1   BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION
2   DOCKET NO.   000731-TP
3

     In re: Petition by AT&T Communications
4   of the Southern States, Inc., d/b/a AT&T
        for arbitration of certain terms and
5   conditions of a proposed agreement with
        BellSouth Communications, Inc., pursuant
6   to 47 U.S.C. Section 252
        ~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~

7

8   DEPOSITION OF
9   RONALD M. PATE
10

                  January 26, 2001
11

                     1:05 p.m.
12

13   1200 Peachtree Street, N.E.
14   Atlanta, Georgia
15

        Sharon A. Gabrielli, CCR-B-2002

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1   APPEARANCES OF COUNSEL

2   .

3   On behalf of AT&T:

4   MARSHA E. RULE, ATTORNEY AT LAW

5   AT&T

6   1200 Peachtree Street, N.E. - Suite 8100

7   Atlanta, Georgia 30309

8   .

9   On behalf BellSouth Telecommunications, Inc.:

10   R. DOUGLAS LACKEY, ESQ.

11   BellSouth Telecommunications, Inc.

12   675 West Peachtree Street - Suite 4300

13   Atlanta, Georgia 30375-0747

14   E-mail: douglas.lackey@bellsouth.com

15   .

16   On behalf of the Florida Public Service Commission (Via

17   Telephone):

18   MICHAEL BARON, ESQ.

19   .

20   On behalf of AT&T (Via Telephone):

21   RHONDA MERRITT, ATTORNEY AT LAW

22   .

23   Also Present:

24   Ron Mills

25   Jay Bradbury

1   Deposition of Ronald M. Pate

2   January 26, 2001

3   RONALD M. PATE, having been first

4   duly sworn, was deposed and testified as

5   follows:

6   EXAMINATION

7   BY-MS.RULE:

8   Q.   Mr. Pate, I'm Marsha Rule. I

9   work for AT&T. And we've met before, have

10   we not?

11   A.   Yes, we have.

12   Q.   Could you state your name and

13   address for the record?

14   A.   My name is Ronald P. Pate,

15   address, 675 West Peachtree, Atlanta, Georgia.

16   Q.   And you filed both direct and

17   rebuttal testimony in docket number 000731 in

18   Florida, did you not?

19   A.   Yes, I did.

20   Q.   I would like to ask you some

21   questions about your testimony. And I would

22   like to start with your rebuttal. On page

23   2, you discuss that BellSouth has taken

24   positive steps to respond to AT&T's formal

25   requests if doable and reasonable. And

1   that's on lines 12 and 13. Do you see

2   that?

3   A.   Yes.

4   Q.   And my question is: How do you

5   define doable?

6   A.   Give me a second to read it over.

7   MS. RULE: Who just joined us?

8   MS. MERRITT: It's Rhonda Merritt

9   at AT&T.

10   MS. RULE: Hello, Rhonda, we've

11   already started.

12   THE WITNESS: In this context,

13   since we were talking about all the issues

14   doable, you had to be able to do it.

15   Sometimes doable could be something from a

16   technical standpoint. Sometimes doable could

17   be something from a resource standpoint. So

18   it was just the doability of whatever

19   specifically we are talking about.

20   Q.   (By Ms. Rule) So it wasn't an

21   issue of whether it could technically or

22   physically be accomplished. It was whether

23   BellSouth could accomplish it within whatever

24   constraints exist; is that correct?

25   A.   Well, I would say that's correct

 1   with taking a look at their constraints, as

 2   well as there may be a technical aspect

 3   associated with it also. And then you have

 4   to look at them both together, doability and

 5   reasonability.

 6   Q.   So it's a broad term as you use

 7   it?

 8   A.   Yes.

 9   Q.   And reasonable, I would expect to

10   take it in the context, then?

11   A.   I would put it in the same

12   context. There is a reasonableness

13   associated with anything. For example, off

14   the top of my head, not specific to these

15   issues, but if somebody wanted you to go to

16   the store for them, it would be reasonable

17   if the weather was nice. It might not be

18   reasonable if we had ice on the roads and

19   it's still coming down. So it's a

20   reasonable -- even though it could still be

21   doable, what would be reasonable in that

22   situation.

23   Q.   And moving on to the next page,

24   there is some discussion about methods and

25   procedures for implementing operator services,

1   directory assistance routing. You discuss

2   three sets -- or propose contractual language

3   for three types of routing. And that's in

4   your Exhibit RNP 19, correct?

5   A.   Let me look at the exhibit and

6   see if that's correct. Yes, that's correct.

7   Q.   Okay. And looking at RNP 19, I

8   see what looks like three different sets of

9   contract language. It looks like the

10   numbering on each of them is pretty much the

11   same.

12   A.   I'm not sure of how they do the

13   numbering. I mean, this is from the

14   negotiation team working on the contract. So

15   that's where it came from.

16   Q.   Well, on the first one, and let's

17   make sure we both are looking at the same

18   first one.

19   A.   Certainly.

20   Q.   I see "draft" at the top of the

21   page.

22   A.   Yes.

23   Q.   And then "proposed contract

24   language addition for AT&T," and then there

25   is a number "3.20, procedures for selective

1   carrier routing." Is that what yours says?

2   A.   Yes.

3   Q.   And on this one, 3.20.1 says, "In

4   order for BellSouth to provide unbranded

5   BellSouth operator services, two options may

6   be elected." So this appears to be the

7   language you were discussing that refers to

8   unbranded OS/DA?

9   A.   Yes.

10   Q.   Okay. The next one is also

11   entitled "procedures for selective carrier

12   routing," but it starts at 3.21.

13   A.   Yes.

14   Q.   So am I to take it that this --

15   the second contract language is to be taken

16   in addition to, rather than instead of the

17   previous one?

18   A.   I think they were together, if I

19   recall. Once again, I wasn't part of this.

20   I got this from the negotiation team. The

21   first one you just referred to and this one

22   were given at the same time to show option

23   for an unbranded as well as a branded.

24   Q.   Okay. If you turn to the third

25   contract language that starts over again at

1   3.20, procedures for selective carrier

2   routing. And 3.20.1 says, "In order for

3   BellSouth to provide branded or unbranded

4   services, two options may be elected." It

5   appears to me that the third piece may

6   replace the first two; is that your

7   understanding?

8   A.   That's what I think, but you would

9   have to go back to the negotiation team

10   because what happened with the third piece

11   that was missing from the other two, is

12   there was nothing dealing with routing to an

13   alternative platform or third party platform.

14   And that's what this incorporated in in some

15   of the further paragraphs.

16   I think you would have to go to

17   the 3.20.9, which is on the very last page

18   of that, where AT&T is using an alternative

19   operator services provider. So my

20   understanding is this was used to incorporate

21   that because it was missing from the prior.

22   Q.   So on page 3, your testimony says

23   that the three documents -- that each

24   document provides the process for establishing

25   the footprint order, but it sounds like we

1   started out with two separate documents that

2   have been subsumed into one. Is that your

3   understanding?

4   A.   I'm not really sure. We would

5   have to go back to the negotiation team and

6   ask them because this was part of the --

7   just trying to get the language that was

8   going to be incorporated into the

9   interconnection agreement.

10   Q.   Okay. And are you familiar with

11   negotiations that have resulted in language

12   after the -- I guess the language included

13   in your RNP 19?

14   A.   No, I have not looked at any of

15   that.

16   Q.   Do you know whether any of the

17   language that's included in RNP 19 provides

18   intervals for ordering?

19   A.   We would have to look. I'm not

20   that intimate with it. I see, just a quick

21   glance looking on the very first page of the

22   first one, at 3.20.4, it refers to an

23   interval. The interval for the provision of

24   the trunk group should be approximately 45

25   calendar days. So there appears to be some

1   incorporation of intervals there.

2   Q.   How about in the next piece?

3   A.   On the second page of the next

4   piece which is carried over 3.20 -- excuse

5   me, 3.20.4, the interval for this process is

6   30 days for up to 20 line class codes per

7   in office. I see that cited.

8   Q.   Okay. And how about for the

9   final piece, do you see any intervals there?

10   A.   In 3.20.6, that final piece is

11   interval for this process is 30 days for up

12   to 20 line codes per end office.

13   Q.   Do you know who Michael Willis is?

14   A.   Yes, I know Michael.

15   Q.   And who is that?

16   A.   Michael is a lady, I have to say

17   that because the name Michael people don't

18   realize such, and she is a member of the

19   negotiation team.

20   Q.   Would she have likely been

21   involved in the negotiation of the language

22   in your Exhibit RNP 19?

23   A.   May have, but I don't know for

24   sure who drafted or negotiated this part of

25   it.

1   Q.   I would like to hand you an

2 E-mail, and a copy of a document attached to

3 it and ask you to take a look at it for a

4 minute.

5   MS. RULE: Who just joined?

6   MR. BARON: Michael Baron,

7 commission staff in Florida.

8   MS. RULE: Hello, Michael. We

9 have already begun.

10   MR. BARON: No problem. I'm just

11 on standby.

12   MS. RULE: Okay. Did somebody

13 just join or just drop off?

14   THE WITNESS: Am I supposed to

15 have -- help me with the pages here because

16 it looks like I've got a page that probably

17 just got copied twice. How many pages? I'm

18 missing a page or something. I don't know.

19   Q.   (By Ms. Rule) You know, and so

20 do I.

21   MR. BRADBURY: You've got two

22 pages 3.

23   MS. RULE: Do we have an original

24 here?

25   MR. BRADBURY: If not, I'll go

1   find an original.

2   Q.   (By Ms. Rule) Why don't we put

3   this aside, Mr. Bradbury will go find us a

4   page 2, and we'll come back to it.

5   In moving further down on page 3,

6   you mentioned that BellSouth provided user

7   requirements for unbranded OS/DA with ordering

8   instructions to AT&T in mid-November 2000 in

9   response to their actual request for that

10   option for a specified project, the so-called

11   friendly test. Is that friendly test also

12   known as the Georgia 1,000 test?

13   A.   I'm trying to find where you're

14   reading from. What were the lines?

15   Q.   I'm sorry. Why don't you start

16   at page 3, line 18, 19.

17   A.   Yes. My understanding, that's the

18   Georgia 1,000 trial used that terminology,

19   used to describe that as well.

20   Q.   And the request for the option for

21   the specific project, how was that request

22   made?

23   A.   That request would have been made

24   by whoever is working on your project. I

25   know Ms. Joe Williamson, I've seen her name

1   on a lot of that. I'm sure there was

2   others involved. I've seen a -- I can't

3   remember his name. I want to say Bobbick or

4   something similar to that. And they would

5   be making those requests back to their

6   account team representatives, the BellSouth

7   account team for AT&T.

8   Q.   AT&T also submitted a change

9   request for electronic OS/DA ordering; is

10   that correct?

11   A.   Yes, I do recall seeing that.

12   Q.   And a change request is made for

13   a change that BellSouth would make for the

14   industry as a whole, correct?

15   A.   Typically, it could be industry as

16   a whole, but I guess there is situational

17   things where it could be something just to

18   an individual CLEC, but typically yes, for

19   the industry as a whole.

20   Q.   So a change request wouldn't have

21   been made for a specific test project, would

22   it?

23   A.   It could be. I don't recall the

24   wording on that particular change request. I

25   have read it before. I just don't recall how

1   it was worded, but it could be.

2   Q.   Okay. You are aware that AT&T

3   made a change request for BellSouth to

4   develop electronic OS/DA ordering?

5   A.   That's what that change request

6   was that we are discussing now, yes.

7   Q.   And that was a general change

8   request not specific to the Georgia 1,000

9   test?

10   A.   I don't know that it was

11   interpreted that way. I don't get involved

12   with working on individual change requests.

13   What I do know from talking with people

14   about this situation is that change request

15   was treated as an individual request specific

16   to AT&T to that Georgia 1,000 trial. But it

17   identified only that central office, only

18   that switch. So that's the way it worked.

19   Whether that was the intent or not, I cannot

20   speak to.

21   Q.   So you're saying the change

22   request identified a specific switch?

23   A.   I would have to go back and read

24   it. I'm just telling you how that change

25   request was worked --

1   Q.   Okay.

2   A.   -- from my understanding.

3   Q.   Moving on to the next page, you

4   discuss some user requirements. What are

5   user requirements?

6   A.   The user requirements would be --

7   first off, let me make sure I'm saying it in

8   the proper context from how you're

9   referencing it. Could you point me to where

10   specifically you're referring to?

11   Q.   At the bottom of page 3 and then

12   continuing through the top of page 4, you

13   said user requirements document is provided

14   as Exhibit RNP 20.

15   A.   The user requirements document that

16   I'm referring to here is the document that

17   we have developed based on the requests from

18   -- this specific request from AT&T. So that

19   actually spells out the specifications how

20   this will work. So it's a document that is

21   given back to the user, to the AT&T that

22   then identifies how the request will be

23   functioning, what you have to do, what you

24   have to enter and so forth. It's those

25   requirements. It's written by a requirements

1   writer based on requests that was made.

2   Q.   Okay. So when it says user

3   requirements, I guess do you interpret that

4   as requirements for the user or not

5   requirements from the user?

6   A.   Well, it's a combination of both.

7   It's the user saying what they want. And as

8   a result of that, you write those

9   requirements. It's just the standard way you

10   develop and implement a functionality.

11   Q.   Is that in the nature of more

12   technical specifications?

13   A.   It will lead to the technical

14   specifications, but usually this is more of

15   an English language written version. Then at

16   some point in time the programmer would use

17   that to do the programming necessary.

18   Q.   Do you know when the user

19   requirements were provided?

20   A.   I brought a copy of those because

21   I know we furnished them as they --

22   Q.   It's RNP 20, I think.

23   A.   Is it in here? It's dated. It

24   has a date of November 16th on the user

25   requirements. And what I recall is they

1   were actually given -- even though it's dated

2   the 16th, a few days, a couple days before

3   that to AT&T.

4   Q.   So mid-November time frame?

5   A.   Yes.

6   Q.   And those user requirements are

7   specific to the central office used in the

8   Georgia 1,000 test?

9   A.   That's what it's supposed to be,

10   yes.

11   Q.   So I couldn't take those user

12   requirements and place a general order for

13   OS/DA routing across BellSouth's region?

14   A.   You could not take these user

15   requirements. But from the work done from

16   these user requirements, the bulk of that's

17   done to be able to do that anywhere else.

18   But each one for line class codes would be

19   specific to that particular switch in that

20   central office.

21   Q.   Okay. Moving on to page 6, we've

22   got a paragraph that starts on line 14.

23   Take a second and read that.

24   A.   I've read it.

25   Q.   Okay. Now, it references a

1   carrier notification. What function does a

2   carrier notification serve?

3   A.   A carrier notification is a letter

4   that we put out on our web site that advises

5   something that -- of some nature associated

6   with the systems. We always put them out

7   there advising when there is a change to the

8   system and the functionality.

9   For example, we put them out there

10   when there is a release that's about to go

11   in, describes what's on the release. So its

12   whole intent is to notify the ALEC industry

13   as a whole it's something that's about to

14   happen to the system. We also put them out

15   there, for example, if we have some scheduled

16   downtime for a system release. So it's just

17   a method we use for notification.

18   Q.   Let's take a look at Exhibit RNP

19   21. And that's the November 22nd carrier

20   notification that you reference on page 6.

21   Do you have it?

22   A.   Yes.

23   Q.   Okay. Now, on line 14, you say

24   that BellSouth has made that process -- and

25   I think you're referring to the OS/DA process

1   that was made available to AT&T in the

2   Georgia 1,000 test; is that correct?

3   A.   Yes, that's correct.

4   Q.   And you're saying that BellSouth

5   has made that process available to all CLECs.

6   How can I tell from this carrier notification

7   how to get that process for a different

8   company?

9   A.   Well, it states here, it's down on

10   the first page, next to the bottom, let me

11   read it. "The ability to control branding

12   on operator assistance and directory

13   assistance using specific line class codes

14   was implemented for AT&T in Georgia. Other

15   CLECs interested in this capability should

16   contact their account team representatives."

17   So the process it's saying is if

18   you want to use this methodology, line class

19   codes for OS/DA, then contact your account

20   teams and they will work with you to

21   establish such.

22   Q.   Okay. Isn't that similar to,

23   like, working on an individual case basis?

24   A.   With line class codes for an ALEC,

25   you do have to work on an individual case

1   basis. It's not something you can do across

2   the board because you have to define what

3   that particular ALEC is wanting to do. It

4   gets back to the user requirements. You

5   might be able to reuse something if it's the

6   same as what someone else has already done,

7   but there could be something unique to that

8   particular ALEC.

9   Q.   Assuming that ALEC A, ALEC B, and

10   ALEC C all want to do OS/DA ordering using

11   line class codes, the process should be the

12   same, shouldn't it; it's just the codes that

13   were different?

14   A.   Most of the processes are the

15   same, but when you program, then, for those

16   particular ALECs, you're going to have to put

17   some programming in our system that

18   identifies just those ALECs. It would be

19   done by an identification of their OCN, their

20   operating company number is one thing.

21   So we have to put that programming

22   in place. So that is something unique. Even

23   though they can share a lot of the other

24   common programming that's done, the bulk of

25   the work, as I said earlier, already being

1   done, there is some unique things that have

2   to be accomplished.

3   (Whereupon, a discussion ensued off

4   the record.)

5   Q.   (By Ms. Rule) So let me assert

6   to you and you can have this subject to

7   check, if you like, that this is a document

8   received from Michael Willis, was sent

9   January 15th, 2001, and that the cover sheet

10   is correct. And it includes BellSouth's

11   redline of AT&T's proposal for selective

12   routing via line class code/OLNS language.

13   One of the things I noticed when

14   I looked through here is on page 2 at the

15   bottom. And it's page numbered page 2. And

16   on the other documents that we discuss that

17   are in RNP 19, you point out that had

18   intervals associated with them. And I notice

19   here it appears that BellSouth has deleted

20   the intervals and said that they would be

21   negotiated. Do you know why that is?

22   A.   No, I have not been a party to

23   any of that. I do not know.

24   Q.   Are you aware of any other

25   language that has been discussed between the

1   parties after the exchange of this E-mail?

2   A.   No.

3   Q.   On page 7 --

4   A.   Of my rebuttal?

5   Q.   Yes. You asked the Commission to

6   find that BellSouth has responded to AT&T's

7   change request to implement electronic

8   ordering for OS/DA capability based upon the

9   parameters of its specified project.

10   I would like to hand you a change

11   request form. And you can see on the second

12   page it's identified as ED-10209000001. Is

13   this the change request to which you refer

14   in that testimony?

15   A.   Yes, yes. This is the one I

16   have referred to.

17   Q.   Can you point me to the parameters

18   of the specified project that you're

19   referring to?

20   A.   This is written very broadly.

21   What the parameters that I'm referring to is

22   from as a result of this change request

23   working with AT&T, my understanding is the

24   request is specific to one switch in one

25   central office and worked under the guise of

1   this change request. That's how my language

2   is intended, and that's what it's referring

3   to.

4   MR. 1234: Off the record.

5   (Whereupon, a discussion ensued off

6   the record.)

7   (WHEREUPON, Pate Exhibit-1 and Pate

8   Exhibit-2 were marked for identification.)

9   Q.   (By Ms. Rule) Moving onto page

10   10 of your rebuttal. The first paragraph

11   you're discussing the change control process

12   and you use the word collaboratively. And

13   the sentence reads, "it's not clear how

14   BellSouth and the other ALECs could be acting

15   more collaboratively." Could you define

16   collaboration in the sense that you're using

17   it here with the quotation marks around it.

18   I just want to make sure I understand it.

19   A.   Let me read the paragraph and I'll

20   respond. Well, the word is put in

21   quotations because it has been bounced back

22   and forth between Mr. Bradbury's testimony

23   and mine. And I know Mr. Bradbury has

24   accused us of not acting in a cooperative

25   effort. And that's what I mean by

1   collaborative effort. You act cooperatively

2   as a group. And we take exception to that.

3   We think we have acted and we've acted in

4   good faith and we are acting in a

5   cooperative approach. That's what I am

6   referring to here.

7   Q.   Okay. So I could substitute the

8   word cooperative, and it would be correct?

9   A.   Cooperative, but collaborative also

10   deals as a group. Collaborative act is a

11   group cooperation. It's not just two

12   parties. It's usually something more than

13   that, but it could be used for two as well.

14   Q.   And over on page 11, you discuss

15   an instance where a consensus is required.

16   Could you also define exactly what consensus

17   is?

18   A.   Well, to me that's a rough one.

19   But first point me to to where I used that,

20   please.

21   Q.   Look on page 11, line 14, is one

22   place where it appears.

23   A.   Okay. Let me first go back and

24   say where I started, that's a rough one. I

25   know that in the document I've usually seen

1   the word -- the change control document the

2   word consensus. Now, to me, consensus means

3   everybody agrees. And that's a level of

4   cooperativeness, collaborative effort that's

5   very, very hard to achieve in any group

6   setting, particularly where members of a

7   group are going to change.

8   And in the setting we are dealing

9   with here, that's part of the process.

10   You've got different people representing the

11   ALEC community at different times for various

12   business reasons that are appropriate. But

13   for a group to be truly able to work in a

14   consensus environment, they have to mature

15   under a team approach and figure out how do

16   we come to a common understanding that we'll

17   all agree to that's for the best of the

18   team, whatever the project is they are

19   working on, even though individually some

20   people may have wished something a little bit

21   different.

22   The way I see consensus used a

23   lot in the change control process is more of

24   a majority, voting on something. So the

25   reference here where consensus is required to

1   make decisions is more from a change control

2   standpoint in the majority.

3   Q.   If I were to then insert, I

4   guess, majority decision in the change

5   control document wherever it says the group

6   must reach a consensus or if a consensus

7   occurs, would that be a correct usage?

8   A.   I don't know. I would have to

9   go back and look at the document and see.

10   A lot of times, you know, you could use in

11   this effort a majority approach if it's

12   something that just requires a simple vote

13   and the outcome of the vote would be

14   acceptable, that's great. But sometimes

15   consensus or a majority may need to go hand

16   in hand because you're asking for a vote but

17   still it has to be subject to what we used

18   earlier the doability and reasonableness

19   associated with with what that request is.

20   BellSouth may still have some reasons why it

21   can't do it.

22   Q.   Well, I guess that is where I'm

23   going about the question about consensus.

24   Does consensus mean something less than 100

25   percent agreement?

1   A.   It shouldn't. If you really look

2   at the word consensus and what it means

3   around working as a team, but in the way

4   I've seen it used in the context of these

5   proceedings, CCP, it appears to be.

6   Q.   Well, would it be useful to define

7   consensus in the CCP, the change control

8   process?

9   A.   If that's -- you know, if I

10   currently have a team working on that, if

11   that would be useful, if they think that's

12   necessary, then I'm going to say since that's

13   the team that has to live with that, for

14   them to define it. If it's not necessary

15   for them, then they can define whatever it

16   is they want. It needs to be clear how it

17   operates. That, I'll agree with you.

18   Q.   Well, I guess that puts us into

19   kind of a circular problem. If we don't

20   know what it takes to reach consensus, how

21   do would know when we get there? And if it

22   requires 100 percent agreement, that's easy

23   to determine. If it requires something less

24   than that, where do you draw the line?

25   A.   I'm not sure. That's where the

1   team would have to define where they draw

2   the line. That's what I'm saying, is if

3   they need more clear definition around it, I

4   have to put myself personally at that avenue,

5   that particular fine aspect where that word

6   is used; but if clarity is not there, then

7   the current team as well as on an

8   on-going-forward basis, because things evolve

9   and change, then you put the clarity in

10   place.

11   Q.   Do you participate in the change

12   control process?

13   A.   Not in the meetings, no, no. I

14   see things from that, but I'm not a member

15   of the change control process itself.

16   Q.   If the change control document

17   calls for consensus and 100 percent of the

18   CLECs agree and BellSouth does not agree, is

19   that a consensus?

20   A.   I would have to first go back and

21   look at how we are using it, in what

22   context. So I mean I can't answer that

23   question. If you've got a specific example,

24   give it to me and let me see.

25   Q.   Why don't we work from RNP 22,

1   since I'm going to come up to that one next.

2   And RNP 22 is your exhibit that shows, I

3   guess, BellSouth's redline of the CLEC

4   redline of versions 2.0 of the change control

5   document; is that correct?

6   A.   Right, that's correct.

7   Q.   Okay. Now, I'll direct you to

8   the page number where it printed out on

9   mine. It's on my page 29. But that's in

10   -- let's see what section it's in. It's in

11   table 4-3, types 2 through 5, detail process

12   flow. And I realize at that it may not be

13   on the same page for you.

14   A.   What step are you looking at?

15   Q.   Step 8.

16   A.   Step 8.

17   Q.   Sub part 5.

18   A.   Okay.

19   Q.   And then in the BellSouth orange

20   language, it says "Based on BST/CLEC

21   consensus, determine which scenario should be

22   implemented."

23   MR. LACKEY: Off the record.

24   (Whereupon, a discussion ensued off

25   the record.)

1   THE WITNESS: I just have to give

2   you my interpretation. We would have to go

3   back to the author of this. But it reads,

4   "Based on BST/CLEC consensus, determine which

5   scenario should be implemented."

6   And my interpretation would mean

7   that then this is based on the CLEC

8   community as a whole and then BST coming to

9   a consensus, an agreement that that is the

10   scenario, whatever the scenario is

11   specifically, should be implemented. That's

12   the way I would interpret it.

13   What I'll have to say, if it's

14   not clear, if it's creating confusion, this

15   word has been used before and, you know, the

16   team that's out there needs to get definition

17   around it so there isn't any confusion.

18   There should be clarity. And that's what

19   part of that subcommittee that's being

20   charged out there to do should be doing.

21   Q.   Well, again, it kind of puts us

22   in a circular situation. If you have to

23   reach consensus about it, what it means and

24   you don't know what it means, what is the

25   first step towards breaking that deadlock and

1   getting there?

2   A.   The first step is the parties

3   discussing what it means. It should be the

4   author here representing BellSouth in that

5   language with the team, the subcommittee team

6   members and their interpretation, and they

7   should discuss it in their meeting, what does

8   it mean and break it down.

9   Q.   Do you know what interpretation

10   BellSouth has placed on that term generally

11   in the context of the change control

12   document?

13   A.   No. I haven't looked at it that

14   way. I have not viewed it that closely, but

15   I see the word consensus. And the answer to

16   you is no, I haven't looked at it that way.

17   Q.   So you can't tell me, then,

18   whether it means BellSouth must agree or

19   there is no consensus?

20   A.   Well, as I said earlier, the way

21   it's used in this particular one that you

22   reference, that's the way I would interpret

23   it, that the consensus means between the CLEC

24   community and BellSouth, we agree in the

25   scenario. But I'm not saying or even

1   implying that that was the intent of how

2   it's used. Just as we sit here and talk,

3   that's the way it impacts me.

4   Q.   Okay. Again, I realize the pages

5   may not be the same, but on my copy, if you

6   turn two pages farther to page 31, that puts

7   you step 10, for me it's the second page of

8   step 10, it looks like sub step or sub part

9   4. Do you see that?

10   A.   I found sub part 4.

11   Q.   Okay. And do you see the --

12   well, I guess there is some blue language,

13   an orange note, more blue language, orange

14   language, blue language.

15   A.   Mine is printed off in different

16   colors, so you're going to have to direct

17   me.

18   Q.   At the very end on my page and

19   maybe not on on yours, there is a

20   parenthetical that says "BellSouth cannot

21   support."

22   A.   The square before it reads

23   "implementation will occur NLT 90 days."

24   Q.   It's right after that. Do you

25   see that?

1   A.   Where you cited "BellSouth cannot

2   support"?

3   Q.   Yes.   Okay.   What does that mean?

4   A.   They could not support the change

5   that was being requested.

6   Q.   So in other words, BellSouth will

7   not agree to it?

8   A.   Yes.

9   Q.   What is the effect of BellSouth

10 not agreeing?

11   A.   Well, at this point, this was part

12 of the document that was developed for one

13 of their subcommittee meetings. So they are

14 saying we can't agree with that. They were

15 supposed to take this back to that meeting,

16 explain why and work from there. So that

17 was just input from BellSouth. We could not

18 support the language that the CLEC community

19 was requesting.

20   Q.   And you're aware, aren't you, that

21 there was recently a ballot regarding some of

22 the suggested changes to the change control

23 document, correct?

24   A.   Yes.

25   Q.   And, in fact, the balloting closed

1   last night at midnight, right?

2   A.   That's my understanding.

3   Q.   Assume with me for a moment that

4   there was some BellSouth language and some

5   CLEC language, if BellSouth could not support

6   the CLEC language, but the CLEC language got,

7   let's say, 100 percent consensus from the

8   CLEC community under the change control

9   process, would the CLEC language go into

10   effect?

11   A.   It's not my understanding that it

12   would, no. If we can't support it, there

13   may be some -- I would have to look at some

14   specific language what that result is, but

15   there may be some reasons, it goes back to

16   that doable and reasonableness issue, that we

17   cannot do that.

18   But for sake of conversation, it

19   may be an interval that's being requested

20   that is beyond reasonableness what our

21   processes internally would support what to

22   do, whatever that particular thing is. And

23   when we get to that and we can't do it,

24   we'll have to sit down and deal with it.

25   Q.   So if I see BellSouth cannot

1   support in that context, it basically tells

2   me it's not going to go into effect over

3   BellSouth's objection; correct?

4   A.   That's -- let me back up. This

5   was meant to send back to the committee to

6   work. I think I got to get to that point

7   to identify those where we say we will not

8   support. I'm not certain, I was not

9   directly involved with all of this where it

10   says cannot support, that that was the intent

11   of this at that point in time. It could

12   have been so we can't support that, we can

13   work with that language, I do not know. We

14   would have to get the people that got that

15   specific. But at some point in time there

16   may be items where we say we cannot support.

17   It's beyond what we can do. We are going

18   to have to deal with those.

19   Q.   So if it came down to a vote as

20   with the recent vote, and there was some

21   language CLECs proposed and that BellSouth

22   could not support, then 100 percent CLEC

23   concurrence would not be enough to overcome

24   BellSouth's lack of support?

25   A.   Well, yes. And I'm going to

1   relate that back to this scenario. If I put

2   a vote out there right now to all the people

3   that work directly for me, that. They want a

4   20 percent increase next year in their

5   salaries because it's that time you've got to

6   look at it, BellSouth is not going to

7   support that. It's going to be beyond the

8   reasonableness. Even though they may have

9   the financial ability to do it, they are

10   going to say no. And I, as their manager,

11   their director, is going to say no. Thanks

12   for the vote. I appreciate the input. Now

13   let's sit down and talk about what we can

14   do.

15   Q.   Okay. Skipping ahead to page 14

16   of your rebuttal testimony. If you start at

17   the very last of line 25, you explain that

18   "BellSouth has committed to following the

19   CCP, and we have agreed to language that

20   requires us to do so." I couldn't find

21   where that language was. Could you show me

22   what it is?

23   A.   Let me read this real quick.

24   Well, this whole area is referring to an

25   issue that was issue 9-G of the BellSouth

1   business rules. And what this is written to

2   is we have acknowledged here that under that,

3   the change control process was not followed

4   as it is written. And what we are saying

5   is if you go back -- this is not a

6   systematic problem. We are going to follow

7   the language as its written, and there is

8   notification languages in here -- we'll have

9   to find it -- associated with documentation.

10   Give me one second. Page 22, all

11   additions --

12   Q.   And you're --

13   A.   I'm sorry, page 22.

14   Q.   Of RNP 22 --

15   A.   Yes. Look and see if we are on

16   the same page again. Page 22 at the bottom.

17   It appears that we are. And the very last

18   bullet point says, "All additions and changes

19   to BellSouth business rule documentation will

20   be provided to CLECs no later than 30 days

21   in advance of the release implementation

22   date," or saying we have built a notification

23   here and I think we have come to agreement

24   on that. I'm not sure where the team is,

25   but that's what I'm talking about, what I'm

1   referring to when I say the document itself.

2   Our company is committed to following the

3   CCP. We have agreed to language that

4   requires us to do so. That's what I mean.

5   Q.   Okay. I was thinking that your

6   testimony said you've agreed to language that

7   requires BellSouth to follow the CCP. Is

8   there any language that I could find that?

9   A.   I'm not sure that there is

10   language, but that's the whole intent of the

11   document. Why are we going through this

12   process of putting a document together and

13   working with the CLECs if we are not going

14   to follow it. We've got better use of our

15   time.

16   Q.   Well, that's was kind of the gist

17   of my question of when you said that you

18   agreed to language that requires us to do

19   so, I just couldn't find that language. And

20   I was wondering if you had a cite to it.

21   A.   No. That's not what I meant from

22   that standpoint, the way it's used in this.

23   Q.   I understand. Okay. Moving on

24   to introduction of new interfaces, which you

25   begin discussing on page 17 of your rebuttal.

1   Are you there?

2   A.   Yes.

3   Q.   Okay. BellSouth is developing OSS

4   today outside of the change control process,

5   correct?

6   A.   I'm not aware of any that they

7   are developing right at the moment

8   specifically targeted to CLECs other than the

9   DLEC TAFI being charged to that subset --

10   I'll call the data LECs a subset of CLECs or

11   ALECs as we refer to them in Florida. Other

12   than that and that was being developed with

13   those data LECs, I'm not aware of any

14   development outside of change control.

15   Now, hold on. Let me back up.

16   I've got to rethink through this. We have

17   some XDSL processing that's taking place,

18   loop makeup, all that area. That I would be

19   -- that's to comply with regulatory. So we

20   had that development and a solution that's

21   being taken place. But that has been shared

22   with the -- in many workshops and forums

23   extensively.

24   Q.   But it's not being developed in

25   accordance with the change control process?

1   A.   Well, I don't know where -- the

2   change control process specific area you're

3   referring to so, why don't you help me by

4   pointing out what we are not compliant with.

5   Q.   Has any DLEC submitted a change

6   request through the change control process

7   asking for XDSL, OSS functionality?

8   A.   Well, that's a regulatory issue.

9   Q.   Okay. And doesn't the change

10   control document say that regulatory

11   requirements will be handled through the

12   change control process?

13   A.   Yes, it does.

14   Q.   Has BellSouth initiated a change

15   request to handle this regulatory requirement

16   through the change control process?

17   A.   I don't recall a change request;

18   however, I don't interpret the development of

19   the interface to require a change request.

20   As I recall the document, it talked about in

21   terms of introducing sharing with the CLEC

22   community, what that was and particularly for

23   new interface development and get their

24   interest. That's what I recall.

25   Q.   How about regulatory requirements?

1   Aren't those to be developed through the

2   change control process?

3   A.   The regulatory requirements should

4   be shared through the change control process.

5   Whether that means that you submit a change

6   request or not, I don't know. I haven't

7   looked at it and interpreted it that way. I

8   know it would be feasible to submit change

9   control requests for some of the regulatory

10   requirements. It may be -- and I don't have

11   one off the top of my head, but it maybe

12   on the magnitude -- I'm thinking of the UNE

13   remand order, what all is going there, as

14   large the scope of that is, that it would be

15   hard to incorporate it in just a change

16   request. It's a pretty big undertaking.

17   Q.   Do you know whether -- and let me

18   make sure I use your language. I think you

19   said it would be appropriate to share the

20   development through the change control

21   process. Did I get that right?

22   A.   Yes. And we have in here for

23   new interfaces that we would bring that to

24   the change control. I'll have to put that

25   language out and share with them to get

1   interest. However, I think that's more

2   intended, when I think of an interface, I

3   think of something like our TAG interface, or

4   our LENS interface, where we are developing

5   something of that nature as opposed to

6   something that may be far, far more reaching

7   and when I referred to the UNE remand and

8   all of that and we are having to develop a

9   whole new architect associated with processing

10   those orders.

11   It's more than just -- the

12   interface that would be used for that is the

13   same interface. You would submit the orders

14   via TAG but some of the architecture behind

15   it being developed would be different.

16   Q.   What exactly is BellSouth

17   developing in the way of XDSL OSS?

18   A.   We are putting a new corporate

19   gateway in place that will be where those

20   requests come through. And the architecture

21   behind that, it will not be going through

22   the LEO LESOG that you're more accustomed to.

23   That's how the local service requests route

24   today. Instead it will come through a

25   corporate gateway that will have a router

1   there that will do the same things through

2   LEO and LESOG, but it will have more

3   capacity and be able to handle and designed

4   to handle the specific XDSL as well as

5   eventually line sharing. And line sharing is

6   not in place right now.

7   Q.   So that would be an had interface,

8   right?

9   A.   No. That's what I'm trying to

10   clear up. The interface and what we are

11   trying to describe in the change control

12   process is the interface that the CLEC uses

13   to actually input that order. That's going

14   to be coming through the same interface as

15   it is today.

16   Q.   Which is?

17   A.   TAG, EDI, LENS is what I'm

18   referring to.

19   Q.   So if I understand you correctly,

20   then, if I'm the CLEC and I'm using whatever

21   interface I'm currently using, TAG, EDI, I

22   will enter my orders, for example, into the

23   interface I'm already using. After the

24   information leaves my interface, it goes to

25   the new gateway --

1   A.   Yes.

2   Q.   -- a new corporate gateway?

3   A.   So that's still developing OSS,

4   when you use the term. But the OSS is all

5   that architecture behind it. It's not the

6   interface associated with getting that data

7   transmission for that request. And what we

8   are trying to focus here in the change

9   control process is the interface.

10   Q.   If I'm a user of EDI, and I'm

11 sending, I guess, orders that are going to

12 the corporate gateway, what's different about

13 those orders or -- strike that.

14   Is the path that those orders

15 travel after they leave my interface the same

16 as they would be if it went through LEO and

17 LESOG?

18   A.   No. It will take a different

19 path, but that will happen once it comes to

20 BellSouth. And then it will be identified,

21 send it to that route to take it to the

22 corporate gateway.

23   So from a CLEC user's perspective,

24 you'll still use your same interface. We

25 are giving you the business rules or whatever

1   you need to do to modify or change that, but

2   it will be routed differently when it comes

3   over to BellSouth.

4   Q.   So is there a router in between?

5   A.   There is a router in between. I

6   have to go back and think through this. I

7   haven't looked at the diagram in a while.

8   (Whereupon, a discussion ensued off

9   the record.)

10   Q.   (By Ms. Rule) I've handed you a

11   document prepared by Mr. Bradbury that's a

12   colored chart with many boxes with arrows.

13   Do you have that?

14   A.   Yes, I do.

15   MS. RULE: Why don't we identify

16   that as an exhibit.

17   (WHEREUPON, Pate Exhibit-3 was

18   marked for identification.)

19   Q.   (By Ms. Rule) And have you had

20   an opportunity to look at it a little bit?

21   A.   Yes, I have.

22   Q.   Now, this is Mr. Bradbury's

23   attempt to put on paper what he understood

24   the corporate gateway to be and how it

25   worked with some other BellSouth systems?

1   A.   Okay.

2   Q.   And I understand you have a

3   proprietary document in front of you that you

4   cannot share that you're able to compare with

5   this.

6   A.   Yes, it's a proprietary document

7   because it's one that's not produced by

8   BellSouth. The corporate gateway solution

9   that we are currently deploying comes from

10   Telcordia Technologies. So I'm looking at

11   their document. And that's why it's --

12   Q.   So you're able to compare the

13   Telcordia diagram with Mr. Bradbury's diagram?

14   A.   I can try to compare, but I can

15   probably better just describe the flow, so if

16   I can't answer your questions from that

17   standpoint.

18   Q.   Let's try it that way.

19   A.   If I recall the question, you

20   wanted to understand how an XDSL order would

21   be routed. And it depends on what interface

22   you're using. If you're using a TAG or

23   RoboTAG, it's going to be routed directly to

24   the corporate gateway. As well as for LENS,

25   it will go directly to the corporate gateway.

1   If you're coming via EDI, which

2   AT&T is primarily an EDI user, it's going to

3   go through the EDI central over to the local

4   service request router referred to as LSRR in

5   Mr. Bradbury's diagram. And the LSRR will

6   identify that as an XDSL transaction and

7   route that to the corporate gateway. So

8   only for EDI does it come in via the LSRR.

9   The rest of it or all others, it goes

10   directly to the corporate gateway.

11   Q.   And going back to something you

12   said earlier, you said that, please correct

13   me if I've got it wrong, but this was not

14   an interface because the CLEC or DLEC uses

15   the TAG, the EDI, the LENS interface to, I

16   guess, prepare and send their orders,

17   correct?

18   A.   That's correct. The interface

19   that currently exists today are the same

20   interfaces that are used. It just would be

21   routed via a different gateway.

22   Q.   So it falls in the category of

23   operation support systems but not an

24   interface?

25   A.   That's the way I described it, and

1   that is the intent of the change control.

2   All this architecture, OSS incorporates all

3   of our back -- further downstream legacy

4   provisioning systems. This is a rather

5   encompassing term.

6   Q.   Mr. Bradbury has been very clear

7   with me on that issue. So if I'm a DLEC or

8   CLEC user, then I will need to get

9   information from BellSouth to program my

10   interface, so it can appropriately interact

11   with the corporate gateway, correct?

12   A.   Sure.

13   Q.   And is that the business rules you

14   were referring to?

15   A.   Yes.

16   Q.   And there would also be some

17   technical specifications?

18   A.   Yes.

19   Q.   Would the business rules be

20   developed through the change control process?

21   A.   The business rules for this

22   initially were being developed through some

23   BETA testing because of this being put in a

24   whole new architecture in place. So I don't

25   believe -- I don't know whether these

1 business rules were ever shared with the

2 change control process. I don't know. What

3 I do know is it was worked in a cooperative

4 effort with several BETA testers that we

5 identified. And we do this periodically. I

6 mean, AT&T has participated in such things

7 before to come in and BETA test it, fine

8 tune, and work these out.

9   Q. Is there a separate DLEC change

10 control process?

11   A. No.

12   Q. Going back to Exhibit 3, I guess

13 the question is does Mr. Bradbury have it

14 mostly right down here? Are there any

15 changes you could make to if he has got it

16 wrong somewhere? I would really, of course,

17 like to see the proprietary document. But

18 failing that, I just want to make sure I

19 understand the flow and perhaps we can work

20 off this one.

21   A. Well, I get confused by his flow

22 because the way he does it, he just points

23 from the ALEC premises to this larger big

24 box. And you got to go a little bit

25 different route than that. For example, his

1   EDI client, that should be drawn directly to

2   the LSRR, the local service request router.

3   Then the RoboTAG and --

4   Q.   Okay. Got it.

5   A.   The RoboTAG and the TAG client is

6   going to be going right to the corporate

7   gateway. And I'm confused by the way he has

8   his EDI, LENS server and TAG server. If he

9   means BellSouth's server, which I think he

10   does, I'm just confused by how he has got

11   that down.

12   Q.   I believe everything in the big

13   yellow box is BellSouth.

14   A.   That's what I think he intends as

15   well, but it's going TAG, API is pointed

16   right to the corporate gateway.

17   Q.   It wouldn't be -- see where he

18   has TAG server going to LSRR?

19   A.   Yes, that line would not be there

20   for an XDSL transaction. However, it would

21   be there if it was other than an XDSL

22   transaction.

23   Q.   Okay.

24   A.   So his diagram has got me even

25   confused. He is usually more simplistic than

1   this.

2   Q.   Okay. Let me make sure I

3   understand. If I am a DLEC, and I'm sending

4   an XDSL order from an EDI client, it goes

5   directly to the LSRR and from there it goes

6   to the corporate gateway; is that correct?

7   A.   That's right. And we would have

8   EDI central coming into the EDI server

9   somewhere positioned in between. It takes it

10   right to the LSRR. So that's where it's

11   initially received our server for EDI.

12   Q.   Okay. Which --

13   A.   I'm not sure if that's what it

14   means or not.

15   Q.   But if I drew an EDI server in

16   there, that would be in between the EDI

17   client and LSRR?

18   A.   Yes. And then goes next to the

19   electrical service request router. And it's

20   saying it looks at that transaction when it

21   gets into the local service request router,

22   that's asking is this an XDSL transaction or

23   is it everything else today? Is it an

24   everything else would be a resell transaction

25   or UNE-P or loop order. If it's that, then

1   the LSRR takes it to the LEO LESOG route.

2   Q.   Okay. So then if I'm the DLEC

3   using the EDI client, every one of my orders

4   is going that route?

5   A.   Yes.

6   Q.   Not just my XDSL orders?

7   A.   That's correct. It's only EDI

8   that's the exception. For TAG and LENS, it

9   is going directly to the corporate gateway.

10   If it's XDSL, but everything else is going

11   via over to the LEO LESOG route which first

12   comes into LSRR to get there.

13   Q.   Okay. So --

14   A.   Understand -- let me back up for

15   you so you can put this piece together. He

16   has got -- he has got it captured that the

17   -- one of the main reasons of the local

18   service request order was to determine

19   whether it was LNP or not. And if it was

20   an LNP transaction, it would send it to the

21   LNP gateway, which he has that captured. If

22   it was not LNP, it sent it to LEO and

23   LESOG. Now we've introduced this new

24   component just for EDI coming in which is

25   saying if it's XDSL, take it over to the

1   corporate gateway.

2   Q.   So for a EDI client, then LSRR is

3   basically a router for everything. It looks

4   at and routes all orders coming from the EDI

5   client?

6   A.   That's correct.

7   Q.   But for RoboTAG and the TAG

8   client, it sounds like the DLEC or CLEC

9   interface itself splits the orders and sends

10   XDSL to the corporate gateway and the rest

11   where?

12   A.   It will send the rest over back

13   to the LSRR or first come into our server

14   which will take it to the local service

15   request router. And for those transactions

16   all it is saying, is it LNP or not.

17   Q.   Now, I want to go to something

18   you said before, and I'm not sure I

19   understood. I think you said the corporate

20   gateway was going to take the place of LEO

21   and LESOG?

22   A.   I said it could potentially. Some

23   of those transactions down the road, as we

24   take at look at it is one span or capacity,

25   whatever the corporate gateway may allow us

1   to do, that that will be something we'll

2   look at.

3   Q.   What exactly do you mean by that?

4   A.   By capacity?

5   Q.   Well, I mean, yes, let's talk

6   about capacity?

7   A.   Well, what I'm saying as the

8   industry continues to grow, there is going to

9   be more volume we expect. And so you're

10   always looking at the scaleability of your

11   system meaning how can you grow that capacity

12   and grow that volume. It will be constantly

13   watching this and there may be certain

14   transactions that we will start to take via

15   the corporate gateway. We definitely

16   continue to try to work on all the UNE

17   remand 319 products. And probably as those

18   are developed, whatever we can develop for

19   mechanization, they will probably come to the

20   corporate gateway and not via LEO or LESOG.

21   (Whereupon, there was a brief

22   recess.)

23   Q.   So would you envision then over

24   time LEO and LESOG being phased out?

25   A.   I can't see that far at this

1   point. I don't see LEO and LESOG being

2   phased out at any point in time in the near

3   future. Could its use change, different

4   transactions going that way, potentially yes,

5   but phase out, I don't see at this point.

6   Q.   Okay. Going back to Exhibit 3,

7   down at the bottom left there is a box and

8   it says BellSouth ROS, and an arrow, direct

9   API, and it's pointing at corporate gateway.

10   How does BellSouth or how will BellSouth

11   enter orders into the corporate gateway?

12   A.   Right now BellSouth does not enter

13   orders into the corporate gateway. It goes

14   directly to the service order communication

15   system, SOCS.

16   Q.   What's the relationship between ROS

17   and the corporate gateway?

18   A.   There is none today.

19   Q.   Will there be when the corporate

20   gateway is fully implemented?

21   A.   I don't know. There's been

22   discussion of routing transactions through the

23   corporate gateway. BellSouth's all their

24   retail units come in in that way, but I'm

25   not sure where that is. There has been some

1   discussions.

2   Q.   What advantage might that offer?

3   A.   I don't know if it's more of an

4   advantage, you could categorize it as that or

5   just more us being -- I say us -- where I

6   work being the network organization, we

7   would ensure that all transactions are coming

8   in the same way.

9   Q.   Is there anything fundamentally

10 wrong with Mr. Bradbury's diagram?

11   A.   Well, I point out some of the

12 arrows and whatever, and I would have to sit

13 down and study it in a little bit more

14 detail. It's looks like he's got all the

15 piece parts identified. I would just have

16 to look at each individual arrow and how he

17 has it going. It's kind of difficult for me

18 to embrace that all right here on the spot.

19 So I'm just not going to be able to answer

20 that without studying all this. I don't

21 know what he means by New SOG, service order

22 gateway.

23   MR. BRADBURY: Service order

24 generator.

25   THE WITNESS: Service order

1   generator, okay. I would have to study it.

2   I like mine better but I can't give it to

3   you.

4   MS. RULE: Well, if there is any

5   way that you could give it to us, I would

6   very much appreciate it.

7   MR. LACKEY: Why don't you just

8   keep bringing that up. Let me tell you what

9   I'll do, I charge you to go find out when

10   you get permission from Telcordia to give

11   them that.

12   THE WITNESS: I have already

13   written myself a note. I want to look at

14   that.

15   (Whereupon, a discussion ensued off

16   the record.)

17   Q.   (By Ms. Rule) Are you familiar

18   with the CLEC test environment now being

19   built under change control?

20   A.   Yes, I have some familiarity with

21   it, yes.

22   Q.   Will the CLEC test environment be

23   able to work with the corporate gateway?

24   A.   I haven't looked at it. I really

25   don't know. And my reaction would be yes,

1   it should, but I don't know.

2   Q.   Do you know of any reason at this

3   time why it wouldn't be able to?

4   A.   No. I don't know of any reason

5   why it would not.

6   Q.   Does BellSouth currently have any

7   OSS in place that will facilitate line

8   sharing?

9   A.   Yes, there is currently today --

10   it went in September 30th of last year where

11   you could submit line sharing orders

12   electronically and it went via the LEO LESOG

13   route. We were also -- that's sort of for

14   us an interim measure, line sharing. We, as

15   part of this overall Telcordia solution, will

16   have in place right now, targeted towards

17   probably third quarter's time frame, where it

18   will come in via the corporate gateway. But

19   we went ahead and put the interim solution

20   in place via LEO and LESOG.

21   Q.   How about for line splitting?

22   A.   Nothing on line splitting.

23   Q.   Do you know whether BellSouth has

24   any plans to put OSS in place for line

25   splitting?

1   A.   I don't know what the plans are.

2   I haven't been close to that one.

3   Q.   Do you know who would be?

4   A.   I mean, that would come from our

5   IT group headed up from the BellSouth's

6   standpoint by Mr. MacDougal. And, of course,

7   Mr. Stacy is involved with that as well. I

8   just have not gotten close to the line

9   splitting.

10   Q.   Would the OSS for line sharing be

11   similar to the OSS for line splitting?

12   A.   Well, I don't know since I said I

13   haven't gotten close to the line splitting.

14   Q.   Okay. I thought you weren't close

15   to the plans. Does BellSouth currently have

16   in place its own electronic interfaces that

17   it uses for provisioning or providing XDSL?

18   A.   You're referring to -- ask me the

19   question again, please. I'm sorry.

20   Q.   Let me ask it in a different way.

21   How does BellSouth order XDSL services for

22   its retail customers?

23   A.   We have an ADSL product offering,

24   I think it's called fast access. I haven't

25   looked at that closely. And so I'm not

1   familiar with exactly how that order flows.

2   Our ADSL offerings, we offer a tariff ADSL

3   to network service providers. And there is

4   some relationship that we, our retail units

5   sell fast access, but I just don't know the

6   details of that, I'm sorry.

7   Q.   Well, would you agree that

8   whatever interfaces or systems BellSouth has

9   in place for delivering XDSL to its

10   customers, it must make equivalent

11   functionality available to the CLECs?

12   A.   Corporate functionality, access to

13   corporate functionality, I will agree.

14   Q.   Are you familiar with the Access

15   271 order?

16   A.   I've read at least parts of it,

17   yes.

18   Q.   And that's the order that came out

19   last June of 2000?

20   A.   Whatever time, yes.

21   Q.   Are you aware of the position that

22   the FCC took regarding line splitting with

23   UNE-P?

24   A.   No.

25   Q.   Are you familiar with an August

1   2000 ex parte, a BellSouth ex parte to the

2   FCC regarding line splitting?

3   A.   No.

4   MS. RULE: Off the record.

5   (Whereupon, a discussion ensued off

6   the record.)

7   Q.   (By Ms. Rule) Okay. Back on

8   the record. The FCC recently issued a line

9   sharing and line splitting order in this

10   month, as a matter of fact, that said ILECs

11   and CLECs should work toward processes to

12   develop a single order process to add XDSL

13   to UNE-P voice customers. Are you aware of

14   any developments in process toward that goal?

15   A.   No, not at this point.

16   Q.   Do you know of any CLECs in

17   BellSouth's territory that are currently

18   engaging in line splitting?

19   A.   No.

20   Q.   Okay. Skipping way ahead to page

21   25 of your rebuttal. See a list of various

22   types on lines, it looks like 15 through 19.

23   Do you see that?

24   A.   Yes.

25   Q.   And then over on the right-hand

1   side of the page, you've got various dates

2   listed as turnaround.

3   A.   Yes.

4   Q.   Could you tell me exactly what

5   turnaround means? When would be the start

6   and when would be the end of the turnaround?

7   A.   Well, what turnaround means is, as

8   the name implies, from the time you received

9   it and you turn it around and get it back

10   to the individual or the party that gave it

11   to you. Turnaround should be -- I don't

12   know how it's defined here very specifically,

13   if they have gotten that level of detail, it

14   should be date and time you receive it and

15   the date and time you send it back out.

16   Q.   So would turnaround mean that the

17   problem should be resolved or that a response

18   would have been given? I'm not sure which

19   one.

20   A.   Well, I'm just defining the word

21   turnaround. I haven't looked in the context

22   specifically with what the question was here.

23   So let me read it first. We are talking

24   about the escalation process. And AT&T was

25   referring to specific intervals it had added

1   for the steps in the process, the steps

2   being defined as when you go from one level

3   of escalation to the next level. And I

4   think there is three or four levels of

5   escalation. And depending on the type of

6   the change request we are dealing with, we

7   have different intervals that were being

8   proposed.

9   So what we are referring to is

10   you have a response for type one issue of a

11   one-day turnaround for that escalation. And

12   then if it went to the next level, it would

13   be another day turnaround is the way I'm

14   interpreting this.

15   Q.   So turnaround would basically mean

16   completion of that step, whatever that meant?

17   A.   Yeah, you got a response. It may

18   not be the response, you wanted but you've

19   got a response.

20   Q.   And going ahead to page 30, I

21   would like you to take a minute to read line

22   15 through 4 of the next page.

23   A.   Okay.

24   Q.   Now, it seems to me on line 24,

25   where you say that a single employee types

1   the order into DOE, we are referring to a

2   BellSouth employee, correct?

3   A.   Yes.

4   Q.   So when the BellSouth employee

5   types the order into DOE, the ALEC still has

6   to go back and add information into its own

7   internal systems, correct?

8   A.   Sure, if you -- for your ordering

9   system itself, whatever you're tracking.

10   Now, you say add information. You've given

11   us an order, and we've inputted the order at

12   that point in time. So I'm not sure what

13   information you're adding. When you're

14   saying if something comes back on the order,

15   then, yes. But if you want to keep your

16   OSS, internal OSS, your database updated,

17   you're going to have to key that information

18   in.

19   Q.   Okay. Okay. On page 35 --

20   actually beginning at the very bottom of page

21   34. You state that complex variable

22   processes are difficult to mechanize and

23   BellSouth has concluded that mechanizing many

24   lower volume complex retail services would be

25   imprudent for its own retail operations.

1   What are those many lower volume complex

2   retail services to which you're referring to?

3   A.   Well, I don't have a list in

4   front of me, but I would think probably

5   multi serves is an example. I would have to

6   go back to the actual retail operations of

7   wanting to develop a specific list. However,

8   what I'm referring to is these transactions

9   are very complex by the nature of the

10   service that you're requesting, that you're

11   ordering.

12   And if you look at the overall

13   business transactions that we do that fall

14   into the complex categories, it's a small

15   percentage. It's not big volume produced

16   type transactions. And a lot of these

17   design services makes them unique. And that

18   even complicates it further for mechanization.

19   Q.   When you say there are many, you

20   know, without having a list, I'm not sure

21   what that means. Is that, like, 50, 10?

22   A.   Well, no. You could go to the

23   listing of the services from a resell service

24   standpoint that's in the service quality

25   measurement that talks about flow through.

1   And I think it's got most of the products

2   identified there. And you could work from

3   there. I don't have that with me.

4   Q.   Okay. I notice in this testimony,

5   you discuss pending SUPPs in connection with

6   flow through. And it looks like it begins

7   over on page 39. And you mention that this

8   was a new category to add with the September

9   report as a result of an exception in the

10   Georgia third-party test, correct?

11   A.   That's correct.

12   Q.   Are you aware that KPMG has

13   reopened this exception recently?

14   A.   They reopened it as a result of

15   this. I thought it's also now closed as

16   well.

17   Q.   Okay. There is another thing on

18   page 43 that confused me. And that's where

19   you're talking about nine users combining for

20   over half the LSR business resell volume?

21   So we are talking about I guess the majority

22   of the volume coming from nine users,

23   correct?

24   A.   That's correct.

25   Q.   I just really don't understand how

1   a majority of the data can skew the results.

2   I mean, I don't understand your sentence on

3   page 9.

4   A.   No.   It's not saying a majority

5   of the data can skew the results.   It's the

6   fact that the majority of the data comes

7   from a minority of users can skew the

8   results.

9   Q.   But it's still the majority of the

10   volume percentage?

11   A.   It is the volume percentage;

12   however, what's dictating that volume is the

13   particular type of orders and whatever those

14   few users were doing.   If you had across the

15   board everybody doing the various different

16   orders, you would have a different base from

17   which the data would be coming from.

18   So based on these nine users,

19   their plans, if they are more predominant

20   users of electronic interfaces, as well as

21   their particular market niche they have

22   carved out is given a particular order type

23   to come to us, then I think that skews the

24   data.   The systems may be capable of many

25   more things.

1   Q.   But if this is the type of order

2 that the systems are largely being asked to

3 handle, wouldn't then the data be indicative

4 of how that type of order is handled?

5   A.   For those nine users.

6   Q.   For that amount of volume?

7   A.   For those nine users.

8   Q.   Does that mean yes or does that

9 mean no?

10   A.   I'm saying it's representing more

11 based on nine users instead of the CLEC

12 community as a whole because those nine users

13 are the predominant users of the system.

14   Q.   So basically those are the users

15 you have to look to to determine the volume?

16   A.   Those are the users you have to

17 look to what the data is reflecting.

18   Q.   And moving on to page 53. On

19 line 5, you say, "TAFI cannot be integrated

20 for either user community." And I believe

21 in that context you're referring to the ALECs

22 and to BellSouth, correct?

23   A.   That's correct.

24   Q.   If you look on your direct

25 testimony, on page 84, beginning on line 4,

1   you have a statement that starts out, "While

2   it can be said that TAFI is integratible

3   (interfaces) with BellSouth's back end legacy

4   systems, TAFI is not integrated with

5   BellSouth's marketing and sales support

6   systems RNS and ROS."

7   Could you, I guess, rationalize

8   these two statements for me?

9   A.   What I'm trying to do is play

10   with the term that I feel like has been

11   misused. It's a quote, and I don't know if

12   it was of Mr. Stacy's or whomever that was

13   made back in the reference to one of the FCC

14   rulings saying that we had superior

15   integratability with TAFI -- or I forgot the

16   exact quote, but that's what a lot of this

17   -- both these sections are dealing with. So

18   when I say while it can be said that TAFI

19   is integratible, I'm trying to refer back to

20   that. And I tried to clear it up in the

21   rebuttal that we think it's just a

22   misinterpretation, that you just misunderstood

23   what someone had said. It's really not

24   integrating with any of the systems. It's

25   using data, getting data from that system to

1   perform its functions. And that's what I'm

2   trying to better articulate here.

3   Q.   I'm still not sure I understand

4   exactly what you mean.

5   A.   Okay. Well, let me go back to

6   page 53 of my rebuttal. Down at the bottom

7   of line 22, I read the statement made by

8   BellSouth in the Louisiana 271 application

9   before the FCC was misinterpreted by AT&T.

10   "The statement, in quotes, 'BellSouth concedes

11   that it derives superior integration

12   capabilities from TAFI,' means that TAFI

13   obtains data from various OSSs where given a

14   trouble condition and then mechanically

15   integrates this information to form the

16   analysis to determine the course of action to

17   effect a repair."

18   The integration that we are trying

19   to refer to that I say back over here, while

20   it can be said that TAFI is integratible, is

21   the integration of that information from the

22   various systems into TAFI so that it can

23   perform its function, which is the function

24   of assessing and doing screening for that

25   particular trouble. It is not trying to

1   clear up. It is not integrating information

2   with the systems in BellSouth. It's using

3   that information.

4   Q.   Do you happen to have Mr.

5   Bradbury's direct testimony with you?

6   A.   No, I don't have any of Mr.

7   Bradbury's.

8   Q.   Let me share with you just a page

9   from his testimony that I believe has the

10   quote to which you're referring.

11   A.   Which do you want me to look at?

12   Q.   If you start down at the bottom

13   of the page. I think you see the question

14   and quotes over on the next page continuing

15   to the page after that. Could you take a

16   look at that?

17   A.   Okay.

18   Q.   Could you show me where in that

19   quote or what in that quote supports your

20   definition of integration?

21   A.   Well, that's what I'm saying, we

22   think the party is confused with this quote.

23   I know we've had interaction with the FCC

24   staff since this came out. We think that

25   confusion is cleared up at this point in

1   time. And our next application will support

2   that clarity.

3   Other than that, where they say at

4   the end, in other words, TAFI is integrated

5   with BellSouth's other back offices systems,

6   that's what I'm saying; it really is not

7   integrated with those systems. And that's

8   what some of the confusion, I think, is

9   generated here from.

10   Q.   Tell me again why you say it's

11   not integrated.

12   A.   It gets information from the

13   systems. For example, if TAFI -- TAFI is a

14   front end system to LMOS, which is really

15   the processing for trouble tickets take place

16   in LMOS. If you shut TAFI down tomorrow,

17   LMOS and all the other OSS still functions.

18   Q.   If you shut LMOS down, would TAFI

19   still function?

20   A.   No, TAFI can't function without

21   LMOS. It gets information from LMOS. It

22   gets information from other sources depending

23   on the trouble ticket as well. We built the

24   intelligence into TAFI that someone physically

25   use to have to sit there and do to screen

1   it.

2   Q.   So LMOS is integrated with TAFI,

3   but TAFI is not integrated with LMOS?

4   A.   No, I didn't say LMOS is

5   integrated with TAFI. It's a front end that

6   TAFI would send information to LMOS to start

7   and open a trouble ticket and do things.

8   Q.   So it interacts with LMOS, but

9   it's not integrated with LMOS?

10   A.   Someone has to physically sit

11   there at TAFI. It's a human and a machine.

12   And they are going to have to be sitting

13   there doing things and telling it to do

14   things. It's just submitting a transaction

15   and then goes into LMOS to open a trouble

16   ticket. It's not dependent upon TAFI.

17   Someone could directly go into LMOS and open

18   a trouble ticket.

19   Q.   But if I understand you, TAFI is

20   dependent upon LMOS, in that if you pull

21   LMOS, TAFI won't work properly?

22   A.   Dependent upon LMOS? There is no

23   need for TAFI without LMOS, if you want to

24   say it that way. TAFI is the front end to

25   LMOS. It's just -- I'm trying to think of

1   a better way to describe it and compare it

2   to some other systems.

3   Q.   No. That's fine. Are you

4   familiar with the form of the change control

5   ballot that was recently distributed and used

6   to vote on process changes to the CCP?

7   A.   I read it one time. Same time

8   it went out I saw it.

9   Q.   And did you notice that it didn't

10   have a yes or a no vote approach to a

11   decision?

12   A.   It had different levels, strongly

13   agree or disagree type of approach and four

14   or five categories, but I've forgotten the

15   specific ones.

16   Q.   Is BellSouth willing to agree that

17   that's an acceptable way of balloting in the

18   future?

19   A.   I can't speak for that. I don't

20   know.

21   Q.   I've got some questions about

22   change control groups. And one of them is

23   called the triage group. What is the

24   function of the triage group?

25   A.   You said change control group as

1   far as a part of the change control process?

2   Q.   Well --

3   A.   CLECs?

4   Q.   Why don't we change it. Why

5   don't you just tell me what the function of

6   the triage group is.

7   A.   I've seen the term but I'm not

8   close to what the triage group does, so I'm

9   not sure. My understanding of the triage

10   that I was aware at one time was it consist

11   of a lot of project managers representing --

12   taking a look at wholesale systems, retail

13   systems and then -- or like their

14   terminology, downstream back end systems.

15   That's where the triage terminology, I think,

16   came from, but I'm not sure.

17   So these were the project managers

18   representing those different systems, and they

19   would take a look at all the different

20   changes and assess, based on that change,

21   what systems would be impacted, what needed

22   to be done.

23   Q.   Does the triage group have any

24   relevance with regard to the change control

25   process?

1   A.   I'm sure they would have some

2   relevance as to when they know the changes

3   are coming, they would look at it to make

4   sure all system impacts had been taken into

5   consideration for implementation. But I

6   don't know how -- where that specifically

7   fits in.

8   Q.   Do you know what the senior board

9   of directors is?

10   A.   There is a -- senior board of

11   directors is a term or board of directors, I

12   forget the specifics. I don't require --

13   excuse me, I don't recall that being within

14   the change control document itself. But

15   there is a board of directors at BellSouth

16   that sort of counsels, gives advice to the

17   change control administrators in this case,

18   the change control manager, whatever issues

19   are coming up in change control. And these

20   are the same people that are involved,

21   actually, from a reporting structure to those

22   individuals. It has some relationship as

23   well. So it's just directors.

24   Q.   So some of the change control

25   personnel would typically report to persons

1   on the senior board?

2   A.   One of the persons, yes.

3   Actually, it's their director that they

4   report to. Another one is someone that's

5   closer to the systems but has a lot of

6   interaction as well. It's not a reporting

7   relationship, but would have a lot of

8   interaction day in and day out. And I think

9   there is three of them. I'm trying to

10   remember who the third one is. They are all

11   people that day in and day out are involved

12   with the systems either from an

13   administration or changes. But they don't --

14   they are not an active participant as far as

15   the way the change control process is defined

16   as a member. We have, you know, Valerie

17   Coddingham, who is a change control manager

18   and the staff that supports her.

19   Q.   What is the change review board?

20   A.   I'm not sure if it's different

21   than what I just described, and I may have

22   the two confused.

23   Q.   We've talked about some language

24   that has been proposed by CLECs and proposed

25   by BellSouth, you know, generally we've

1   talked about it in the -- I believe it's RNP

2   22. And I'm kind of confused about who

3   within BellSouth actually is proposing the

4   language? Would it be Valerie Coddingham's

5   group?

6   A.   I think she has probably several

7   people that she goes to, the directors that

8   we just talked about, senior directors board,

9   whatever the term we use is probably one of

10   the main components associated with that.

11   Those are the individuals that are more of a

12   senior manager level in the company and have,

13   therefore, a better understanding of a

14   broader picture of how things impact. So a

15   lot of that would be getting input from

16   those individuals.

17   And thinking back on your question

18   on the change review board, I'm not sure,

19   but that may be referring to some of the

20   actual SMEs associated with whatever area.

21   SMEs being the subject matter expert. There

22   may be a board there, but I'm not sure how

23   that functions when you submit a change

24   request, and I would take a look at that.

25   As a result of that, they go back

1   to those particular subject matter experts if

2   there is a given area as part of this

3   language, and they would be giving their

4   input as well.

5   Q.   What is the actual internal

6   BellSouth process by which BellSouth decides

7   whether to agree or disagree with CLEC

8   proposed language?

9   A.   Well, that's what we are just

10   talking about. Those individuals would be --

11   primarily that those individuals on that

12   board, that director board would be the ones

13   that take a look at that and take a look at

14   whether it's something we could do or not

15   do, talk with the various subject matter

16   experts. They come more into play when

17   you're looking at an internal process

18   intervals, how quickly can you do things.

19   They're going to have to put those in place.

20   And they would then look at that and give

21   that direction back to Ms. Coddingham.

22   Q.   Would CLECs ever interact directly

23   with the senior board of directors?

24   A.   Not as a board, I don't think

25   they do. I don't think they do. They may

1   interact with some of them individually, but

2   I don't think they do as a board.

3   Q.   How would that come about, the

4   individual interaction?

5   A.   Just if they happen to be someone

6   representing the aspect at a meeting telling

7   them about something that's going on. They

8   wouldn't be doing it in in the capacity of a

9   member of that board.

10   Q.   How many CLECs participate in

11   change control process improvement meetings?

12   A.   The improvement sub team or the

13   CCP monthly meetings? Please clarify.

14   Q.   Well, let's talk about both of

15   them.

16   A.   Okay.

17   Q.   Because I'm not sure of the

18   difference, so please tell me what you mean

19   by the sub team first.

20   A.   Well, the sub team that I'm

21   referring to is a team that was chartered

22   out of the change control process to go and

23   take a look at this document and then try to

24   come together to help finalize this and get

25   down to those -- particularly those issues

1   that we discussed earlier where we definitely

2   just cannot agree. And that's where a lot

3   of the ballot just went out about.

4   Q.   And that would be the process

5   improvement sub team?

6   A.   Yes. And I don't know how many

7   individuals are on that. I think there is

8   -- I'm guessing here -- it's about six or

9   seven participating CLECs in that process, as

10   well as the BellSouth representatives.

11   Now, the second thing I was

12   referring to is the monthly meetings themself

13   in the change control process. And from my

14   review of the minutes, there is only a

15   handful, 10 to 12 that really participate in

16   those meetings on an ongoing -- if you look

17   at them on an ongoing regular basis, you

18   would probably only get there is six or

19   seven that participate. And there is a few

20   that jump in and out if something to their

21   interest is before them in that change

22   control process.

23   Q.   I've seen a number of E-mails from

24   a change control group at BellSouth, and it

25   seems like they notice everybody who wants to

1   hear anything.

2   A.   Well, that's not everybody. It's

3   those who have registered to be a

4   participant. And at last count, it was

5   close to a hundred CLECs that were

6   registered. So they get the E-mails of

7   everything, the minutes, they have E-mails

8   sent to them. And for a lot, that's

9   probably all they need. And they feel like

10   that satisfies their need. And they go on

11   about their business. I don't know what

12   they do with it, but they have signed up as

13   a member. But I talk about registered

14   members and I talk about participating

15   members. And what I described to you, those

16   few who are participating members, that are

17   small in number.

18   Q.   So it sounds like about a hundred

19   or so members, and I think you said two sets

20   of numbers, six to seven to maybe 10 to 12

21   would participate in monthly meetings?

22   A.   That's correct.

23   Q.   And then perhaps even a smaller

24   group of six or seven who are in the process

25   improvement subgroup.

1   A.   I have not done a comparison.

2   That process improvement team are those

3   ongoing members that show the interest and

4   work in the CCP. And to take it one step

5   further, the participating -- or excuse me,

6   the registered members are only about

7   one-third of the total active CLECs that we

8   have. So we have, you know, two-thirds that

9   don't care or whatever, I don't know, but

10   they don't participate at any level through

11   registration or attending the meetings.

12   Q.   And we've gone back and forth in

13   other states about I think what we've called

14   the CLEC or ALEC redline version of 2.0 of

15   the change control document, right?

16   A.   That's correct.

17   Q.   And after AT&T first proposed

18   that, there was a subgroup formed to look at

19   changes to the process, correct?

20   A.   That's correct.

21   Q.   And, in fact, that subgroup has

22   reviewed the redline version and come up with

23   some further changes, haven't they?

24   A.   Yes, they have.

25   Q.   So your Exhibit 22 is based on

1   the CLEC version, not the AT&T version

2   redline; is that correct?

3   A.   That's correct.

4   Q.   Okay. Do you know how many CLECs

5   concurred in this document?

6   A.   Not specifically, no, not -- as I

7   said earlier, that's six or seven that are

8   participating, but that's all I know.

9   Q.   So pretty much everybody who

10   participated concurred?

11   A.   When you say concurred, they were

12   involved with here is the document that we

13   are going to give back, that redline version,

14   if that's what you mean by concurred. I

15   can't speak to say that every single one of

16   them concurred with everything, how did they

17   reach, as we talked about earlier, their

18   consensus. I don't know. I wasn't involved

19   in this process.

20   Q.   I may have misspoken. I don't

21   know if you were the one who used the word

22   or I was the one who used the word. But

23   the process improvement group is open to any

24   CLEC, is it not, any CLEC who is a member

25   of the change control group?

1   A.   I don't know how they did that.

2   I didn't look at it. I don't know if they

3   chartered saying these are the ones. I

4   don't know how they formed that group. I

5   didn't look at it at that level. I just

6   know the group was formed.

7   Q.   So if we have used the term

8   subgroup, it doesn't presuppose a particular

9   membership process, then?

10   A.   No, no. I was just referring to

11   that as a group under the umbrella of the

12   change control process being directed to go

13   and work on this.

14   MS. RULE: Thank you very much.

15   (Whereupon, the deposition was

16   concluded.)

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1   INDEX OF EXHIBITS

2   EXHIBIT IDENTIFICATION

3   1   E-mail from Michael Willis plus

4   attachment

5   2   Change request form

6   3   Architecture for ALEC LSRs LNP & DSL

7   .

8   (Exhibits are attached to original

9   deposition.)

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1   STATE OF GEORGIA:

2   COUNTY OF FULTON:

3   I hereby certify that the foregoing

4   transcript was reported, as stated in the

5   caption, and the questions and answers

6   thereto were reduced to typewriting under my

7   direction; that the foregoing pages represent

8   a true, complete, and correct transcript of

9   the evidence given upon said hearing, and I

10   further certify that I am not of kin or

11   counsel to the parties in the case; am not

12   in the employ of counsel for any of said

13   parties; nor am I in anywise interested in

14   the result of said case.

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1   Disclosure Pursuant to O.C.G.A. 9-11-28

2   (d):

3   The party taking this deposition will

4   receive the original and one copy based on

5   our standard and customary per page charges.

6   Copies to other parties will be furnished

7   based on our standard and customary per page

8   charges. Incidental direct expenses of

9   production may be added to either party where

10   applicable. Our customary appearance fee

11   will be charged to the party taking this

12   deposition.

13

14   SHARON A. GABRIELLI, CCR-B-2002

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1   CAPTION

2   The Deposition of Ronald M. Pate,

3   taken in the matter, on the date, and at the

4   time and place set out on the title page

5   hereof.

6   It was requested that the deposition

7   be taken by the reporter and that same be

8   reduced to typewritten form.

9   It was agreed by and between counsel

10   and the parties that the Deponent will read

11   and sign the transcript of said deposition.

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1   CERTIFICATE

2   STATE OF   :

3   COUNTY/CITY OF   :

4   Before me, this day, personally

5   appeared, Ronald M. Pate, who, being duly

6   sworn, states that the foregoing transcript

7   of his/her Deposition, taken in the matter,

8   on the date, and at the time and place set

9   out on the title page hereof, constitutes a

10   true and accurate transcript of said

11   deposition.

12

13   Ronald M. Pate

14   .

15   SUBSCRIBED and SWORN to before me this

16   day of   , 2001 in the

17   jurisdiction aforesaid.

18

19   My Commission Expires   Notary Public

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1   DEPOSITION ERRATA SHEET

2   .

3   RE: Alexander Gallo & Associates

4   File No.   1247

5   Case Caption: In re: Petition by AT&T

6   Communications of the

7   Southern States, Inc.

8   Deponent: Ronald M. Pate

9   Deposition Date: January 26, 2001

10   .

11   To the Reporter:

12   I have read the entire transcript of my

13   Deposition taken in the captioned matter or

14   the same has been read to me. I request

15   that the following changes be entered upon

16   the record for the reasons indicated. I

17   have signed my name to the Errata Sheet and

18   the appropriate Certificate and authorize you

19   to attach both to the original transcript.

20   .

21   Page No./Line No.   Reason:

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22   .

23 SIGNATURE:_____DATE:_____

24   Ronald M. Pate