering functionality as TAG since January 2000. When a CLEC submits a
2 request through LENS, which sits atop the TAG system, it has the same on-line
3 editing capabilities as a request submitted through TAG.

4
5 Q. WHAT WAS THE PURPOSE OF THE THIRD PARTY TEST?

6
7 A. This Commission ordered the TPT to test BellSouth's CLEC interfaces and
8 determine whether BellSouth was providing non-discriminatory access to its OSS.

9
10 Q. WHAT DID KPMG'S END-TO-END TESTING OF BELLSOUTH'S PRE-
11 ORDER, ORDER AND PROVISIONING FUNCTIONS ENTAIL, AND WHAT
12 WERE THE RESULTS OF THE THIRD PARTY TESTING PERFORMED BY
13 KPMG WITH REGARD TO BELLSOUTH'S CLEC OPERATIONS SUPPORT
14 SYSTEMS?

15
16 A. Local Service Request ("LSR") orders were submitted, including both erred and
17 error free transactions. The tests were designed such that LSR orders were
18 submitted with errors to determine if the output would correctly result in a
19 clarification and flow the order back to the CLEC for correction. Additionally,
20 error-free transactions were submitted to ensure that the orders would be
21 processed correctly. The TPT proved, unequivocally, that BellSouth's interfaces
22 provide non-discriminatory access to BellSouth's OSS. Indeed, KPMG found in
23 TVV1-1-2 that "BellSouth TAG interface provides expected order functionality."
24 In TVV1-1-3, KPMG found that "BellSouth LENS interface provides expected
25 order functionality." Accordingly, both LENS and TAG were found to be

1 nondiscriminatory interfaces per the criteria used in the third party test in Florida,
2 which included testing of transactions that contained errors.⁵

3
4 In addition, both the FCC and this Commission have found that BellSouth
5 provides non-discriminatory access to its OSS. On page 24 of this Commission's
6 Consultative Opinion Regarding BellSouth's Operational Support Systems, Order
7 No. PSC-02-1305-FOF-TP, the Commission found that BellSouth is providing
8 nondiscriminatory access to its OSS for the pre-ordering and ordering domains.

9 Likewise, in approving BellSouth's 271 application, the FCC agreed that
10 BellSouth provides nondiscriminatory access to its OSS and, thus, satisfies the
11 requirement of checklist item 2. See Application of BellSouth Corporation et al
12 for Authorization to Provide In-Region InterLATA Services in Florida and
13 Tennessee, FCC 02-331 (Dec. 18, 2002) ("Florida 271 Order"). "By definition,
14 nondiscriminatory access means that BellSouth provides CLECs access to the pre-
15 ordering and ordering functionalities in substantially the same time and manner as
16 BellSouth retail systems." October 2003 Order at 6. Accordingly, the TPT, the
17 Commission, and the FCC have all found that BellSouth provides sufficient on-
18 line editing capability to CLECs.

19
20 Q. SUPRA CRITICIZES THE KPMG TPT AND CLAIMS THAT CLECs WERE
21 NOT ALLOWED TO PARTICIPATE. PLEASE COMMENT.

22
23 A. As proven below, this claim is false. The TPT performed by KPMG was open to
24 the scrutiny of CLECs. CLECs were extensively involved in every aspect of the

⁵ KPMG Final Report at 182, 185, Version 2.0 (July 30, 2002) (App. C – FL, Tab 57).

1 test, including the calls and meetings as described in the Master Test Plan.
2 CLECs participated in transaction testing via KPMG interviews and information
3 sharing regarding the CLEC OSS experience. In short, CLECs had input every
4 step along the Florida OSS Test journey for over 2½ years. Indeed, KPMG, under
5 the direction of the Florida Commission Staff, held approximately 130 weekly
6 CLEC status calls, 130 CLEC Exception calls, 130 CLEC Observation calls and
7 15 face-to-face workshops and meetings. Moreover, a daylong CLEC Experience
8 Workshop was held on February 18, 2002 allowing CLECs to raise over fifty OSS
9 issues. The Commission analyzed each of the 50 CLEC issues and found that
10 “the most significant of these issues have been addressed either through the tests
11 or through action taken by us on our own motion. In other instances, we believe
12 either that the CLEC issues are not supported by the information available, or do
13 not reflect a systemic problem that inhibits the CLECs’ ability to compete with
14 BellSouth.”⁶

15
16 Supra raised almost identical criticisms regarding the TPT with the FCC in
17 BellSouth’s 271 case and the FCC rejected all of them. Generally, in describing
18 the TPT, the FCC held on numerous occasions that CLECs participated in the
19 Florida TPT. For instance, the FCC held that “KPMG also sought input from
20 both the Florida Commission and competitive LECs to understand the types of
21 activities that had previously presented problems or otherwise were of concern.”
22 See Florida 271 Order at ¶ 72 (emphasis added). The FCC further stated that
23 “[w]e note that the Florida KPMG test was actively monitored by other state
24 commissions in BellSouth’s territory and that it has been widely recognized for its

⁶ Florida Public Service Commission Opinion No. PSC-02-1305-FOF-TL in Docket 960786B-TL, September 25, 2002, at page 10.

1 independence, openness to competitive LEC participation, breadth of coverage,
2 and level of detail.” Id. at ¶ 75 (emphasis added).

3
4 Specifically regarding Supra’s claims, the FCC rejected Supra’s argument that (1)
5 the KPMG test was flawed because it purportedly only focused on POTS service;
6 (2) the KPMG test was inadequate because KPMG was not granted access to
7 BellSouth’s OSS identical to that offered to BellSouth’s retail operations; (3) the
8 KPMG test’s analysis of the operation experience of a pseudo-competitive LEC
9 was inappropriate; and (4) the Commission should not have delegated competitive
10 LEC’s concerns to the third-party tester. Id. at ¶¶ 75-78. As to this last argument,
11 the FCC stated:

12
13 We give this assertion little weight given the amount of
14 input that competitive LECs had in the Florida KPMG test,
15 the Florida Commission’s careful consideration of the
16 competitive LEC’s concerns raised to KPMG, and the
17 Florida Commission’s consideration of the issues raised
18 during its recently held Competitive LEC Experience
19 Workshop.

20 Id. at ¶ 78.

21 Simply put, CLECs participated in the TPT, CLECs raised issues and concerns
22 regarding the TPT, the Commission addressed each CLEC issue and concern, and
23 the FCC confirmed that CLECs had input in the TPT and that the Commission
24 addressed these concerns. The fact that Supra chose not to participate in the TPT
25 or claims that the TPT was inadequate does not undermine the TPT but rather
26 only Supra’s motivations and hollow argument that the TPT is flawed.

27
28 Q. ON PAGE 5 OF ITS PETITION FOR FORMAL PROCEEDING, SUPRA
29 CRITICIZES THE FCC’S REVIEW OF BELLSOUTH’S 271 APPROVAL

1 PROCESS. WHAT WERE THE RESULTS OF THE FCC'S REVIEW OF
2 BELLSOUTH'S CLEC OPERATIONS SUPPORT SYSTEMS?

3

4 A. As recognized by this Commission in the October 2003 Order, the FCC in the
5 Florida 271 Order found that BellSouth provides nondiscriminatory access to its
6 OSS. Thus, as stated above, the FCC essentially found that BellSouth provides
7 nondiscriminatory access regarding on-line edit capability, which is an ordering
8 function.

9

10 In addition, the FCC specifically rejected Supra's claim that BellSouth's OSS
11 fails to provide CLECs with on-line edit capability:

12

13 We also reject Supra's claim that LENS is discriminatory
14 because "orders submitted from LENS are not error
15 checked with any efficiency or completeness. KPMG
16 found LENS to be a nondiscriminatory interface under
17 criteria that included testing of both error-free transactions
18 and transactions that included errors. Moreover, since
19 January 2000, LENS has used the TAG architecture and
20 gateway and has essentially the same pre-ordering and
21 ordering functionality for resale services and UNEs as
22 TAG. Thus, when a competitive LEC submits a request
23 through LENS, which sits atop the TAG system, it has the
24 same on-line editing capabilities as a request submitted
25 through TAG. As a consequence, we disagree with Supra
26 that "BellSouth has not implemented on-line edit checking
27 in LENS."

28 Florida 271 Order at ¶ 97.

29

30 Q. IN SUMMARY, DID BELLSOUTH COMPLY WITH THE FLORIDA PUBLIC
31 SERVICE COMMISSION'S PREVIOUS ORDERS CONCERNING ON-LINE

1 EDIT CHECKING CAPABILITY AND DID BELLSOUTH COMPLY IN A
2 TIMELY MANNER?

3

4 A. Yes, BellSouth has fully complied as required in Order No. PSC-98-1001-FOF-
5 TP, as amended. As correctly found by the Commission, BellSouth provided on-
6 line edit checking capabilities through EDI as of July 1998, through TAG as of
7 November 1998, and through LENS as of January 2000.

8

9 Q. DOES THIS CONCLUDE YOUR TESTIMONY?

10

11 A. Yes.

12