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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Implementation of requirements arising)
from Federal Communications Commission) Docket No. 030851-TP
triennial UNE review: Local Circuit Switching)
for Mass Market Customers.)

SURREBUTTAL TESTIMONY OF

MARK DAVID VAN DE WATER

ON BEHALF OF

AT&T COMMUNICATIONS OF THE SOUTHERN STATES, LLC

JANUARY 28, 2004

REDACTED VERSION

DOCUMENT NUMBER-DATE

01273 JAN 28 2004

FPSC-COMMISSION CLERK

1 **Q. PLEASE STATE YOUR NAME, BUSINESS ADDRESS AND POSITION**
2 **TITLE.**

3 A. My name is Mark David Van de Water. My business address is 7300 East
4 Hampton Avenue, Room 1102, Mesa, AZ 85208-3373.

5 **Q. ARE YOU THE SAME MARK DAVID VAN DE WATER THAT**
6 **PREVIOUSLY FILED DIRECT TESTIMONY IN THIS DOCKET ON**
7 **DECEMBER 4, 2003, AND REBUTTAL ON JANUARY 7, 2004?**

8 A. Yes, I am.

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

10 A. My Surrebuttal testimony responds to portions of the rebuttal testimony of
11 BellSouth's witnesses Ken L. Ainsworth, Alfred A. Heartley, Milton McElroy Jr.,
12 Ronald M. Pate, John A. Ruscilli, Eric Fogle, and A. Wayne Gray.

13

14 **I. BELLSOUTH'S REBUTTAL DOES NOT ADDRESS THE IMPAIRMENT**
15 **CONCERNS RAISED BY AT&T.**

16 A. BellSouth Challenges the Very Concept that Hot Cuts Must be as
17 Seamless as UNE-P Conversions.

18

19 **Q. ON PAGE 30 OF HIS TESTIMONY, MR. RUSCILLI DISCUSSES THE**
20 **SEAMLESS NATURE OF UNE-P AND PIC CHANGES. PLEASE**
21 **COMMENT.**

22 A. Mr. Ruscilli appears to agree with AT&T and MCI that UNE-P migrations and
23 PIC changes are seamless, while hot cuts are not. Mr. Ruscilli's testimony reveals
24 that he does not believe hot cuts are seamless and he does not believe they should
25 be seamless. This position contradicts both the FCC and other BellSouth

1 witnesses. (See BellSouth Witness McElroy Rebuttal at page 2 and Ainsworth
2 Direct at page 2.) In order to overcome impairment, the hot cut process must be
3 seamless and low-cost.

4 **Q. ON PAGE 31 OF HIS TESTIMONY, MR. RUSCILLI STATES THAT THE**
5 **FCC “FLATLY REJECTED AT&T’S ELP PROPOSAL” AND STATED**
6 **THAT THIS COMMISSION SHOULD DO THE SAME? DO YOU**
7 **AGREE?**

8 A. Absolutely not. Mr. Ruscilli ignores the part of the TRO in which the FCC states
9 that although it declines to order ELP *at this time*, it may reexamine AT&T’s
10 proposal if hot cut processes are not, in fact, sufficient to handle necessary
11 volumes. TRO ¶ 419. Electronic loop provisioning would be both seamless and
12 low cost, and could handle the volumes required by the mass market. AT&T is
13 requesting that the Commission find that the ILECs’ hot cuts processes are
14 insufficient, thus impairing CLECs without access to unbundled switching, and to
15 initiate another proceeding to determine whether ELP would eliminate this
16 impairment.

17 **Q. ON PAGES 8 AND 9 OF HIS TESTIMONY, MR. AINSWORTH**
18 **RESPONDS TO TWO OF AT&T’S CONCERNS REGARDING**
19 **BELLSOUTH’S BATCH PROCESS: (1) THAT THE PROCESS DOES**
20 **NOT ALLOW AFTER HOURS CUTS, AND (2) THAT THE PROCESS**
21 **DOES NOT INSURE THAT ALL END USER’S LINES WOULD BE**
22 **PROVISIONED ON THE SAME DAY. DOES MR. AINSWORTH’S**
23 **RESPONSE ALLEVIATE YOUR CONCERNS?**

24 A. No. Instead, it confirms my understanding of the shortfalls in BellSouth’s plan.
25 For both issues, BellSouth’s response is that the CLEC “may request” after hours
26 cuts and “may request” that all of an end-users lines be cut on the same day.
27 BellSouth makes no commitment that it will provide the requested services. In

1 any event, BellSouth's promises are not adequate. The FCC clearly stated that
2 "incumbent LECs' promises of future performance [are] insufficient to support a
3 Commission finding that the hot cut process does not impair" CLECs. TRO at n.
4 1437.

5 **Q. ON PAGE 15 OF HIS TESTIMONY, MR. AINSWORTH ASSERTS THAT**
6 **BELLSOUTH DOES HAVE A TIMELY PROCESS FOR RESTORAL OF**
7 **CUSTOMER SERVICES. WHAT IS YOUR RESPONSE?**

8 A. Mr. Ainsworth asserts, "once the order is closed, the UNE-P records are purged
9 and the only way to address a trouble on the unbundled loop is via a trouble
10 ticket". However, Mr. Ainsworth's solution does not account for those times
11 when the problem is due to CLEC issues. In those cases, it can be up to three
12 days to get the service ported back to BellSouth. Other ILECs, such as SBC, are
13 much more responsive to this customer-impacting issue.

14 **Q. ON PAGE ELEVEN OF HIS TESTIMONY, MR. PATE CLAIMS THAT**
15 **YOU MISCHARACTERIZED DATA BECAUSE THE NUMBERS YOU**
16 **USED TO COMPARE FLOW-THROUGH FOR UNE-P ORDERS VERSUS**
17 **UNE-L ORDERS DID NOT IN FACT REPRESENT FLOW-THROUGH?**
18 **DO YOU AGREE?**

19 A. Absolutely not. BellSouth described the percentage numbers I used from its
20 responses to Interrogatories 28 and 32 as numbers for "fully mechanized" orders.
21 Fully mechanized orders flow-through. Only fully mechanized orders flow-
22 through; manually handled orders do not. Therefore, the terms are used
23 interchangeably throughout the industry.

24 **Q. GIVEN THAT THE TERM FULLY MECHANIZED DOES NOT**
25 **INCLUDE MANUALLY HANDLED, DID YOU HAVE ANY CONCERNS**
26 **ABOUT USING BELLSOUTH'S FULLY MECHANIZED**
27 **PERCENTAGES?**

1 A. When I reviewed the data, I determined that BellSouth had in fact included
2 manual LSRs in its calculation of “percent fully mechanized.” Although that
3 could only result in overstating BellSouth’s fully mechanized or flow-through
4 performance, I decided to make use of the information, as it is particularly
5 relevant for this proceeding. The information is particularly relevant because it is
6 specific to migrations, while the flow-through performance reports produced
7 monthly by BellSouth also include other categories of information such as feature
8 changes and LNP stand-alone. My intent was to illustrate the vast disparity in the
9 flow-through or full mechanization of UNE-P and UNE-L migration orders. The
10 information provided by BellSouth that I used in my testimony does exactly that.

11 **Q. ON PAGES FIVE THROUGH EIGHT OF HIS TESTIMONY MR PATE**
12 **DISCUSSES FLOW-THROUGH PERFORMANCE. PLEASE**
13 **COMMENT.**

14 A. Mr. Pate’s analysis of UNE, resale, and talk of improvement plans appear
15 intended to distract attention away from the issue I asked this Commission to
16 consider: most UNE-P migration orders are fully electronic and thus flow-
17 through BellSouth’s ordering systems; most UNE-L migration orders are
18 manually created by BellSouth, and thus do not flow-through BellSouth’s
19 ordering systems. Mr. Pate’s chart on page seven is particularly illuminating in
20 this regard. It indicates that UNE-P LSRs comprise 78.6% of the LSR population,
21 while LNP (which includes BOTH stand-alone LNP, and UNE-L migrations with
22 LNP) comprise only 1.6%. BellSouth is asking this Commission to change the
23 way that 78.6% of customer requests are handled and have them be treated as the
24 <1.6% are treated, with abysmal flow-through performance.

1 B. BellSouth's Attempt to Suggest that its Bulk Ordering Process is an
2 Acceptable Batch Provisioning Process is Contrary to the Evidence.

3 Q. **ON PAGE 3 OF HIS REBUTTAL TESTIMONY, MR. PATE INDICATED**
4 **THAT BELL SOUTH'S IMPLEMENTATION OF AT&T'S CHANGE**
5 **REQUEST FOR A BULK MIGRATION PROCESS DID MEET AT&T'S**
6 **STATED NEEDS. IS MR. PATE CORRECT?**

7 A. No. As I pointed out in my rebuttal testimony, Mr. Pate selectively summarizes
8 the change request. He only quotes from a portion of the change request, and
9 omits, among other things, AT&T's request for weekend cuts. Nonetheless, Mr.
10 Pate's rebuttal admits that any reasonable reader would have interpreted that
11 AT&T had asked for "project managed provisioning." I agree. However,
12 BellSouth and AT&T apparently differ on their views of project managed
13 provisioning. AT&T does not believe that BellSouth provides project managed
14 provisioning for its bulk ordering process. In response to the change request,
15 BellSouth changed nothing about its provisioning process. Indeed, in Mr.
16 McElroy's testimony, Exhibit MM-2 reveals that in BellSouth's "third party test,"
17 the provisioning of 80% of the test orders were not even coordinated with the
18 CLEC, much less project managed.

19 Moreover, BellSouth's own witness recognized that it does not have a
20 batch provisioning process. In Mr. Ainsworth's direct testimony at page two, he
21 described BellSouth's batch process as "BellSouth has in place a batch hot cut
22 process that provides *additional ordering capabilities* and the *same* proven
23 seamless quality *migrations as individual hot cuts*." BellSouth's batch ordering
24 process does not and cannot reduce or eliminate impairment. Finally, any
25 "reading" of the change request document issued in 2000 aside, BellSouth knew

1 that AT&T was not satisfied with the process it planned to implement when it
2 began implementation.

3 **Q. HOW LONG HAS BELL SOUTH BEEN AWARE THAT THE PROCESS**
4 **IT DESIGNED IN RESPONSE TO AT&T'S CHANGE REQUEST WAS**
5 **NOT SATISFACTORY TO AT&T?**

6 A. BellSouth has known since at least mid-2002 that AT&T was dissatisfied. In
7 BellSouth's September 20, 2002 response to Ms. Denise Berger of AT&T,
8 BellSouth stated "During our conversation you indicated that the new process
9 resulting from CR0215 would not meet the needs of the internal AT&T
10 organization. Those needs apparently have prompted the request for a different
11 new process as outlined in your August 30 letter." BellSouth even suggested in
12 the letter that AT&T submit another change request. (See Exhibit MDV-SR1.)

13 **Q. PLEASE SUMMARIZE AT&T'S EXPERIENCE WITH THE**
14 **IMPLEMENTATION OF "BATCH" OR "BULK" HOT CUTS IN**
15 **BELL SOUTH**

16 A.
17 • Well over three years ago, AT&T requested that BellSouth provide a process
18 that would accommodate both bulk ordering and provisioning of its customers
19 from UNE-P to UNE-L.
20 • Dissatisfied with the process BellSouth planned to implement, on August 30,
21 2002, AT&T wrote a letter to BellSouth requesting that it develop a bulk
22 conversion process. (See Exhibit MDV-5 of Van De Water Direct
23 Testimony.)
24 • BellSouth responded that AT&T should submit a second change request or a
25 new business request.

- 1 • AT&T submitted a new business request for a bulk conversion process, to use
2 at its option, to migrate its customers from UNE-P to UNE-L.
- 3 • BellSouth agreed that AT&T's request was feasible, but required exorbitant
4 fees in addition to the usual high hot cut charges, and refused to commit to a
5 number of conversions to be implemented per day.
- 6 • BellSouth's prices and lack of willingness to make volume commitments
7 prevented AT&T from moving forward with its new business request for bulk
8 conversions of its customers from UNE-P to UNE-L.

9 C. BellSouth Does Not Allow CLEC-to-CLEC Activities

10 **Q. ON PAGES 20 MR. PATE INDICATES THAT THE CLEC-TO-CLEC**
11 **MIGRATION ISSUES RAISED BY CLECS ARE EXTRANEIOUS TO THIS**
12 **DOCKET. DO YOU AGREE?**

13 A. No. As an initial matter, BellSouth refuses to include CLEC-to-CLEC migrations
14 in its batch process, which this Commission must approve in this docket.
15 Moreover, BellSouth is seeking to have this Commission eliminate switching as a
16 UNE it must provide, therefore any problems a CLEC experiences when
17 attempting to move a customer to its switch from another CLEC are relevant to
18 this proceeding.

19 **Q. DO YOU AGREE THAT A COLLABORATIVE ADDRESSING CLEC TO**
20 **CLEC MIGRATIONS IS UNDERWAY IN FLORIDA?**

21 A. Yes. BellSouth, however, is responsible for many areas of concern that are not
22 being addressed by the collaborative including:

- 23 • CLEC-to-CLEC migrations are not included in the batch process,
- 24 • CLEC to CLEC UNE-L orders must be submitted manually,

1 *****Begin Confidential**

2 •

3 •

4 •

5 •

6 *****End Confidential**

7 Q. **ON PAGES 15-18 OF HIS TESTIMONY, MR. GRAY DISCUSSES**
8 **BELLSOUTH'S POLICY REGARDING THE USE OF MULTIPLE**
9 **COMPANY CODES AND RECOMMENDS ACTION THAT AT&T TAKE**
10 **TO ADDRESS THIS ISSUE. PLEASE COMMENT.**

11 A. On page 15, lines 19 and 20 of his testimony, Mr. Gray succinctly describes the
12 root cause of the problem I described on pages 54-57 of my direct testimony: "It
13 is BellSouth's policy not to accept assignments from CLECs other than the owner
14 of the collocation space. . . ." (Mr. Gray does not indicate how he thinks the
15 ordering CLEC could have the assignments to provide them to BellSouth without
16 first having obtained them from the owning CLEC). Mr. Gray goes on to say that
17 the reason for this policy is "to protect a CLEC's assets/property," and that
18 "BellSouth's ordering and provisioning systems contain edits that prevent
19 unauthorized assignment of its customer's collocation assets." Incredibly,
20 BellSouth takes this position when AT&T attempts to use its own assets that have
21 differing codes, although it knows full well that AT&T owns the equipment and is
22 therefore fully "authorized." Instead, it offers extremely costly and burdensome
23 options to remove protection AT&T has not requested.

24 Q. **DOES MR. GRAY ACKNOWLEDGE THAT BELLSOUTH'S POLICIES,**
25 **PRACTICES, AND SYSTEMS EFFECTIVELY PREVENT A CLEC**

1 **FROM BEING ABLE TO ORDER A LOOP FROM BELL SOUTH AND**
2 **SWITCHING FROM ANOTHER CLEC?**

3 A. Yes, he does, although it follows his initial answer of no. The net of Mr. Gray's
4 response (on pages 16 and 17) is that BellSouth will permit a DS1 loop to be
5 ordered from BellSouth by one CLEC and delivered to the collocation space of
6 another CLEC, but will *not* permit a DS0 loop be ordered from BellSouth by one
7 CLEC and delivered to the collocation space of another CLEC. DS0 loops are the
8 loops used to serve mass market customers. DS0 loops are thus the subject of this
9 proceeding. It is unclear why Mr. Gray felt it necessary to include enterprise
10 loops in his response.

11 **Q. PLEASE SUMMARIZE THE RELEVANCE OF THIS PROBLEM TO**
12 **THIS PROCEEDING.**

13 A. Any CLEC who wanted to order wholesale switching, should it become available,
14 to use with analog UNE loops (DS0) for mass market customers would encounter
15 the problems described in my direct testimony and the testimony of Mr. Gray.
16 These difficulties are caused solely by BellSouth's claimed policy decision to
17 provide unwanted protection to CLECs. If BellSouth's interest is truly to protect
18 CLECs, as well as itself, it could require that a letter of authorization between the
19 two company entities/CLECs be provided before service is provisioned.
20 BellSouth does this today for DS1 or higher level of service. It simply refused to
21 do so for DS0 service.

22 **Q. ON PAGE FOUR OF HIS TESTIMONY, MR. FOGLE ASSERTS THAT**
23 **YOU MISCHARACTERIZED LINE SPLITTING AS UNE-P BASED.**
24 **PLEASE RESPOND.**
25

1 A. Based on his response, Mr. Fogle does not appear to take issue with my detailed
2 description of line splitting, only the “UNE-P based” label. Further, as he did not
3 take issue with the substance of my description, it is unclear why he believes I
4 was operating under a “misconception”.

5 **Q. DO BELLSOUTH EMPLOYEES ALSO REFER TO “UNE-P LINE**
6 **SPLITTING?**

7 A. Yes. For example, in the bracketed section of the second page of BellSouth-
8 generated meeting notes from the December 11, 2003 BST Line sharing/Line
9 Splitting Collaborative, BellSouth reports “Readily identified as high importance
10 were a) migrating *existing UNE-P with line splitting* to UNEL and retain
11 DSL...” (emphasis added) (See Exhibit MDV-SR2.)

12 **Q. ON PAGE ELEVEN OF HIS TESTIMONY, MR. FOGLE REFERENCES**
13 **THE FACT THAT DEDICATED WIRING DOES NOT MAKE SENSE**
14 **FOR A 10% TAKE RATE OF DSL. PLEASE RESPOND.**

15 A. AT&T never indicated that it “made sense,” only that installing dedicated CLEC
16 collocation cage to CLEC collocation cage cabling was the only process available.
17 Further, it appears that Mr. Fogle does not share the same optimism as other
18 BellSouth witnesses about CLECs’ ability to attract DSL customers. For example,
19 in her testimony at Exhibit DJA-05, Dr. Aron indicates that in three years a single
20 CLEC would obtain a 15% penetration rate of the DSL market, and 25% of the
21 small business DSL market.

22 **Q. ON PAGE TEN AND AGAIN ON PAGE THIRTEEN OF HIS**
23 **TESTIMONY, MR FOGLE SUGGESTS THAT AT&T DISPATCH ON**
24 **EVERY DSL ORDER INSTEAD OF WIRING DEDICATED CABLING.**
25 **PLEASE RESPOND.**

1 A. As I indicated in footnote 25 of my direct testimony, AT&T is aware of the
2 dispatch option, but views such an arrangement as both economically and
3 operationally infeasible. Therefore, Mr. Fogle simply offers to exchange one
4 inefficient process for another. He does thoughtfully recommend that we
5 approach BellSouth to provide technician dispatches at undefined "market" rates.
6 However, in calculating our "savings" if we do not deploy some of the equipment
7 I described in my direct testimony, he fails to provide the additional costs of the
8 required dispatches.

9 **Q. GIVEN THE OPERATIONAL AND ECONOMIC HURDLES OF LINE**
10 **SPLITTING USING UNE-L YOU HAVE DESCRIBED IN YOUR**
11 **TESTIMONY, WHAT DO YOU RECOMMEND?**

12 A. Those hurdles are an additional source of impairment to an already impaired
13 UNE-L process. As such, a finding that CLECs are impaired without access to
14 unbundled switching would certainly address the problems of being forced to use
15 such a process.

16 **Q. FOR ANY CASES WHERE A CLEC CHOOSES TO PROVIDE DSL VIA**
17 **UNE-L LINE-SPLITTING, HAS BELL SOUTH MET ITS OBLIGATIONS?**

18 A. No. The TRO at ¶514 specifically determined that "an incumbent LEC's failure
19 to provide cross connections between the facilities of two competitive LECs on a
20 timely basis can result in impairment." Not only does BellSouth not provide cross
21 connects between CLECs for UNE-L line splitting on a timely basis, it currently
22 does not provide them at all. BellSouth's existing "Co-carrier Cross Connection
23 Arrangement" is not, in fact, a cross connection offering at all, it is only

1 BellSouth's authorization for two CLECs to install a dedicated cable between the
2 respective collocations in the same central office.

3 **Q. ON PAGE 17 OF HIS TESTIMONY, MR. FOGLE APPEARS TO**
4 **INDICATE THAT THE CLEC'S "INTEREST" IN UNE-L LINE**
5 **SPLITTING HAS BEEN LIMITED AND RECENT. IS THAT YOUR**
6 **UNDERSTANDING?**

7 A. No. A review of BellSouth's line-splitting collaborative meeting notes indicates
8 that in the February 27, 2003 MCI agreed to provide information to the group
9 about UNE-L or loop-splitting. Further, it is clear from the attached July 2003 e-
10 mails from Denise Berger of AT&T to various BellSouth employees that
11 discussions on this topic occurred in the May and June 2003 collaborative
12 meetings. Finally, the July 30, 2003 e-mail from Denise Berger asked a series of
13 questions attempting to gain information on this topic. (See Exhibit MDV-SR3.)
14 Ms. Berger received no response from Bellsouth to her July request until
15 December 19, 2003 in which her questions were still not answered, but she was
16 referred to an upcoming tariff. (See Exhibit MDV-SR4.)

17 **Q. HAVE YOU OBTAINED ANY INFORMATION FROM BELL SOUTH**
18 **REGARDING ITS PLANS TO PROVIDE CROSS-CONNECTS TO**
19 **ENABLE UNE-L LINE SPLITTING?**

20 A. While falling woefully short of the information requested by AT&T, BellSouth
21 has recently provided some additional information in the monthly line-sharing
22 collaborative meetings.

23 **Q. WHAT IS YOUR REACTION TO WHAT YOU HAVE LEARNED?**

24 A. BellSouth's new FCC tariffed "Special Access product" will require that the
25 CLECs wishing to have BellSouth provide a cross connection on BellSouth's

1 frame between a connecting facility assignment ("CFA") from one CLEC's
2 collocation to a CFA in a second CLEC's collocation to engage in "line splitting"
3 of a local loop (not otherwise subject to the FCC's jurisdiction) certify that the
4 traffic carried on that CFA to CFA connection (a frame jumper wire) meet the
5 FCC's de minimus (10%) interstate rule. This unnecessarily subjects a non-
6 complex POTS mass market line to cumbersome procedures such as certification
7 and audits, and irrelevant obligations such as the requirement that the line carry at
8 least 10% interstate traffic.

9 Further, BellSouth's new "product" cannot be ordered efficiently. UNE
10 local loops are ordered on a Local Service Request ("LSR"). When such a loop is
11 to be "split" between two CLECs, BellSouth will require that the connection
12 necessary to accomplish the "split" be ordered and provisioned out of its FCC
13 Access Tariff using an Access Service Request ("ASR"). There will be no means
14 of electronically ordering such an arrangement and the coordination, through
15 relating the LSR and ASR, that will be required to establish working services
16 (voice and ADSL) for the customer. Thus the voice CLEC must issue an LSR,
17 the data CLEC must issue an LSR, and one of the CLECs (depending on the
18 routing of the loop between the two) must issue an ASR. Manual processing will
19 be required for all three ordering documents. Such a manual and restrictive
20 process creates operational and economic barriers to providing DSL services to
21 mass market customers. BellSouth's proposed policies and practices for this
22 service are designed to complicate and hinder the provision of line splitting
23 service to CLEC customers and should be rejected by this Commission.

1

2 **Q. YOU MENTIONED THAT AMONG OTHER OBSTACLES, THE USE OF**
3 **AN ASR WILL BE REQUIRED IN BELL SOUTH'S OFFERING.**
4 **DOESN'T THAT DIFFER FROM MR. FOGLE'S TESTIMONY ON PAGE**
5 **14?**

6 A. No. Mr. Fogle only says ASRs are not needed for any *currently* available
7 components needed for Line Splitting. The process BellSouth is planning to offer
8 to obtain cross-connects for UNE-L line splitting does require ASRs.

9 **Q. ON PAGE 19 OF HIS TESTIMONY, MR. FOGLE INDICATED THAT**
10 **THE CLECS HAD NOT FORMALLY REQUESTED BELL SOUTH TO**
11 **BEGIN WORK ON ESTABLISHING PROCEDURES, ETC FOR HOT**
12 **CUT MIGRATIONS TO UNE-L. PLEASE RESPOND.**

13 A. While I am unsure what sort of "formal" request BellSouth requires, I assume Mr.
14 Fogle is not insinuating that CLECs have not repeatedly communicated with
15 BellSouth on the need for a viable means of loop splitting and attempted to move
16 forward to implementation, as it is absolutely clear that is not the case. For
17 example, as I described earlier in my testimony, AT&T attempted in writing to
18 obtain more information from BellSouth in July 2003 by posing the following
19 questions:

- 20 1. How does BellSouth plan to solicit and incorporate CLEC input into
21 the development of this capability and the subsequent offering? In
22 which CLEC forum will this be discussed?
- 23 2. What is the timeframe for delivery of this service?
- 24 3. How does BellSouth plan to provide procedures and business rules for
25 ordering and provisioning?
- 26 4. How does BellSouth plan to provide CLECs with information around
27 cost/price?
- 28 5. Does BellSouth plan to provide a mechanized ordering option for
29 CLECs? Will this interface require systems upgrades or systems work
30 by CLECs? When does BellSouth plan to provide such information?
- 31 6. Will there be a manual ordering option for CLECs?

- 1 7. Will CLECs be able to order this functionality via a single LSR?
2 8. Will BellSouth require CLECs to install any special or additional
3 collocation equipment?
4 9. If special equipment is required, will BellSouth offer the access to
5 such equipment as an unbundled network element?
6

7 To date, BellSouth has not answered our questions nor referred us to the
8 appropriate forum to place a “formal” request. The Commission should require
9 that BellSouth answer these legitimate questions regarding a local service they are
10 obligated to provide to avoid CLEC impairment, and to put in place an efficient
11 electronic Operations Support System upgrades to allow the ordering and
12 provisioning of this local service using the Local Service Request (LSR) process.
13

14 D. BellSouth’s Rebuttal Does Not Demonstrate That BellSouth Can
15 Complete Bulk Migrations at a Sustainable Pace for the Mass Market.

16 **Q. ON PAGE SEVEN OF MR. HEARTLEY’S TESTIMONY, HE DISCUSSES**
17 **THE IMPACT OF ILDC. PLEASE COMMENT.**

18 A. While Mr. Heartley discusses the impact of IDLC on work loads, his information
19 is also useful to the Commission for other reasons. He states that “based on
20 regional estimates of 4,827 daily outside dispatches, well over 2.2 million
21 dispatches could be required to complete the conversions and handle the growth.”
22 Using BellSouth’s information that each IDLC cut-over (which is only one part of
23 the hot cut process and thus the costs of the hot cut process) takes 1 hour, and
24 multiplying that by a salary rate of approximately *****Begin Confidential**
25 **End Confidential***** per productive hour,” the costs to CLECs and their end-
26 users is *****Begin Confidential** **End Confidential***.**

1 Importantly, this figure does not include non-salary costs that CLECs would also
2 have to bear.¹ Critically, CLECs would be paying these millions of dollars for an
3 activity that adds no value to the customer's service, and in fact may degrade it.

4 **Q. SEVERAL OF BELL SOUTH'S WITNESSES (AINSWORTH AT PAGE 9,**
5 **HEARTLEY AT PAGE 5, MCELROY AT 10-11) DISCUSS VOLUMES OF**
6 **125 UP TO 263 CUTS ON A SINGLE DAY. HOW DO YOU RESPOND?**

7 A. It appears, that in certain central offices, for a single day, using extraordinary
8 forcing (and likely unsustainable) methods, with their accompanying
9 extraordinary costs, BellSouth can cut 125 lines and even up to 263 lines in a
10 day.²

11 However, unusually executed, occasional events, while interesting, are not
12 dispositive in a proceeding which is designed to determine if CLECs are impaired
13 in providing day-to-day service to mass market customers. No evidence was
14 provided that this same level of volume of work (as well as the central office
15 work that must be done that is not related to hot cuts) could be sustained on a
16 regular basis. In addition to be able to sustain handling large volumes of
17 customers, the batch process must also deliver seamless and low cost service. As
18 I describe in my testimony, PWC observed numerous instances of service
19 impacting deficiencies in BellSouth's performance during the test. And, as I
20 described earlier in this testimony and in my rebuttal testimony, BellSouth is
21 asking this Commission to require CLECs to spend millions upon millions of

¹ For example, BellSouth charges \$48.65 for the first half hour and \$23.95 for additional half hours of a technician's time for other services, for an initial hourly rate of \$72.60.

² In light of BellSouth's alleged capabilities, I find it even more unreasonable that they would make no commitment or target regarding the number of lines they would cut per day for AT&T.

dollars only to provide Florida consumers with worse service than they receive today via UNE-P.

II. THE PWC ATTESTATION DOES NOT ESTABLISH THAT BELL SOUTH HAS AN ADEQUATE HOT CUT PROCESS FOR THE MASS MARKET

Q. ON PAGE 2 OF MR. MCELROY'S TESTIMONY, HE STATES THAT THE PURPOSE OF HIS TESTIMONY IS TO "DEMONSTRATE THAT BELL SOUTH'S BULK MIGRATION PROCESS SERVICE IS BOTH SEAMLESS AND EFFECTIVE." DO YOU AGREE THAT HIS TESTIMONY MAKES SUCH A DEMONSTRATION?

A. Absolutely not. Mr. McElroy goes on to say that to corroborate this fact, BellSouth engaged PricewaterhouseCoopers (PWC) to provide an attestation on the effectiveness of the process. However, PWC only attested that the process worked as designed, except for the times it did not. PWC made no representations regarding the seamlessness or effectiveness of the process.

Q. MR. MCELROY'S TESTIMONY DESCRIBES PWC'S OPINION, THAT BELL SOUTH UTILIZED THE BULK MIGRATION PROCESS TO COMPLETE A TEST OF BULK MIGRATION SERVICE REQUESTS, EXCEPT FOR THE DEVIATIONS DESCRIBED IN ITS REPORT. PLEASE COMMENT.

A. I would have surprised with any other outcome. AT&T is very familiar with and even occasionally uses BellSouth's hot cut process. AT&T has never asserted that BellSouth could not perform multiple migrations (especially under conditions of its own choosing), using its bulk ordering process and individual hot cut process. The ability to execute an unacceptable process (conducted under unclear parameters), does nothing to reduce the concerns I have described with BellSouth's manual hot cut process, and the impairment caused by that process

1 which render them unacceptable for the mass market (whether or not you place a
2 bulk order).

3 **Q. GIVEN THAT YOU KNEW BELL SOUTH COULD PERFORM HOT**
4 **CUTS AND MAKE CHANGES TO ITS ORDERING OSS, DO YOU HAVE**
5 **CONCERNS REGARDING HOW THE TEST WAS CONDUCTED AND**
6 **THE RESULTS?**

7 A. Yes. First, it is unclear when and over what period of time the pre-wiring (the
8 most time intensive part of the hot cut) was completed. Second, no information is
9 provided regarding how the non-hot cut central office work was handled. While
10 much of such work could be postponed for a day during the time a special test is
11 being conducted, that obviously is not the case when the "test" or greater volumes
12 continue in a business as usual environment. Third, BellSouth implemented 80%
13 of the cuts using its most simple method (non-coordinated) cuts even though such
14 cuts comprise only 3% of migrations today. Fourth, even while being observed
15 by an outside group (PWC), which is likely to result in best behavior or
16 performance, BellSouth had 64 deviations on 724 migrations (9%). These
17 problems included missed due dates, no dial tone, no cut notification so that
18 customer could not receive incoming calls, and failing to test for dial tone prior to
19 cutting customer. The fact that this myriad of problems, which occurred under
20 ideal conditions, is the best case BellSouth could put forward, is chilling when
21 contemplating unleashing this process on thousands of Florida end-users every
22 day.

23 **Q. WHAT WAS PWC'S VIEW OF THE EXCEPTIONS TO BELL SOUTH**
24 **MANAGEMENT ASSERTIONS?**

1 A. PWC simply reported the exceptions. They explicitly did not comment on their
2 relative significance in their report. (See Attachment A of Exhibit MM-1 of Mr.
3 McElroy's testimony.) In the affidavit of Paul Gaynor of PWC, he stated that all
4 exceptions were reported, based on the nature of the hot cut process and the
5 importance to all parties (See page 21 of Exhibit MM-2 of Mr. McElroy's
6 testimony.).

7 **Q. GIVEN YOUR POSITION THAT THE PWC ATTESTATION DOES NOT**
8 **ESTABLISH THAT BELL SOUTH HAS AN ADEQUATE HOT CUT**
9 **PROCESS FOR THE MASS MARKET, WHAT VALUE DO YOU**
10 **BELIEVE IT HAS FOR THIS COMMISSION?**

11 A. The myriad of problems described in this report, which occurred under "best
12 case" circumstances, is strong evidence of the dangers of relying on a manual
13 provisioning process to deliver seamless, high quality service. To that end, this
14 report is useful in reinforcing that CLECs are impaired without access to
15 unbundled switching.

16 **Q. DOES THIS CONCLUDE YOUR SURREBUTTAL TESTIMONY?**

17 A. Yes, it does.